

CONSTRUCTION LIEN ACT (EXCERPT)
Act 497 of 1980

570.1111 Claim of lien; recording; validity; form; assignment; statement; proof of service of notice of furnishing; serving copy of claim of lien and recorded proof of service on designee, owner, or lessee; claim of lien of more than 1 laborer; consideration by court.

Sec. 111. (1) Notwithstanding section 109, the right of a contractor, subcontractor, laborer, or supplier to a construction lien created by this act shall cease to exist unless, within 90 days after the lien claimant's last furnishing of labor or material for the improvement, pursuant to the lien claimant's contract, a claim of lien is recorded in the office of the register of deeds for each county where the real property to which the improvement was made is located. A claim of lien shall be valid only as to the real property described in the claim of lien and located within the county where the claim of lien has been recorded.

(2) A claim of lien shall be in substantially the following form:

CLAIM OF LIEN

Notice is hereby given that on the day of, 19,
(name)

(address)

first provided labor or material for an improvement to

.....,

(legal description of real property from notice of commencement)

the (owner) (lessee) of which property is

(name of owner or lessee from notice of commencement)

The last day of providing the labor or material was the day of, 19

**TO BE COMPLETED BY A LIEN CLAIMANT WHO IS A CONTRACTOR, SUBCONTRACTOR,
OR SUPPLIER:**

The lien claimant's contract amount, including extras, is \$..... . The lien claimant has received payment thereon in the total amount of \$..... , and therefor claims a construction lien upon the above-described real property in the amount of \$

TO BE COMPLETED BY A LIEN CLAIMANT WHO IS A LABORER:

The lien claimant's hourly rate, including fringe benefits and withholdings, is \$..... . There is due and owing to or on behalf of the laborer the sum of \$ for which the laborer claims a construction lien upon the above-described real property.

(lien claimant)

by

(signature of lien claimant, agent, or attorney)

(address of party signing claim of lien)

Date:..... .

State of Michigan

)

) ss.

County of

)

Subscribed and sworn to before me this day of, 19

Signature of Notary Public

My commission expires:

Prepared by:

(name and address of party)

(3) If the claim of lien has been assigned, the claim of lien shall state: "The construction lien having been assigned, this claim of lien is made by as assignee thereof".

(4) A claim of lien by a subcontractor, supplier, or laborer shall have attached to it a proof of service of a notice of furnishing described in section 109.

(5) Each contractor, subcontractor, supplier, laborer, or agent of a group of laborers authorized under subsection (6) recording a claim of lien, within 15 days after the date of the recording, shall serve on the designee personally or by certified mail, return receipt requested, at the address shown on the notice of commencement, a copy of the claim of lien and a copy of any proof of service recorded in connection with the claim of lien. If a designee has not been named in the notice of commencement, or if the designee has died, service shall be made upon the owner or lessee named in the notice of commencement. If the service is made by certified mail, service is complete upon mailing. Proof of making the service shall be attached to any complaint, cross-claim, or counterclaim filed to enforce a construction lien.

(6) One or more laborers may authorize an agent to prepare, record, and serve a claim of lien in the manner provided in this section. A claim of lien under this section may contain the claim of lien of more than 1 laborer and shall contain the information required in subsection (2) as to each laborer for whom it is prepared. The claim of lien of each lien claimant under this subsection shall be considered by the court on its own merits.

History: 1980, Act 497, Eff. Jan. 1, 1982;—Am. 1982, Act 17, Eff. Mar. 1, 1982.