

GEORGIA
CONSTRUCTION or MECHANICS
LIEN FORMS
PACKAGE
CONTRACTOR EDITION
(sole proprietor)

Control Number: GA-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.

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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. Cancellation of Materialman's Lien
2. Claim of Lien - Materialman
3. Cancellation of Preliminary Lien Notice for Final Payment Sect. 44-14-362
4. Interim Waiver and Release Upon Payment Sect. 44-14-366
5. Unconditional Waiver and Release Upon Final Payment Sect. 44-14-366
6. Affidavit of Nonpayment by Mechanic or Subcontractor Sect. 44-14-366
7. Affidavit Acknowledging Payment in Full
8. Claim of Lien Sect.44-14-361.1
9. Preliminary Notice of Lien Rights Sect.44-14-361.3
10. Notice of Commencement of Improvements to Real Property Sect.44-14-361.5
11. Notice to Owner and Contractor Sect.44-14-361.5
12. Notice of Action
13. Written Request for Copy of Notice of Commencement

14. Request that Clerk Mark Lien Void of Record
15. Objection to Request that Clerk Mark Lien Void of Record

II. DESCRIPTIONS OF FORMS

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

Cancellation of Materialman's Lien - Cancellation of Materialman's Lien: This form is for use by an individual to effectively cancel a lien which was previously placed on an Owner's land for non-payment. However, since the filing of the lien, payment has been satisfied and the lien is no longer necessary.

Claim of Lien - Materialman - This lien is filed by an individual materialman in order to recoup payments for services and/or materials rendered. His/Her client has not satisfied the debt owed within 90 days; therefore, the lien is filed against his/her property.

Cancellation of Preliminary Lien Notice for Final Payment Sect. 44-14-362 - This Cancellation of Preliminary Lien Notice for Final Payment form is for use by an individual lien claimant or attorney for the lien claimant to authorize and direct the clerk of the superior court to cancel of record the preliminary notice of lien rights that the lien claimant filed on certain property and that was recorded by the clerk.

Interim Waiver and Release Upon Payment Sect. 44-14-366 - This Interim Waiver and Release Upon Payment form is for use by an individual mechanic and/or materialman employed by a contractor to furnish materials and/or labor for the construction of improvements upon the receipt of a certain sum of money to waive and release any and all liens or claims of liens it has upon the property through a specific date and excepting those rights and liens that the mechanic or materialman might have in any retained amounts, on account of labor or materials, or both, furnished by the mechanic or materialman to or on account of the contractor for the building or premises.

Unconditional Waiver and Release Upon Final Payment Sect. 44-14-366 - This form is used by an individual in a situation where the claimant is required to execute a waiver and release in exchange for or in order to induce payment of a final payment and the claimant asserts in the waiver that it has been paid the final payment.

Affidavit of Nonpayment by Mechanic or Subcontractor Sect. 44-14-366 - A mechanic and/or materialman has been employed by contractor to furnish materials and/or labor for the construction of improvements and executed a lien waiver and release but has not been paid. This notice is for the individual lien claimant to inform the owner of the non-payment.

Affidavit Acknowledging Payment in Full - This Affidavit Acknowledging Payment in Full form is for use by an individual mechanic or materialman who has been employed to furnish materials and/or labor for the construction of improvements to real property to give notice of payment in full for such materials and/or labor in the amount set forth in the lien waiver and release.

Claim of Lien Sect.44-14-361.1 - This Claim of Lien form is used by an individual lien claimant to establish lien rights.

Preliminary Notice of Lien Rights Sect.44-14-361.3 - An individual lien claimant may file a Preliminary Notice of Lien Rights before filing a claim of lien. This notice is filed with the Clerk of Superior Court of the County in which the subject real estate is located within 30 days after the claimant delivers materials and/or provides any labor or services for which a lien may be claimed.

Notice of Commencement of Improvements to Real Property Sect.44-14-361.5 - This Notice of Commencement of Improvements to Real Property form is filed by an individual owner, contractor or agent of owner within fifteen 15 days after the contractor physically commences work on the property.

Notice to Owner and Contractor Sect.44-14-361.5 - After a Notice of Commencement is filed, an individual who is not in privity of contract with the contractor or owner may file this Notice to Owner and Contractor for materials, supplied or services rendered to establish their claim.

Notice of Action - This Notice of Action form is for use by an individual lien claimant within 14 days after filing an action for the recovery of the amount of his or her lien claim within 12 months from the time the same becomes due, to notify the clerk of the superior court of the county wherein the subject lien was filed that a civil action was commenced. The notice includes information regarding the civil action, such as the date, court location, names of the parties, case style and number, and information relating to the applicable lien, including the book and page number of the records of the county where the subject lien is recorded.

Written Request for Copy of Notice of Commencement - This Written Request for Copy of Notice of Commencement form is for use by an individual subcontractor, materialman or other person to request that the contractor provide a copy of the Notice of Commencement of the improvement of real property within ten calendar days of receipt of the request.

Request that Clerk Mark Lien Void of Record - This Request that Clerk Mark Lien Void of Record form is for use by an individual owner of real property being improved to request that the lien filed on the property be marked void of record and states that no Notice of Action has been filed with the clerk of the superior court as required by O.C.G.A. Section 44-14-361.1 within 14 months from the time the claim became due.

Objection to Request that Clerk Mark Lien Void of Record - This Objection to Request that Clerk Mark Lien Void of Record form is for use by an individual lien claimant on the construction of improvements to real property to object to the request of the owner of the property that the lien filed on the above property be marked void of record. This objection is filed within 30 days from the date of the filing of the request with the superior court clerk on the basis that the proper notice was timely filed.

If you need additional information, please visit 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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