

The Lien Survival Guide

A Practical, State-Neutral Guide for Contractors & Material Suppliers

IMPORTANT DISCLAIMER

This guide is for educational purposes only and does not constitute legal advice. Lien laws vary by state and by project type. Always consult a licensed attorney in your jurisdiction for legal advice regarding your specific situation.

1. Understand What a Construction Lien Is

A construction lien (often called a mechanic's lien) is a legal claim placed against property to secure payment for labor, services, or materials provided to improve that property. Liens are powerful because they attach to the real estate itself.

2. Lien Rights Are Deadline Driven

Every state has strict deadlines. Miss one deadline and your lien rights are gone—even if you are clearly owed money. Deadlines often include preliminary notices, notices of intent, lien filing deadlines, and lawsuit enforcement deadlines.

3. Always Preserve Your Paper Trail

Documentation is leverage. Keep copies of contracts, change orders, delivery tickets, invoices, texts, emails, and proof of work performed. If it's not documented, it may as well not exist.

4. Do Not Wait to Apply Pressure

The biggest mistake contractors and suppliers make is waiting too long. Payment problems rarely fix themselves. Early, professional pressure often resolves disputes without filing a lien.

5. Liens Are Leverage — Not a Nuclear Weapon

A lien does not automatically mean a lawsuit. In most cases, the mere threat or filing of a lien changes the dynamic and forces payment discussions.

6. Enforcement Matters

Filing a lien is not the end. Most states require a lawsuit to enforce a lien within a specific timeframe. An unenforced lien expires and becomes worthless.

7. Know When to Get Help

If large sums are involved, deadlines are close, or ownership structures are complex, professional guidance can save or cost you tens of thousands of dollars.

Final Thought

Getting paid in construction is about leverage, timing, and documentation. Those who understand the rules control the outcome.