

Express Lien

New Mexico Lien Punchlist (Private)

NOTICE REQUIREMENTS

New Mexico is generally a non-notice state, meaning that notices are not required prior to the filing construction liens. However, there are some special circumstances when notice may be required.

- **Non-Residential Projects / Low Tier Subs:** On non-residential projects, all parties who did not contract with the owner or original contractor must deliver a preliminary notice within 60 days of supplying labor, materials, and/or equipment to the project. This is required only if the lien will be \$5,000 or greater. If notice is sent late, it is effective only for services/materials provided within the previous 30 days.

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THE MECHANICS LIEN

Prime Contractors, Subcontractors, Sub-Subs, Architects, Engineers, Surveyors, Construction Managers, Landscapers, Suppliers and Equipment Lessors all have lien rights in New Mexico. Suppliers to Suppliers do not have lien rights. Unlicensed contractors, when required to be licensed, do not have lien rights.

- Referred to as "Claim of Lien"
- Those who contract with the owner must file liens within 120 days after completion of their contract. All others must file liens within 90 days after substantial completion of the project.

On residential projects (4 dwelling units or less), all parties who did not contract with the property owner can file their lien...but the lien is "subject to discharge." Discharge is allowed if the property owner already paid funds to the original contractor *before* the lien was filed.

- Lien expires if a lawsuit is not filed to enforce the lien within 2 years from the lien's filing date.

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