

## **New Mechanics' Lien Laws For 2011**

The California Legislature strikes the construction community again!!! This time it is against mechanics liens.

Effective January 1, 2011, the California Legislature has amended Civil Code §3084 and §3146 by adding two additional requirements for the enforcement of a mechanics' lien.

Existing law requires most contractors and materialmen to provide the property owner with a 20 preliminary notice prior to starting work. There is, under the existing law, no requirement to the homeowner with a copy of the recorded mechanics' lien.

In response to complaints from property owners, the California Legislature has added yet more requirements for contractors to comply with before a contractor can enforce the mechanics lien.

The new law requires a "Notice of Mechanic's Lien" and a copy of the mechanics' lien be provided to the property owner via registered mail, certified mail or first-class mail before the lien is recorded.

The California Legislature has enacted the exact language and font size that must be used. NO deviations can be made. The language dictated by the legislature is intended to explain the consequences of a mechanic's lien and action the property owner should take.

**An otherwise proper mechanic's lien will be unenforceable as a matter of law if the exact statutory language for the "Notice of Mechanics' Lien" is not used and/or the "Notice of Mechanic Lien" and the mechanics' lien itself was not was not properly provided to the property owner.**

In addition, contractors are now required to file and record of a notice of pendency of action (or lis pendens) within 20 days after a lawsuit to foreclose on a mechanic's lien is filed. Previously, the filing a lis pendens was suggested but not required.

**The article is designed to provide information on general legal issues, new legislation and recent legal developments; it should not be relied upon as legal advice. For additional information in this article please contact Maria Plumtree at (562) 594-5870 or [mplumtree@plumtreeran.com](mailto:mplumtree@plumtreeran.com)**