

Limited Liability Company (LLC) Lien Filing
South Dakota Department of Transportation

1. Company filing lien:			
2. DOT project number:		County:	
3. Prime Contractor:			
4. Subcontractor (if you are a second-tier sub or supplier):	_____		
5. Type of work performed:			
6. Materials supplied:			
7. Dates work performed:			
8. Balance due:	\$		
9. Signature:	_____		[affix Corporate Seal if available]
10. Title:	_____		
11. Date:	_____		

On this the _____ day of _____, 20____, before me, _____, a notary public, personally appeared _____, who acknowledged himself/herself to be the _____ of _____, a limited liability company, and that he/she, as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself/herself as such officer.

In witness whereof I hereunto set my hand and official seal.

Signature of Notary Public: _____

State of: _____

(Notary Seal)

Residing at: _____

My commission expires: _____

Instructions for a Limited Liability Company (LLC) Filing a Lien

1. Company requesting a lien.
2. DOT project number: The South Dakota Department of Transportation (DOT) project number [such as BRO 8042(2)] of the project for which you are owed money. Complete a separate lien filing form for each project that you are owed money. County: The county or counties the project is located in.
3. Prime contractor: self-explanatory.
4. Subcontractor: Provide name of subcontractor only if your company worked under that firm as a second-tier subcontractor or supplier.
5. Type of work performed: Provide a brief description of the work your company provided, but was not paid, such as -- hauled 50 tons of gravel from crusher to project; seeded 10 acres; installed 150 feet of three cable guard rail.
6. Materials supplied: Provide a list of materials you supplied by type and quantity or weight.
7. Dates work performed: Provide a list of the dates your company performed the work or supplied materials your company was not paid for.
8. Balance due: Provide the balance of the money due to your company for services or materials provided.
9. Signature: Signature of the company's duly authorized representative or majority owner and affix the company's corporate seal (if available).
10. Title: Title of the duly authorized representative or majority owner authorized to sign the form on behalf of the company.
11. Date the form was signed.
12. The lien must be notarized.
13. Retain a copy of the lien filing for your records.
14. Liens are to be filed only for projects where payment is due from the DOT. The DOT does not have authority to file a lien on projects let by another department or governmental entity.
15. This lien filing will withhold an amount of money sufficient to cover the lien from funds due or to become due to the prime contractor.
16. Action to enforce or determine the validity of the lien may be brought by the claimant, the contractor, or the DOT in the Circuit Court for the county where the work or any part will be situated.
17. This lien will cease to have any validity or be binding on the contractor or DOT unless an action to enforce the same is commenced within thirty (30) days from the acceptance of the work for which the same is claimed.
18. Notwithstanding these instructions, the provisions of SDCL Chapter 5-22 govern liens relating to public improvement contracts.
19. Mail original signed and notarized form to:

Department of Transportation
Office of Legal Counsel
700 East Broadway Avenue
Pierre, South Dakota 57501-2586