



Guide to Mechanic's Liens in Delaware

WHY A MECHANIC'S LIEN?*

On the date it is filed, a mechanic's lien provides a cloud on title, which is a valuable tool to obtain payment for work performed on a structure.

WHO MAY SEEK A MECHANIC'S LIEN?

Any person having performed or furnished **labor** or **material**, or both, or **construction management services** for the erection, alteration or repair of any building or house, may seek a lien upon such structure and upon the ground upon which the same may be situated or erected.

TIME FOR FILING MECHANIC'S LIEN

The time for filing a mechanic's lien differs depending upon whether the contract was made with the owner of the property.

- **Contract With the Owner of the Property:** Typically the deadline to lien is 180 days from completion of work (although the time for calculating the start of the 180 days may vary).
- **Contract Without the Property Owner (i.e., Subcontractors Hired by the GC):** Typically the deadline to lien is 120 days from completion of work (although the time for calculating the start of the 120 days may vary).

THE MECHANIC'S LIEN COMPLAINT

The statement of mechanic's lien claim shall include, among other things:

1. The location of the structure in question and if known, the name of the owner or reputed owner of the structure;
2. The name of the contractor with whom your contract was with and whether the owner of the structure was a party to the contract;
3. The amount of the claim and if applicable, the amount that is claimed to be due on each structure;
4. The time when the doing of the labor or the furnishing of the materials was commenced; and
5. The time when the doing of the labor or the furnishing of the material was finished.

BILL OF PARTICULARS

Mechanic's lien complaints shall include a bill of particulars that functions to inform the defendants of the basis for the claim. Typically a bill of particulars will include invoices, contracts, change orders and other detail of the work performed at the structure.

For more details and information on how to file a claim contact:

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* The decision to file a mechanic's lien is one that should be made with careful consideration and the input of informed legal counsel who is well-versed in the particulars of the matter at hand. Such attorney can guide you through the filing process and ensure that the lien fully complies with all appropriate regulations.

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