

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

Control Number: MA-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. Notice of Contract
2. Notice of Substantial Completion
3. Notice of Termination
4. Non Contractor's Notice of Furnishing
5. Written Notice of Identification
6. Statement of Lien
7. Dissolution of Lien
8. Bond for Dissolution
9. Bond for Written Contract
10. Notice of Recording

II. DESCRIPTIONS OF FORMS

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

Notice of Contract - Massachusetts law requires that a party seeking to perfect a lien record a notice of contract in the registry of deeds in the county or district where the land lies. The notice of contract may be recorded "...at any time after the execution of the written contract... but not later than the earliest of (i) sixty days after filing or recording of the notice of substantial completion under section two A; or (ii) ninety days after filing or recording of the notice of termination under section two B; or (iii) ninety days after such person or any person by, through or under him last performed or furnished labor or materials or both labor and materials." Mass. Gen Laws Ann. ch. 254 § 2.

Notice of Substantial Completion - Massachusetts law provides for a form notice with which an owner or contractor may record that the project is substantially complete. The property owner must provide a copy of the notice by certified mail to every person who has filed a notice of contract and the contractor must provide a copy to every person who has entered into a written contract directly with the contractor and every person who has given written notice of identification to the contractor. In order to perfect a lien, a lien claimant must file a notice of contract within ninety (90) days of the recording of the notice of substantial completion.

Notice of Termination - If in the event that a contract has been terminated prior to substantial completion, the owner shall provide a notice of termination by certified mail to every person who has filed or recorded a notice of contract and to the contractor. The contractor must then deliver a copy of said notice to every person who entered into a written contract directly with the contractor or who has given to the contractor written notice of identification.

Non Contractor's Notice of Furnishing - Massachusetts law provides that a party who furnishes labor or material under a contract with a contractor or subcontractor may record their lien interest with a standard form notice of furnishing. This notice may be filed "...at any time after execution of the written contract... but not later than the earliest of: (i) sixty days after filing or recording the notice of substantial completion under section two A; or (ii) ninety days after filing or recording of the notice of termination under section two B; or (iii) ninety days after the last day a person entitled to enforce a lien under section two or anyone claiming by, through or under him performed or furnished labor or materials..." Mass. Gen. laws Ann. ch. 254 § 4.

Written Notice of Identification - "If the person claiming a lien... has no direct contractual relationship with the original contractor, except for liens for labor by persons defined in section one of this chapter, the amount of such lien shall not exceed the amount due or to become due under the subcontract between the original contractor and the subcontractor whose work includes the work of the person claiming the lien as of the date such person files his notice of contract, unless the person claiming such lien has, within thirty days of commencement of his performance, given written notice of identification by certified mail return receipt requested to the original contractor..." Mass. Gen. Laws Ann. ch. 254 §4.

Statement of Lien - "Liens... shall be dissolved unless the contractor, subcontractor, or some person claiming by, through or under them, shall, not later than the earliest of: (i) ninety days after the filing or recording of the notice of substantial completion under section two A; (ii) one hundred and twenty days after the filing or recording of the notice of termination under section

two B; or (iii) one hundred and twenty days after the last day a person, entitled to enforce a lien under section two or anyone claiming by, through or under him, performed or furnished labor or material or both labor and materials or furnished rental equipment, appliances or tools, file or record in the registry of deeds in the county or district where the land lies a statement, giving a just and true account of the amount due or to become due him, with all just credits..." Mass. Gen. Laws Ann. ch. 254 §8.

Dissolution of Lien - "The lien of any person may, so far as his interest is concerned, be dissolved by a notice signed by him, stating that his lien is dissolved, filed in the registry of deeds where the notice of the contract is filed under which contract the lien is claimed." Mass. Gen. Laws Ann. ch. 254 §10.

Bond for Dissolution - Massachusetts law provides for a very specific form with which a party with an interest in property may enter a bond equal to the amount of the contract.

Bond for Written Contract - This Bond for Written Contract is for use by an individual principal and surety company to bind themselves to the Register of Deeds for a sum of money and for the principal who is interested in the erection, alteration, repair or removal of a building or structure on a certain lot of land to free such land from liens for all labor and all labor and materials entitled to lien protection under chapter 254 and amendments thereto. If the principal pays for all labor and for all labor and materials entitled to lien protection under chapter 254 and amendments thereto under the contract referred to in the Certificate in this bond, irrespective of any agreement made between him and the owner or any other persons now interested or who may hereinafter be interested therein, then the obligation shall be null and void, otherwise to remain in full force and effect.

Notice of Recording - This Notice of Recording form is for use by an individual person in interest to give to a claimant notice that he or she has recorded or caused to be recorded in the registry of deeds in the county or district where particular land is located, a bond of a surety company in a penal sum equal to the amount of the lien sought to be dissolved conditioned for the payment of any sum which the claimant may recover on his or her claim for labor or labor and materials.

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:

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