

Express Lien

Arizona Lien Punchlist (Private)

NOTICE REQUIREMENTS

- 20-Day Preliminary Notice is required in Arizona to preserve the right to file a Mechanics Lien or a Stop Notice. It must be delivered 20 days before filing a lien to the Owner, Prime Contractor, Construction Lender (if any), and any party with whom the claimant contracted. Notice must identify contract amount or estimation of contract amount. If there is an overage from the amount identified in the notice (b/c of change order, etc.), claimant must deliver *another* notice.
 - Everyone is required to provide the 20-Day Preliminary Notice, even prime contractors.
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THE MECHANICS LIEN

- Referred to as "Notice and Claim of Lien"
 - Must be filed within 120 days after completion of the entire project. If the owner records a Notice of Completion, the deadline to file the lien is reduced to 60 days from the Notice's filing.
 - Action to enforce lien must be filed within 6 months from the filing of the Notice and Claim of Lien, and within five days of filing suit, a Lis Pendens must be recorded.
 - Only prime contractors have the right to lien an owner-occupied residence.
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What Qualifies As Owner-Occupied Residential Construction?

Any property designed for a single one-family or single two-family residential purpose (including apartments & condominiums) where the person who owns the property either actually resides or intends to reside in the dwelling for at least 30 days during the 12 month period following completion of the residence, and who does not intend to sell or lease the property to others.

THE STOP NOTICE

- Anyone who can file a mechanics lien can also file a Stop Notice. Deadline to file Stop Notice is the same as deadline to file Mechanics Lien (above).
- Stop Notice may be delivered to the property owner and/or the construction lender. If delivered to the property owner, the owner must withhold sufficient funds to answer the stop notice. If delivered to the construction lender, the lender *may* withhold the funds. If it is delivered to the lender with a bond, the lender *must* withhold the funds.
- Action to enforce payment in amount of a stop notice must be commenced within 3 months after expiration of the lien period.

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