

MONTANA
CONSTRUCTION or MECHANICS
LIEN FORMS

PACKAGE

CONTRACTOR EDITION
(sole proprietor)

Control Number: MT-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. Subcontractor's Request
2. Response to Subcontractor's Request
3. Continuation Statement
4. Notice of Right to Claim Lien
5. Notice of Completion
6. Affidavit of Publication
7. Construction Lien Notice
8. Acknowledgment of Satisfaction of Lien
9. Conditional Waiver and Release of Lien Upon Progress Payment
10. Unconditional Waiver and Release of Lien Upon Progress Payment
11. Conditional Waiver and Release of Lien Upon Final Payment
12. Unconditional Waiver and Release of Lien 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.

Subcontractor's Request - Montana statutes provide that a subcontractor or material supplier may demand that a person who is furnishing services or materials provide a description of the property being improved and the name and address of the contracting property owner. The party to whom the request is made must respond within five (5) business days. This form is used by a subcontractor or material supplier to make the request for information.

Response to Subcontractor's Request - Montana statutes provide that a subcontractor or material supplier may demand that a person who is furnishing services or materials provide a description of the property being improved and the name and address of the contracting property owner. The party to whom the request is made must respond within five (5) business days. This form is used to respond to the subcontractor's or material supplier's request.

Continuation Statement - Generally, if required, a Notice of Right to Claim Lien must be filed within twenty (20) days after the date that materials and services began to be provided. These Notices are valid for one (1) year after filing, but may be extended an additional (1) year after the filing of a Continuation Notice. If a Notice of Right to Claim Lien is required, an unexpired Notice of Right to Claim Lien or Continuation Notice is necessary before a lien may be claimed. M.C.A. § 71-3-531

Notice of Right to Claim Lien - In order to claim a lien, a lien claimant may be required to file a Notice of Right to Claim Lien prior to the filing of a Lien Notice. A party is not required to file a Notice of Right to Claim Lien if the lien claimant is (a) a person who furnishes services or materials directly to the owner at the owner's request; (b) a wage earner or laborer who performs personal labor services for a person furnishing any service or material pursuant to a real estate improvement contract; (c) a person who furnishes services or materials pursuant to a real estate improvement contract that relates to a dwelling for five or more families; or (d) a person who furnishes services or materials pursuant to a real estate improvement contract that relates to an improvement that is partly or wholly commercial in character.

Notice of Completion - Montana statutes permit a property owner to file a Notice of Completion after (a) the written acceptance by the contracting owner, his agent, or representative, of the building, improvement or structure; or (b) the cessation from labor for 30 days upon any building, improvement, or structure, or the alteration, addition to, or repair, thereof. A copy of the Notice of Completion is published once a week for three consecutive weeks in a local newspaper, and is filed, along with an Affidavit of Publication, in the office of the county clerk or recorder.

Affidavit of Publication - This affidavit is used to attest to the fact that the Notice of Completion was published once a week for three consecutive weeks in a local newspaper. An Affidavit of Publication is required to file a Notice of Completion and start the time period under which a party may claim a lien.

Construction Lien Notice - Montana law sets out the form for the filing of a Construction Lien. The Lien Notice form supplies all of the needed information to put all parties in interest on

Notice of the lien claimant's lien. It must be filed within ninety (90) days of the final furnishing of services or materials or within ninety (90) days of the filing of a Notice of Completion.

Acknowledgment of Satisfaction of Lien - Montana statutes provide that whenever a lien has been satisfied by payment in full, the lien holder is required to acknowledge satisfaction of the lien or be held liable to any person injured by the timely failure to do so. This form is used by the lien claimant to acknowledge payment and satisfaction of a lien.

Conditional Waiver and Release of Lien Upon Progress Payment - This Conditional Waiver and Release of Lien Upon Progress Payment form is for use by a lienor, in consideration of a particular sum of money to waive and release his or her lien and right to claim a lien for labor, services or materials furnished through a certain date to a customer on the job of an owner of property. This Conditional Waiver and Release of Lien Upon Progress Payment is conditioned upon the lienor receiving collected funds for the work provided. Should these funds not be received within a certain number of days of the date of this waiver, this waiver is void.

Unconditional Waiver and Release of Lien Upon Progress Payment - This Unconditional Waiver and Release of Lien Upon Progress Payment form is for use by a lienor, in consideration of a certain sum of money to waive and release his or her lien and right to claim a lien for labor, services or materials furnished through a particular date to a customer on the job of an owner of property.

Conditional Waiver and Release of Lien Upon Final Payment - This Conditional Waiver and Release of Lien Upon Final Payment form is for use by a lienor, in consideration of final payment, to waive and release his or her lien and right to claim a lien for labor, services or materials furnished through a certain date to a customer on the job of an owner of property. This Conditional Waiver and Release of Lien Upon Final Payment is conditioned upon the undersigned receiving collected funds for the work provided. Should these funds not be received within a certain number of days of the date of this waiver, this waiver is void. This waiver and release covers the final payment to the lienor for all labor, services, equipment, or material furnished on the job. Before any recipient of this document relies on it, the party should verify evidence of payment to the lienor.

Unconditional Waiver and Release of Lien Upon Final Payment - This Unconditional Waiver and Release of Lien Upon Final Payment form is for use by a lienor, in consideration of final payment, to waive and release his or her lien and right to claim a lien for labor, services or materials furnished through a particular date, to a customer on the job of an owner of property.

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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