

10 Simple Mechanic's Lien Rules for Contractors and Subcontractors Doing Construction Business in the State of Georgia

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1. Georgia law does not require any type of Notice prior to the performance of work.
2. A **Notice to Contractor** must be mailed (Certified Mail highly recommended) or personally delivered by the Subcontractor to the Owner and the Prime/General Contractor within 30 days of the filing of a **Notice of Commencement** or the first day of delivery of materials or beginning labor at a property. It is advisable that along with the owner and the Prime/General Contractor any other legal parties related to the improvement of the property (Customer, Lender and other legal parties) get sent the **Claim of Lien**.
3. An owner must contract willingly with a Prime/General Contractor for a **Claim of Lien** (Mechanic's Lien) to be enforced.
4. You have three months to file a **Claim of Lien** (Mechanic's Lien) if you are a Subcontractor who provided labor or materials at a **Private Commercial** jobsite after providing materials or completing labor. It is advisable that along with the owner and the Prime/General Contractor any other legal parties related to the improvement of the property (Customer, Lender and other legal parties) get sent the **Claim of Lien**.
5. A **Claim of Lien** (Mechanic's Lien) must be filed with the Recorder of Deeds in the County where the property is located.
6. A **Claim of Lien** (Mechanic's Lien) cannot be filed for projects that are City, County, State or Federal related – you can only seek to get reimbursed from the remaining funds or payment bonds for a project.
7. You have twelve months to perfect a **Claim of Lien** by filing a **foreclosure** on the property that was improved. This is called a **Notice of Commencement of Action**. It must be filed within fourteen days of the foreclosure suite with the **Clerk of the Superior Court** in the County where the project is located.
8. **Suppliers to materialmen and unlicensed subcontractors** have no lien rights in Georgia.
9. The correct and current owner must be properly identified in a **Claim of Lien**.
10. **Georgia's Prompt Pay Act** requires that an Owner pay a General/Prime Contractor within 15 days of work or labor being provided on a property. Additionally, the General/Prime Contractor must then pay any Subcontractor within 10 days of them receiving payment from the Owner.