

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

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1. It is mandatory for the Owner of a Private construction project to file a **Notice of Commencement** with the County Recorders office where the project is located. A Public Owner must make a copy of the Notice of Commencement on file and available to the public.
2. A **Notice Of Furnishing** (Private Work and Public Work) must be served to the owner on a project within 21 days after first furnishing construction related labor, professional services, materials, machinery, fixtures or tools to a jobsite. It must be delivered in person, or by certified mail, to the owner of the property. It is advisable that along with the owner any other legal parties related to the improvement of the property (Owner, Customer, Lender and General Contractor) get sent the **Notice of Furnishing**.
3. A **Notice of Furnishing** is technically not required if a **Notice of Commencement** is not filed. However, to help insure that you protect your rights and thus gain timely payment, you are advised to still go forth and serve a **Notice of Furnishing**.
4. An **Affidavit Of Lien** (Mechanic's Lien). You have 60 days to file a Claim of Lien (Mechanic's Lien) with the County Recorders Office for Residential projects, 75 days for Private Commercial projects, and 120 days for Public Projects. It must be delivered in person or by certified mail to the owner of the property in 30 days after filing it with the County Recorders Office. It is advisable that along with the owner any other legal parties related to the improvement of the property (Owner, Customer, Lender and General Contractor) get sent the Claim of Lien.
5. An **Affidavit 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 for a project. Additionally, if a payment bond has been recorded for a private construction project, that project may not be liened. Instead, your **Affidavit Of Lien** will go against the **Payment Bond**. A Mechanic's Lien may also not be filed for a residential project unless you have a contract to provide of construction related labor, services, equipment or materials directly with the owner-occupant.
6. The **starting date** for the **Affidavit of Lien** (Mechanic's Lien) filing period varies according to your role in a project. The completion of labor for a project is considered the starting date for Contractors and Subcontractors providing labor. For materials suppliers, the last date that materials were delivered to the job site is the starting date. For rental suppliers, the last date the rental materials were on the job site is the starting date. You then have 60 days (Residential), 75 days (Private Commercial) or 120 days (Public) to file an **Affidavit of Lien**.
7. A **Complaint to Foreclose a Affidavit of Lien** (legal perfection of a Mechanic's Lien) must be filed within six years of filing a **Affidavit of Lien** (Mechanic's Lien) at the County Recorders Office in the county where a project you provided construction related construction related labor, professional services, materials, machinery, fixtures or tools.
8. The **Affidavit of Lien** can be amended if there was incorrect information contained in the Notice of Commencement. Additionally, it can be amended you are within six years of the **Affidavit of Lien** being filed at the County Recorders Office.
9. Interest is not lienable on a **Affidavit of Lien**.
10. Once payment is made for the money owed in an **Affidavit of Lien**, a **Release of Lien** must be filed within 30 days of receiving payment.