

Claim of Lien

(Form 6)

1. See form 7 for sample filled in form.
2. Must be recorded with the clerk of court in the county(ies) where the project is located within 90 days of last furnishing.
3. The recording fee in the majority of the counties within the state of Florida is \$10.00 for the first page and \$8.50 a page thereafter. Cost may vary by county. Confirm fee with recording department of the county in which you are recording.
4. A copy of lien should be mailed to the owner by certified mail return receipt requested within 15 days of recording.

LEGEND FOR FILLING IN THE BLANKS

A. Place of execution. This section at the upper left describes the state and county where the claim of lien is executed. If the construction claim of lien is executed and sworn to in Orange County, Florida, even though the property being claimed against is in Dade County, Orange County would be the correct name of county to be placed at the upper left hand corner.

B. Name of person executing lien. The name of the person who actually signs the lien goes in this blank.

C. Position of person executing lien. If the lienor is George Bush who is claiming a lien as a sole proprietor in his own name, then a designation of capacity is not necessary. Most liens are claimed by business entities such as corporations and as such an agent of the corporation signing the lien should put his title in this blank. For example, if the president of the corporation is signing the lien, he should put president in this blank.

D. Name of Lienor. This is the name of the company or individual that is filing the lien. Note: When a fictitious name is being used such as ABC Construction, the blank should state John Doe, d/b/a/ ABC Construction, instead of just John Doe.

E. Address of entity filing claim of lien.

F. Your customer. The name of the company or individual with whom you contracted or who gave you the order.

G. Description of labor, services or materials. Just as in the notice to owner, a general description denoting the labor, services or materials must be placed in this blank. (For example, roofing, plumbing, concrete, etc.) Note: when the lien is for specially fabricated materials and they have not been installed into the job site the lien must specify what specially fabricated materials are in issue. (For example, "Specially fabricated cabinets.")

H. County in which project is located.

I. Legal description of property. In this space you should put the legal description such as the lot and block and not just an address. This information can be obtained from a notice to owner company, building department or public records of county in which the project is located.

J. Name of owners. This information can be obtained from a notice to owner company, building department or public records of county in which the project is located.

K. Total value of labor, services or materials. This is often a source of confusion since this is not where the total contract price is to be put but instead the total value of the labor, services or materials incorporated into the project. However, if there are specially fabricated materials, it will be the total value of all of the materials that have been fabricated for this project.

L. Amount owing. This space is to be provided with an amount, that represents the total value of labor, services or materials provided to the project unless they are specially fabricated less any payments previously paid. Note: This is not a deduction of payments previously paid from the contract amount but a deduction from the total value incorporated into the project.

M. & N. Dates the claimant supplied labor, services or materials. These dates are crucial to the enforcement of a construction claim of lien. The first date usually is not difficult to determine. However, the last date may be. The last date should not include punch-out work but instead should include any work in furtherance of completion of the contract.

O. Date of service of notice to owner. This space is to be provided with the date on which the owner received the notice to owner. Generally a notice to owner is timely if it is served within 45 days after the first furnishing of materials or services to the construction project and prior to the contractor presenting the owner with a contractor's final affidavit and the owner disbursing the final payment. Note: when dealing directly with the owner, a notice to owner is not required.

P. & Q. Return receipt certified mail numbers.

R. & S. Names of witnesses. To record a construction claim of lien, the witnesses to the execution of the document must print or type their names underneath their signatures.

T. Name of notary. To record a construction claim of lien in Florida, the notary must print or type their name underneath their signature.

U. Copies provided to. In this space, the owner's name and address should be placed along with anyone else receiving a copy of the construction claim of lien. The construction claim of lien should be served on the owner within 15 days of recording.

V. Name of preparer. Under Florida law any recorded document must have the name of the person that prepared the document on the face of the lien.

WARNING!

THIS LEGAL DOCUMENT REFLECTS THAT A CONSTRUCTION LIEN HAS BEEN PLACED ON THE REAL PROPERTY LISTED HEREIN. UNLESS THE OWNER OF SUCH PROPERTY TAKES ACTION TO SHORTEN THE TIME PERIOD, THIS LIEN MAY REMAIN VALID FOR ONE YEAR FROM THE DATE OF RECORDING, AND SHALL EXPIRE AND BECOME NULL AND VOID THEREAFTER UNLESS LEGAL PROCEEDINGS HAVE BEEN COMMENCED TO FORECLOSE OR TO DISCHARGE THIS LIEN.

CLAIM OF LIEN

STATE OF FLORIDA
COUNTY OF (A) _____

BEFORE ME, the undersigned notary public, personally appeared (B) _____ who being duly sworn and says that she or he is the (C) _____ of (D) _____, Lienor, whose address is (E) _____, and that in accordance with a contract with (F) _____, Lienor furnished labor, services or materials consisting of (G) _____ on the following described real property in (H) _____ County, Florida:

(I) _____ owned by (J) _____ for a total value of \$(K) _____ of which there remains unpaid \$(L) _____ and furnished the first of the items on (M) _____, 20____ and the last of the items on (N) _____, 20____, and that Lienor served her or his Notice to Owner on the Owner on (O) _____, 20____ by U.S. Certified Mail, Return Receipt No. (P) _____, and that the Lienor served a copy of the notice on the contractor on (Q) _____, 20____ by U.S. Certified Mail, Return Receipt No. (Q) _____.

Signed, sealed and delivered
in the presence of:

Company Name (D):

Print Name (R) _____

By: _____
Print Name (B) _____

Print Name (S) _____

(CORPORATE SEAL)

SWORN TO AND SUBSCRIBED BEFORE ME, by means of [] physical presence or [] online notarization, by (B) _____, who is personally known to me or produced _____ as identification, and who did take an oath this _____ day of _____, 20____.

Copy Provided to: (U)

Notary Public; State of Florida (T)
My Commission Expires:

This document prepared by and
should be returned to: (V)