

**DELAWARE**

**CONSTRUCTION or MECHANICS**

**LIEN FORMS**

**PACKAGE**

**CONTRACTOR EDITION**  
**(sole proprietor)**

Control Number: DE-P091-PKG



U.S. Legal Forms™ thanks you for your purchase of a Construction Lien Forms Package. This package is an important tool to help you with the legal issues that may arise between a contractor who performs services and/or supplies materials or equipment to a property but is not paid for the services/materials/equipment. This package includes state specific forms for a contractor operating as a sole proprietor or individual.

### **TABLE OF CONTENTS**

- |      |                              |
|------|------------------------------|
| I.   | Form List with descriptions  |
| II.  | Descriptions of Forms        |
| III. | Tips on Completing the Forms |
| IV.  | Disclaimer                   |

### **I. FORM LIST**

With your Construction Lien Package, you will find many of the forms that are necessary to protect your legal rights or claims to secure and enforce a lien on property for unpaid services and/or materials or equipment.

Included in your package are the following forms:

1. Request for List of Possible Lien Claimants
2. Contractor's List of Parties Providing Labor or Materials
3. Contractor's Certification to Owner
4. Release of Mechanic's Lien
5. Statement of Claim
6. Subcontractor's List
7. Conditional Waiver and Release Upon Progress Payment
8. Unconditional Waiver and Release Upon Progress Payment
9. Conditional Waiver and Release Upon Final Payment
10. Unconditional Waiver and Release Upon Final Payment

## II. DESCRIPTIONS OF FORMS

Brief descriptions of the forms contained in your U.S. Legal Forms™ Construction Lien Package are found below.

Request for List of Possible Lien Claimants - This form is used by an individual owner to request from a contractor or subcontractor a complete and accurate list in writing of all persons who have furnished labor or material, or both, in connection with the building, repair, or alteration of a building.

Contractor's List of Parties Providing Labor or Materials - This form is used by an individual contractor in response to a request for a list in writing of all persons who have furnished labor or material, or both, in connection with the building, repair, or alteration of a building.

Contractor's Certification to Owner - Delaware law permits a property owner to withhold payment from a contractor until provided with a written certification that the contractor has paid in full any other party who may have supplied labor or materials and might possibly be entitled to a lien against the owner's property.

Release of Mechanic's Lien - This form is endorsed by the contractor and serves to provide notice to the property owner that all of the parties who provided labor and materials to the project and may have a lien have been paid and are waiving any right they may have to file a lien claim. Failure of the contractor to provide either this form or a Contractor's Notice (DE-03-09) prior to or simultaneous with the final and full payment to the contractor by the owner is sufficient cause for the immediate suspension, revocation, or cancellation of the contractor's license.

Statement of Claim - This form should be used by an individual lien claimant to file a statement of claim, which may also serve as a complaint when so denominated, in the office of the Prothonotary of the Superior Court in and for the county wherein such structure is situated. If the contractor was working under a contract with the property material and supplied both material and labor, a claim cannot be filed until after ninety (90) days from the completion of the structure. The lien claimant has thirty (30) days from the expiration of the ninety (90) day period to file a claim. Otherwise, a claim must be filed within ninety (90) days of the completion of work.

Subcontractor's List - This Subcontractor's List form is for use by an individual subcontractor to provide the name, address and a description of labor and materials for all persons who have furnished labor or material, or both, to a construction project and may be entitled to a lien pursuant to Delaware statutes.

Conditional Waiver and Release Upon Progress Payment - This Conditional Waiver and Release Upon Progress Payment form is for use to state that an individual has been paid and has received a progress payment for labor or services performed or equipment or materials supplied to a sub-contractor or agent on the job of a contractor or general contractor located at the customer's or owner's property and to waive and release any right to a mechanic's lien, stop notice, or any right against a labor and material bond on the job. The release covers a progress

payment for labor or services performed or equipment or materials supplied through a specific date only.

Unconditional Waiver and Release Upon Progress Payment - This Unconditional Waiver and Release Upon Progress Payment form is for use to state that an individual has been paid and has received a progress payment for labor or services performed or equipment or materials supplied to a sub-contractor or agent on the job of a contractor or general contractor located at the customer's or owner's property and to unconditionally waive and release any right to a mechanic's lien, stop notice, or any right against a labor and material bond on the job. The release covers a progress payment for labor or services performed or equipment or materials supplied through a specific date only. This is an unconditional waiver and states that payment has been made for the waiver of rights and will be enforceable if signed, even if payment has not in fact been made.

Conditional Waiver and Release Upon Final Payment - This Conditional Waiver and Release Upon Final Payment is for use to state that payment has been made in full for all labor or services performed or equipment or materials supplied to a sub-contractor or agent on the job of a contractor or general contractor located at the customer's or owner's property and to waive and release any right to a mechanic's lien, stop notice, or any right against a labor and material bond on the job. This release covers the final payment for all labor or services performed or equipment or materials supplied on the job. Before any recipient of this document relies on it, the party should verify evidence of payment.

Unconditional Waiver and Release Upon Final Payment - This Unconditional Waiver and Release Upon Final Payment form is for use to state that payment has been made in full for all labor or services performed or equipment or materials supplied to a sub-contractor or agent on the job of a contractor or general contractor located at the customer's or owner's property and to unconditionally waive and release any right to a mechanic's lien, stop notice, or any right against a labor and material bond on the job. This is an unconditional waiver that states that payment has been made for the waiver of rights, and is enforceable if signed, even if payment was not in fact made.

If you need additional information, please visit [www.uslegalforms.com](http://www.uslegalforms.com) and look up forms by subject matter. You may also wish to visit our legal definitions page at <http://definitions.uslegal.com/>

### **III. TIPS ON COMPLETING THE FORMS**

The form(s) in this packet may contain "form fields" created using Microsoft Word or Adobe Acrobat (".pdf" format). "Form fields" facilitate completion of the forms using your computer. They do not limit your ability to print the form "in blank" and complete with a typewriter or by hand.

It is also helpful to be able to see the location of the form fields. Go to the View menu, click on Toolbars, and then select Forms. This will open the Forms toolbar. Look for the button on the Forms toolbar that resembles a shaded letter "a". Click this button and the form fields will be visible.

By clicking on the appropriate form field, you will be able to enter the needed information. In some instances, the form field and the line will disappear after information is entered. In other cases, it will not. The form was created to function in this manner.

#### **IV. DISCLAIMER**

These materials were developed by U.S. Legal Forms, Inc. based upon statutes and forms for the subject state. All information and Forms are subject to this Disclaimer:

**All forms in this package are provided without any warranty, express or implied, as to their legal effect and completeness. Please use at your own risk. If you have a serious legal problem, we suggest that you consult an attorney in your state. U.S. Legal Forms, Inc. does not provide legal advice. The products offered by U.S. Legal Forms (USLF) are not a substitute for the advice of an attorney.**

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