

Instruction: This is a model letter. Adapt to fit your facts and circumstances.

DATE

NAME
ADDRESS LINE 1
ADDRESS LINE 2
CITY, STATE ZIP CODE

Re:

Dear :

Enclosed herewith please find a copy of the lawsuit that was filed against and the various sub-contractors. The subcontractors were included so that the court could make a determination as to whom the remaining contract amount is payable.

I did some very brief research on the issue on whether there is a pro rata distribution or whether any available monies would be paid on an as-filed basis. [It appears that under law a number of material men with direct contract with the owner filed claims, then the available proceeds are split on a pro rata basis.] In contrast, where the contractors owed money and a number of subcontractors have filed claims, it is a "first in time" situation. Both of the cases which I cited are fairly old, and I need to do a limited amount of research to determine a definitive answer.

As we discussed, you may want to join in the lawsuit and simply ride the coattails of the larger claimants who can afford to hire attorneys to fight the issue of pro rata versus first in time.

After you have an opportunity to review this Complaint, give me a call so that we can discuss how you would like to handle this matter.

Sincerely,

BY:

:
Enclosure