

CONTRACTOR ALERT

Contractor Alert is a joint publication by this Contractor and the Law Offices of Richard M. Sissman, Esquire, located at 1485 Chain Bridge Road, Suite 105, McLean, VA 22101. This newsletter is designed to give general information on the matters covered. Space limitation prevents exhaustive treatment or analysis of this topic. This newsletter is not intended to substitute for advice on specific legal problems. If you are interested in receiving a complimentary issue or to be placed on our mailing list, contact Richard M. Sissman, Esquire. We welcome and appreciate your suggestions for future article topics.

Richard M. Sissman, Esquire
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THE PROPER WAY TO RECORD YOUR LIENS IN DC , VA AND MD

For those contractors that have been routinely frustrated in learning the way to record your liens in the District of Columbia, Maryland and Virginia, below is the writer's description of what you need to do to record your mechanic's liens.

DISTRICT OF COLUMBIA:

Once you have completed the two sided 8" x 14" Notice of Mechanic's Lien form, you must travel to the District of Columbia's Recorder of Deeds located at 515 D Street NW, Washington, D.C. 20001. The Recorder of Deeds is located across the street from the Superior Court for the District of Columbia. Upon entering the Recorder of Deeds, first sign in with the security guard. The guard will then send you to a cubicle on the first floor (entry floor) and a person will review your Notice of Mechanic's Lien form. Make sure that you note on the second page of the form a return address along with your name. There is no designated place on the form but this writer places it on the lower portion of the second page.

The person reviewing your form will provide you a ticket which has a number on it. Do not misplace this number because you will be unable to proceed without it. Besides presenting the Notice of Mechanic's Lien form you must also present a Certificate of Good Standing for your company which indicates that your company, usually a corporation, is authorized to do business in the District of Columbia and that the corporation is active and in good standing. This applies for foreign and domestic corporations. The Certificate of Good Standing may be obtained from the Department of Consumer and Regulatory Affairs (DCRA) located at 941 North Capitol Street, NE, Washington, DC 20002 (202) 442-4400. DCRA's offices are located right near Union Station in downtown. Besides having your Certificate of Good Standing, you must also present a copy of your construction contract which indicates the address of the property to be liened. If you only have verbal understanding between you and the other party, state so and therefore a waiver of the production of the contract will be permitted.

Once you have passed this hurdle, you will be sent to the second floor. Take the elevators and make a left hand turn and then another left to the end of the hall way. The last door on the left side of the corridor is where you want to go. Once you are there present your number with the paper work. A clerk will look over your paper work and then send you back up the hall way to another room on the second floor. At this location, a manager will review your Notice of Mechanic's Lien along with your Certificate of Good Standing and construction contract. If he approves it, he will then initial your Lien and send you back to where you just came. The Clerk will then stamp your Lien and ask you for your ticket. You will then be instructed to return to the first floor and go to the cashier's office. You will present the cashier with your Lien and a check for \$20.00 payable to the order of "DC Recorder of Deeds". They will provide you with a receipt that will have your instrument number. Do not misplace your instrument number. You are now free to have your lien served upon the Owner.

VIRGINIA:

The Commonwealth's recording procedure is fairly easy. You take your Memorandum of Lien along with Affidavit and proceed to the Land Records Division of the Circuit Court for the county where the property is located. You should have a check for \$19.00 payable to the order of the "Clerk of the Court". If you are filing your lien as a subcontractor's lien, the "Notice" that is required to be served upon the Owner, is not required to also be recorded in the Land Records. If you do want the Notice recorded and the amount of pages to be recorded exceeds three pages, the recordation fee increases. The county of Fairfax requires a special bar code cover sheet that can be generated at the Land Records office or they will provide you with a CD to generate your own cover sheets. Without the sheet, you will be unable to record the lien. Make sure that a return address and name is in the margin of the first page of your Lien.

MARYLAND:

The Notice to Lien letter is not of record. It is the Petition to Establish Lien which becomes of record. The procedure to file the suit is simple. You take your Petition, along with exhibits and Show Cause order to the Circuit Court Clerk for the county where the property is located. You complete a Civil Cover Sheet and submit your payment. The fee varies depending on the which county is involved. The fee is usually either \$90 or \$100.00. The Clerk will file your suit and submit the Show Cause order to a Judge who will complete it. Within several weeks you will receive your pleadings and then attempt to serve the suit and Show Cause Order upon the owners of the property. A time frame will be provided in the Show Cause order of when service must occur.

If you should have any questions on this issue please contact Mr. Sissman at his website at www.contractoralert.com or by phone at (703) 903-9646 or at (301) 762-0402.

