

A “Brief” Guide to Texas Lien Law and Filings

By Joel S. Pace



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INTRODUCTION TO TEXAS LIEN LAW

Texas lien law with respect to private, non-residential projects is governed by Chapter 53 of the Texas Property Code. Lawyers and contractors alike agree that Texas lien law is among the most complicated in the nation. In fact, it is so complicated that many contractors lose their lien rights and do not even know it. However, it is not something that is impossible to deal with. While nothing takes the place of expert guidance, this short overview attempts to help you understand the most basic and important aspects of Texas Lien law and offers some form guides for the various notices and liens. To aid in understanding this process, we have divided the process into four primary steps:

- (1) Gathering Information,
- (2) Early Notices,
- (3) Notices of Unpaid Account, and
- (4) Filing the Lien.

Before getting into the nuts and bolts of the process, there are few things to note:

- **First, and most importantly, the deadlines noted herein are mandatory and strictly enforced by courts when deciding whether to enforce a lien. If you miss a deadline, your lien will not be valid and your right to payment will be unnecessarily limited.**
- Second, the Texas Property Code uses some uncommon terminology. Where possible, we have avoided the use of these terms to simplify the material. However, one recurring term you will see is "original contractor." In most cases, this term is synonymous with a general contractor. All it means is a contractor with a direct contract with the owner. If you have one, you are an original contractor. If you do not, you are a subcontractor under the Texas Property Code. **This distinction becomes important when determining which people to send the forms herein.**
- **As with deadlines, if you do not send each required form to the appropriate party, your lien will not be valid.** Although these people are identified in the explanatory notes to each form, one simple rule can alleviate any uncertainty. **When in doubt, send each form to everyone above you in the contracting chain.**
- **Last, all of the forms herein should be sent via certified mail, return receipt requested.** The purpose of this is two-fold. First, in most instances it is required by the Texas Property Code. Second, in all cases it the most fail-safe mechanism for later proving that the intended recipient received what was sent. Each form also notes delivery via first class mail. Although not required, we recommend doing so to protect against the recipient's refusing to accept a certified mailing.

SECTION ONE: GATHERING INFORMATION

Protecting your right to payment should begin as soon as you get your contract.

Under the Texas Property Code, there are a few steps every contractor needs to take to make sure it will be entitled to a lien in the event it is not paid for its work. Section One includes those steps that should be taken up front. The following forms should be used to assist with gathering information that will be used later on to perfect a lien in the event of nonpayment.

FORM 1.1: Request for Information to Owner

This form should be used by contractors of all tiers. While there is no deadline for requesting this information, the best practice is to send this request as soon as you get your contract. In the event of nonpayment, every contractor will need this information to perfect a lien. If you have to scramble for this information later on, you may miss one of the mandatory deadlines addressed below. If you miss one of these, your lien will not be valid.

FORM 1.2: Request for Information to Original Contractor

Obviously, if you are an original contractor, you'll already have this information. Subcontractors of any tier, however, will need this information to perfect a lien. Again, there is no deadline to request this information. However, as with the information from the owner, this information will be necessary to perfect your lien in the event of nonpayment. Waiting may cause you to miss a deadline and result in forfeiture of your lien rights.

FORM 1.3: Response to Request for Information

This form is included so that a contractor receiving form 1.2 will know how to reply. Thus, it should be used in the event you are an original contractor and you receive a request for information from a contractor below you in the contracting chain.

- Use Alternate 1 or 2 depending on whether there is a payment bond for the project.
- Alternate 3 should only be used if the request comes from someone other than a contractor with a direct contractual relationship with you.

Note that the you are required to respond to the request within 10 days of receipt.

FORM 1.1: REQUEST FOR INFORMATION TO OWNER

[Date]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Owner's Name]
[Owner's Address]

Re: Request for Information to Owner regarding: [Project Description]

Our company is providing labor and/or materials to improve the above-referenced project. It is our understanding that you are the owner of the real property and improvements at the project. If this is incorrect, please advise us immediately.

In accordance with the Texas Property Code, please furnish us with the following information:

- (1) a description of the real property being improved legally sufficient to identify it;
- (2) whether there is a surety bond and, if so, the name and last known address of the surety and a copy of the bond; and
- (3) whether there are any prior recorded liens or security interests on the real property being improved and, if so, the name and address of any person having a lien or security interest.

Pursuant to the Texas Property Code, you are requested to provide this information not later than 10 days following receipt of this request. Enclosed is a check for \$25.00 as reimbursement of costs in connection with providing this information.

Regards,

[Claimant]

FORM 1.2: REQUEST FOR INFORMATION TO ORIGINAL CONTRACTOR

[Date]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Original Contractor's Name]
[Original Contractor's Address]

Re: Request for Information to Original Contractor regarding: [Project Description]

Our company is providing labor and/or materials to improve the above-referenced project. It is our understanding that you are the original contractor for the construction of these improvements at the project. If this is incorrect, please advise us immediately.

In accordance with the Texas Property Code, please furnish us with the following information:

- (1) the name and last known address of the person to whom you have furnished labor and/or materials for the project; and
- (2) whether you have furnished or have been furnished a payment bond for any of the work on the project and, if so, the name and last known address of the surety(s) and a copy of the bond(s).

Pursuant to the Texas Property Code, you are requested to provide this information not later than 10 days following receipt of this request. Enclosed is a check for \$25.00 as reimbursement of costs in connection with providing this information.

Regards,

[Claimant]

FORM 1.3; RESPONSE TO REQUEST FOR INFORMATION

[Date]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Claimant's Name]
[Claimant's Address]

Re: [Claimant's] Request for Information regarding: [Project Description]

Receipt of your letter dated [Date] requesting information regarding the above-referenced project is acknowledged. The name and address of the person to whom the undersigned has furnished labor and/or materials for the project is:

[Owner's Name]
[Owner's Address]

[Alternate 1] The undersigned has not furnished and no other party has furnished to us a payment bond for any of the work on the above-referenced project.

[Alternate 2] We have furnished or otherwise been furnished with a payment bond(s) for the above-referenced project. A copy of the bond(s) is enclosed. The name and last known address of the surety(s) is:

[Surety's Name]
[Surety's Address]

[Alternate 3] Pursuant to the Texas Property Code, because you do not have a direct contractual relationship with the undersigned, we are entitled to actual costs, not to exceed \$25.00, incurred in complying with your request. Our actual costs exceed this amount; therefore, please remit \$25.00 as reimbursement for our costs of compliance.

Regards,

[Original Contractor]

SECTION TWO: EARLY NOTICES

Two types of notices should be sent shortly after commencing work on the project. These notices are an integral part of protecting your right to a lien. Section Two contains the two notices that must be sent up front.

FORM 2.1: Notice of Contractual Retainage Agreement

This form is used to put others on notice that the party that hired you is withholding retainage from you under your contract. Thus, all parties above you in the contracting chain need to know of your retainage agreement so that they may withhold a corresponding amount of retainage.

An original contractor need not send this notice because the owner is already aware of whether it has a retainage agreement with the original contractor. However, all contractors without a direct contract with the owner must send this form and make the owner aware of the retainage agreement. Likewise, if you do not have a direct contract with the original contractor, you must also send this form to it as well to make the original contractor aware of the retainage agreement.

This form must be sent no later than the fifteenth day of the second month following when the claimant first provides labor and/or materials to the project.

This notice is not required to protect your lien. However, if you send this notice within the required time frame, you are not required to send the notices detailed in Section Three in order to protect your lien rights on the retainage. This has two benefits. First, you will know that you have already taken the first step toward protecting your right to a lien on the retainage before payment becomes a problem. Second, the notices required under Section Three which must be sent for every month you are not paid, will not need to be sent for non-payment of retainage. **Form 2.1 need only be sent once. Please note, however, that if your claim involves more than contractual retainage (i.e. unpaid monthly draws) the notices in Section Three will still have to be sent to protect your right to a lien on this amount.**

FORM 2.2: Notice of Specially Fabricated Materials

This form only applies to those contractors that will be specially fabricating materials for the particular project in question. Specially fabricated materials are those that cannot be easily reused on other projects. This notice protects a contractor's right to perfect a lien on these materials, even when they have not been delivered or incorporated into the project.

This form must be sent to the owner. It must also be sent to the original contractor if the fabricator of these materials does not have a direct contract with the original contractor.

This form must be sent no later than the fifteenth day of the second month following receipt and acceptance of the order for specially fabricated materials.

FORM 2.1: NOTICE OF CONTRACTUAL RETAINAGE AGREEMENT

[Date]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Owner's Name]
[Owner's Address]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Original Contractor's Name]
[Original Contractor's Address]

Re: Notice of Contractual Retainage Agreement Project: [Project Description]

Our company has entered into a contract with [Name of Party Contracted With] on the above-referenced construction project. It is our understanding that you are the owner of the project and/or original contractor of improvements thereon. If this is incorrect, please advise us immediately.

The agreement between our company and [Name of Party Contracted With] calls for us to furnish the following labor and/or materials to the project: [General Description of Work]. In accordance with the Texas Property Code, please be advised that this contract includes a "Contractual Retainage Agreement" as defined therein. The contract requires retainage to be withheld as follows: [Retainage as stated in your contract, e.g. 10% from each draw]. The retainage is due [Retainage due date as stated in your contract, e.g. 30 days from completion]. Copies of the applicable portions of our contract are enclosed for your review.

Regards,

[Claimant]

Enclosure (enclose you subcontract)

FORM 2.2: NOTICE OF SPECIALLY FABRICATED MATERIALS

[Date]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Owner's Name]
[Owner's Address]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Original Contractor's Name]
[Original Contractor's Address]

Re: Notice of Specially Fabricated Materials Project: [Project Description]

Our company is providing labor and/or materials to the above-referenced project. It is our understanding that you are the owner of the project and/or the original contractor of improvements thereon. If this is incorrect, please advise us immediately.

In accordance with the Texas Property Code, please be advised that we have received and accepted an order from [Name of Party Placing Order] for specially fabricated items to be incorporation in the project. The price agreed upon for said items is [Dollar Amount]. A copy of the order is enclosed for your reference.

Regards,

[Claimant]

Enclosure

SECTION THREE: NOTICES OF UNPAID DRAWS

In order to properly perfect a lien, all contractors other than original contractors are required to provide certain notices to the owner and the original contractor. Thus, original contractors can proceed to Section Four to complete the lien filing process.

FORM 3.1: Notice to Original Contractor of Unpaid Account

This form is used to let the original contractor know that you're not getting paid. Thus, if you have a direct contract with the original contractor, you don't have to send this form-he already knows he hasn't paid you. However, if your contract is with someone other than the original contractor, you must send this form to protect your right to a lien.

This form must be sent to the original contractor no later than the 15th day of the 2nd month following each month in which you provided labor and/or materials but were not paid for them. Thus, unlike the notices in Section Two, this notice may have to be sent on a recurring basis. You must send this notice for each month that you were not paid. A copy of this notice should also be sent to the person or entity with whom the claimant has a contract.

FORM 3.2: Notice to Owner of Unpaid Account

This form is used to let the owner know that you're not getting paid. Thus, if you have a direct contract with the owner (i.e., the original contractor), you don't have to send this form-he already knows he hasn't paid you. However, if your contract is with someone other than the owner, you must send this form to protect your right to a lien.

This form must be sent to the owner no later than the 15th day of the 3rd month following each month in which you provided labor and/or materials but were not paid for them. Thus, unlike the notices in Section Two, this notice may have to be sent on a recurring basis. You must send this notice for each month that you were not paid.

Note the "fund-trapping" language in the last paragraph. This language must be included to alert the owner to retain funds from the original contractor to cover your claim.

IMPORTANT NOTE: Those claimants required to send the notice to the original contractor are also required to send the notice to the owner. This can be accomplished through one notice letter sent (via certified mail) to both the owner and the General Contractor or can be accomplished through separate letters, so long as each letter meets the deadline for mailing.

FORM 3.1: NOTICE TO ORIGINAL CONTRACTOR OF UNPAID ACCOUNT

[Date]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Original Contractor's Name]
[Original Contractor's Address]

Re: Notice to Original Contractor of Unpaid Account Project: [Project Description]

Dear [Original Contractor]:

Our company has furnished labor and/or materials to the above-referenced project under a contract with [Name of Party Contracted With]. It is our understanding that you are the original contractor on the project and that [Name of Party Contracted With] is operating under a contract with you or another one of your subcontractors. If this incorrect, please advise us immediately.

In accordance with the Texas Property Code, please be advised that we are owed [Dollar Amount] under our contract with [Name of Party Contracted With] for labor and/or materials furnished to the project that are generally described as follows: [General Description of Work Performed]. This labor and/or materials was provided during the months of [Months and Year Work was Performed]. Enclosed please find a copy of our invoice(s) for this work.

Regards,

[Claimant]

Enclosure(s)

cc: Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Name and Address of Party Contracted With]

FORM 3.2: NOTICE TO OWNER OF UNPAID ACCOUNT

[Date]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Owner's Name]
[Owner's Address]

Re: Notice to Owner of Unpaid Account Project: [Project Description]

Our company has furnished labor and/or materials to the above-referenced project under a contract with [Name of Party Contracted With]. It is our understanding that you are the owner of the real property on which the improvements have been made. If this is incorrect, please advise us immediately.

In accordance with the Texas Property Code, please be advised that we are owed [Dollar Amount] under our contract with [Name of Party Contracted With] for labor and/or materials that are generally described as follows: [General Description of Work Performed]. This labor and/or materials was provided during the months of [Months and Year Work was Performed]. Enclosed please find a copy of our invoice(s) for this work.

Under the Texas Property Code, we must provide you with the following notice: **IF THIS ACCOUNT REMAINS UNPAID, YOU WILL BE PERSONALLY LIABLE OR YOUR PROPERTY SUBJECTED TO A LIEN UNLESS YOU WITHHOLD PAYMENT FROM YOUR ORIGINAL CONTRACTOR FOR THE PAYMENT OF THE CLAIM OR UNLESS THE CLAIM IS OTHERWISE PAID OR SETTLED.**

Regards,

[Claimant]

Enclosure(s)

cc: Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Name and Address of Original Contractor]

SECTION FOUR: THE LIEN AFFIDAVIT

If you have complied with Sections Two and Three above, you have protected your right to file a lien. However, the lien must actually be filed in order to have a right to any money from the owner.

FORMS 4.1 and 4.2: Affidavit of Mechanic's Lien

There are two forms here. Form 4.1 is for use by the original contractor, and form 4.2 should be used by everyone else. The forms vary only slightly and will be treated the same herein. Just make sure you use the form applicable to your contracting position.

This form is the actual document claiming a lien on the owner's property. It is filed in the real property records of the County Clerk's office where the project is located. To accomplish this, you must either appear or mail the form to the county clerk with the appropriate filing fee. It must be received in the clerk's office by the statutory due date or your lien will not be valid. Contact the clerk's office and/or your attorney should you have any question as to the proper filing procedure. Unlike the notices in Section Three, you need only file one lien affidavit.

Original contractors must file the lien affidavit no later than the 15th day of the 4th month following: (1) written termination of your contract, (2) abandonment of your contract, or (3) completion of your work.

Subcontractors that want their lien to attach to the retained funds so that they are paid from the retained fund in preference to the general contractor must file the lien affidavit within 30 days of completion of the work. As a practical matter, most subcontractor's lien claims will include a claim for retainage. Thus, subcontractors should generally file the affidavit within 30 days of completion. **If the claim does not include retained funds, it must be filed no later than the 15th day of the 4th month following the last month in which labor was performed or materials furnished.**

For those providing specially manufactured materials, the lien must be filed no later than the 15th day of the 4th month following: (1) the last month in which materials were delivered, (2) the last month in which delivery of the last of the material would normally have been required at the job site, or (3) the last month of any material breach or termination of the original contract by the owner or contractor or of the subcontract under which the specially fabricated material was furnished.

FORM 4.2: Notice of Mechanic's Lien Filing

Filing your lien affidavit is not the last step. **A copy of the lien affidavit must be sent to the owner no later than the 5th day following the day of filing with the county clerk.** If you don't have a contract with the original contractor, it must also be copied within the same time period. As a practical matter, the copy should be sent to both parties immediately upon filing.

FORM 4.1: ORIGINAL CONTRACTOR AFFIDAVIT OF MECHANIC'S LIEN

STATE OF TEXAS §

COUNTY OF [COUNTY] §

AFFIDAVIT CLAIMING MECHANIC'S LIEN

BEFORE ME, Notary Public and in for the State of Texas, on this day personally appeared [Name], who upon his oath, deposed and stated the following:

1. My name is [Name]. I am the [Title] of [Claimant] ("Claimant"). I am over 18 years of age, have personal knowledge of the facts set forth below and am competent and authorized to make this Affidavit on Claimant's behalf as the sworn statement of its claim.

2. Claimant furnished labor and/or materials for the improvement of real property located at [Address of Project] and more particularly described in the real property records of [County of Project], Texas as: [Legal Description].

3. Claimant furnished labor and materials under a contract with: [Name and Address of Owner].

4. The name and last known address of the original contractor for such improvements is: [Original Contractor's Name and Address].

5. The name and last known address of the owner or reputed owner of the land and improvements thereon is: [Owner's Name and Address].

6. The labor, materials, and/or work furnished by Claimant are generally described as follows: [General Description]. Claimant is hereby asserting a claim for work performed and/or materials furnished in the following months: [Months and Year Work was Performed].

7. After allowing all just credits, offsets, and payments, the amount of [Dollar Amount] remains unpaid and is due and owing to Claimant.

8. Claimant's name and address are as follows: [Name and Mail Address]. [Include Physical Address if Different].

9. Claimant claims a lien against all the above described land and improvements thereon in the amount shown above pursuant to Chapter 53 of the Property Code of the State of Texas, and makes this sworn statement of claim in support thereof.

10. Claimant also claims a constitutional lien on such property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution to the extent that Claimant is deemed an original

contractor.

11. One (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested and First Class Mail to the Owner at all addresses described above.

[Name], [Title] and
Authorized Representative of Claimant

STATE OF TEXAS §

COUNTY OF [insert county] §

SUBSCRIBED AND SWORN TO BEFORE ME, by [Name], [Title] and Authorized Representative of Claimant on this _____ day of _____, 200____ to certify which witness my hand and official seal of office.

Notary Public - State of Texas

My Commission Expires:

AFTER RECORDING PLEASE RETURN TO:

[Claimant's Name and Address]

or, if you are a client of Levatino|Pace LLP:

Joel S. Pace
Levatino|Pace LLP
1101 S. Capital of Texas Hwy.
Building K, Suite 200
Austin, Texas 78746

FORM 4.2: SUBCONTRACTOR AFFIDAVIT OF MECHANIC'S LIEN

STATE OF TEXAS §
 § AFFIDAVIT OF MECHANIC'S LIEN
COUNTY OF [COUNTY] §

BEFORE ME, Notary Public and in for the State of Texas, on this day personally appeared [Name], who upon his oath, deposed and stated the following:

1. My name is [Name]. I am the [Title] of [Claimant] ("Claimant"). I am over 18 years of age, have personal knowledge of the facts set forth below and am competent and authorized to make this Affidavit on Claimant's behalf as the sworn statement of its claim.

2. Claimant furnished labor and/or materials for the improvement of real property located at [Address of Project] and more particularly described in the real property records of [County of Project], Texas as: [Legal Description].

3. Claimant furnished labor and materials under a contract with: [Name and Address of Party Contracted With].

4. The name and last known address of the original contractor for such improvements is: [Original Contractor's Name and Address].

5. The name and last known address of the owner or reputed owner of the land and improvements thereon is: [Owner's Name and Address].

6. The labor, materials, and/or work furnished by Claimant are generally described as follows: [General Description]. Claimant is hereby asserting a claim for work performed and/or materials furnished in the following months: [Months and Year Work was Performed].

7. After allowing all just credits, offsets, and payments, the amount of [Dollar Amount] remains unpaid and is due and owing to Claimant.

8. Claimant's name and address are as follows: [Name and Mail Address]. [Include Physical Address if Different].

9. Notice of claim was sent to the Owner and the Original Contractor at all addresses listed above as follows:

- a. Notice was sent on [Date] to [Owner] via Certified Mail No. [Number], Return Receipt Requested and First Class Mail.
- b. Notice was sent on [Date] to [Original Contractor] via Certified Mail No. [Number], Return Receipt Requested and First Class Mail.

10. Claimant claims a lien against all the above described land and improvements thereon in the amount shown above pursuant to Chapter 53 of the Property Code of the State of Texas, and makes this sworn statement of claim in support thereof.

11. One (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested and First Class Mail to the Owner and the Original Contractor at all respective addresses described above.

[Name], [Title] and
Authorized Representative of Claimant

STATE OF TEXAS §

COUNTY OF [insert county] §

SUBSCRIBED AND SWORN TO BEFORE ME, by [Name], [Title] and Authorized Representative of Claimant on this _____ day of _____, 200____ to certify which witness my hand and official seal of office.

Notary Public - State of Texas

My Commission Expires:

AFTER RECORDING PLEASE RETURN TO:

[Claimant's Name and Address]

or, if you are a client of Levatino|Pace LLP:

Joel S. Pace
Levatino|Pace LLP
1101 S. Capital of Texas Hwy.
Building K, Suite 200
Austin, Texas 78746

FORM 4.3: NOTICE OF MECHANIC'S LIEN FILING

[Date]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Owner's Name]
[Owner's Address]

Via Certified Mail No. [Number]
Return Receipt Requested and First Class Mail

[Original Contractor's Name]
[Original Contractor's Address]

Re: Lien Affidavit of [Claimant's Name] [Project Description]

Enclosed is a copy of our mechanic's lien which we are filing with the county clerk. Demand is hereby made for the immediate payment of the amount claimed in the affidavit. In addition to this principal sum, interest may be accruing on this debt at the applicable statutory rate.

You are hereby advised that if this account remains unpaid, your property may be subject to foreclosure for satisfaction of the lien. We will be pleased to release the same upon receipt of the balance due and owing. Please contact us immediately so that this matter can be resolved without formal legal action.

Regards,

[Claimant]

Enclosure

SUMMARY OF LIEN PERFECTION PROCEDURES

Type of Claimant	Notices Due 2nd Month	Notices Due 3rd Month	Notices Due 4th Month
<p>Original Contractor (a/k/a the General Contractor)</p>	<p>None</p>	<p>None</p>	<p>Affidavit Claiming Lien filed by the 15th day of the Fourth month after date of completion or termination of the work.</p> <p>Notice of Filed Affidavit to OWNER within 5 days after affidavit is filed. (CM/RRR).</p>
<p>First Tier Subcontractor or Material Supplier (You have a subcontract with or a direct contractual relationship with the Original Contractor)</p>	<p>None</p>	<p>Notice of Unpaid Amounts sent by CMRRR to OWNER by the 15th day of the Third month following EACH month in which work was performed for which payment was not received.</p>	<p>Affidavit Claiming Lien filed by the 15th day of the Fourth Month after last month in which Subcontractor or Material Supplier furnished labor or materials to the Project.</p> <p>Notice of filed affidavit must be sent to OWNER and ORIGINAL CONTRACTOR within 5 days after affidavit is filed (CM/RRR)</p>
<p>Second Tier Subcontractor or Material Supplier (You have a subcontract with or a direct contractual relationship with a First Tier Subcontractor)</p>	<p>Notice of Unpaid Amounts sent to ORIGINAL CONTRACTOR (CMRRR) by the 15th day of the Second Month following each month in which work was performed for which payment was no received.</p>	<p>Notice of Unpaid Amounts sent by CMRRR to OWNER by the 15th day of the Third month following EACH month in which work was performed for which payment was not received</p>	<p>Affidavit Claiming Lien filed by the 15th day of the Fourth Month after last month in which Second Tier Subcontractor or Material Supplier furnished labor or materials to the Project.</p> <p>Notice of filed affidavit must be sent to OWNER and ORIGINAL CONTRACTOR within 5 days after affidavit is filed (CM/RRR)</p>

**DEADLINES FOR PROVIDING NOTICES ON PRIVATE, NON-RESIDENTIAL
CONSTRUCTION PROJECTS**

First Tier Subcontractors (Direct contractual relationship with Original Contractor)	Second Tier Subcontractors (Direct contractual relationship with First Tier Subcontractor)
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Month Work Furnished	Notice of Claim to Owner & Original Contractor	File Lien Affidavit*	Notice of Claim to Original Contractor	Notice of Claim to Owner & Original Contractor	File Lien Affidavit*
January	April 15	May 15	March 15	April 15	May 15
February	May 15	June 15	April 15	May 15	June 15
March	June 15	July 15	May 15	June 15	July 15
April	July 15	August 15	June 15	July 15	August 15
May	August 15	September 15	July 15	August 15	September 15
June	September 15	October 15	August 15	September 15	October 15
July	October 15	November 15	September 15	October 15	November 15
August	November 15	December 15	October 15	November 15	December 15
September	December 15	January 15	November 15	December 15	January 15
October	January 15	February 15	December 15	January 15	February 15
November	February 15	March 15	January 15	February 15	March 15
December	March 15	April 15	February 15	March 15	April

Note: This is only applicable if the month work is furnished is the last month during which labor or materials were furnished by the lien claimant. For instance, if the last month you provided labor or materials is May, then you would file your lien no later than September 15.