

## **OKLAHOMA MECHANICS & MATERIALMEN'S LIENS**

The purpose of the mechanic's & materialmen's lien statute is to protect materialmen and laborers, to secure payment of claims, and to give notice to the owners and to third parties of the intent to claim a lien for a definite amount. A Mechanics and Materialmen's Lien is a remedy for contractors and suppliers for non-payment for services or materials rendered on or related to real property. Both general and subcontractors may put such a lien on the real estate where they performed work. There are specific statutory guidelines that must be followed for liens to be effective. Below is a review of some guidelines; however, an attorney should be consulted to ensure your lien filing complies with Oklahoma state law.

### **1. Pre-lien notice for claims of \$10,000 or more**

The amount of the claim determines what notice is needed. If the aggregate claim is more than \$10,000, a pre-lien notice is required. A pre-lien notice must be sent to the original contractor and owner of the property within 75 days of the last date of supply of material, services, or equipment. Failure to properly give the pre-lien notice may invalidate the lien.

### **2. Time to file depends on claimant's status**

A lien statement can be filed in the County Clerk of the County where the land is situated within 120 days if the claimant is a contractor or 90 days if the claimant is a subcontractor, after the date the material was last used, or labor was last performed on the land. The lien statement also must include certain details about the claim.

### **3. Need the legal description of property**

The lien statement is filed in the County Clerk's Office in the county where the land is situated. For that reason, a legal description of the property is required.

### **4. What does a lien do?**

A lien encumbers the property making it difficult for the property to be sold or re-financed. A Mechanics and Materialmen's lien may take priority over certain other liens. The M&M lien establishes a priority over other liens and enables the property to be sold in satisfaction of a judgment

### **5. How to collect on the lien?**

Sometimes the mere filing of the lien will cause the amount owed to the claimant to be paid. If payment is not made after 90 days have passed since lien was filed, a lawsuit may be filed in the district court. An action to enforce liens must be initiated within 1 year of when lien was filed.

Contact the offices of Robertson & Williams to see how we can help you in the lien process. (405) 848-1944 or [info@robertsonwilliams.com](mailto:info@robertsonwilliams.com)