

2A:44A-8 - Lien claim form

The lien claim shall be filed in substantially the following form:

CONSTRUCTION LIEN CLAIM
TO THE CLERK, COUNTY OF _____:

In accordance with the "Construction Lien Law," *P.L.1993, c.318 (C.2A:44A-1 et al.)*, notice is hereby given that (only complete those sections that apply):

1. On _____ (date), I, _____ (name of claimant), individually, or as a partner of the claimant known as _____ (name of partnership), or an officer/member of the claimant known as _____ (name of corporation or LLC located at) _____ (business address of claimant), claim a construction lien against the real property of _____ (name of owner of property subject to lien), in that certain tract or parcel of land and premises described as Block _____, Lot _____, on the tax map of the (municipality) of _____, County of _____, State of New Jersey, (if no Block and Lot is assigned, a metes and bounds or other description of the property can be attached as Addendum "A") in the amount of \$ _____, as calculated below for the value of the, services, material or equipment provided. This lien is claimed against the interest of the owner, unit owner, or against the community association in accordance with section 3 of P.L. 1993, c.318 (C.2A:44A-4) or other party (check one).

If "other", describe: _____.

If the claim is against a community association in accordance with section 3 of P.L.1993, c.318 (C.2A:44A-3) set forth the name of the community association and the name and location of the property development:

2. In accordance with a written contract for improvement of the above property, dated _____, with the property owner, community association, contractor, or subcontractor (check one), named or known as _____ (name of appropriate party), and located at:

(address of owner, unit owner, community association, contractor or subcontractor), this claimant performed he following work or provided the following services, material or equipment:

3. The date of the provision of the last work, services, material or equipment for which payment is claimed is _____, 20____.

4. The amount due for work, services, material or equipment delivery provided by claimant in connection with the improvement of the real property, and upon which this lien claim is based, is calculated as follows:

- A. Initial Contract Price: \$ _____
 - B. Executed Amendments to Contract Price/Change Orders: \$ _____
 - C. Total Contract Price (A + B) = \$ _____
 - D. If Contract Not Completed, Value Determined in Accordance with the Contract of Work Completed or Services, Material, Equipment Provided: \$ _____
 - E. Total from C or D (whichever is applicable): \$ _____
 - F. Agreed upon Credits: \$ _____
 - G. Amount Paid to Date: \$ _____
- TOTAL LIEN CLAIM AMOUNT E - [F + G] = \$ _____

NOTICE OF UNPAID BALANCE AND ARBITRATION AWARD

This claim (check one) does does not arise from a Residential Construction Contract.

If it does, complete 5 and 6 below; if not residential, complete 5 below, only if applicable.

If not residential and 5 is not applicable, skip to Claimant's Representation and Verification.

5. A Notice of Unpaid Balance and Right to File Lien (if any) was previously filed with the County Clerk of _____ County on _____, 20__ as No. _____, in Book _____ and Page _____.

6. An award of the arbitrator (if residential) was issued on _____ in the amount of \$ _____.

CLAIMANT'S REPRESENTATION AND VERIFICATION

Claimant represents and verifies under oath that:

1. I have authority to file this claim.
2. The claimant is entitled to the amount claimed at the date of lodging for record of the claim, pursuant to claimant's contract described above.
3. The work, services, material or equipment for which this lien claim is filed was provided exclusively in connection with the improvement of the real property which is the subject of this claim.
4. This claim form has been lodged for record with the County Clerk where the property is located within 90 or, if residential construction, 120 days from the last date upon which the work, services, material or equipment for which payment is claimed was provided.
5. This claim form has been completed in its entirety to the best of my ability and I understand that if I do not complete this form in its entirety, the form may be deemed invalid by a court of law.
6. This claim form will be served as required by statute upon the owner or community association, and upon the contractor or subcontractor against whom this claim has been asserted, if any.
7. The foregoing statements made by me in this claim form are true, to the best of my knowledge. I am aware that if any of the foregoing statements made by me in this claim form are willfully false, this construction lien claim will be void and that I will be liable for damages to the owner or any other person injured as a consequence of the filing of this lien claim.

Name of Claimant

Signed

(Type or Print Name and Title)

SUGGESTED NOTARIAL FOR INDIVIDUAL CLAIMANT:

STATE OF NEW JERSEY

COUNTY OF _____ ss:

On this ____ day of _____ 20__, before me, the subscriber, personally appeared _____ (person signing on behalf of claimant(s)) who, I am satisfied, is/are the person(s) named in and who executed the within instrument, and thereupon acknowledged that claimant(s) signed, sealed and delivered the same as claimant's (s') act and deed, for the purposes therein expressed.

NOTARY PUBLIC

SUGGESTED NOTARIAL FOR CORPORATE OR LIMITED LIABILITY CLAIMANT:

STATE OF NEW JERSEY

COUNTY OF _____ ss:

On this ____ day of _____ 20____, before me, the subscriber, personally appeared _____ (person signing on behalf of claimant(s)) who, I am satisfied is the Secretary (or other officer/manager/agent) of the Corporation (partnership or limited liability company) named herein and who by me duly sworn/affirmed, asserted authority to act on behalf of the Corporation (partnership or limited liability company) and who, by virtue of its Bylaws, or Resolution of its Board of Directors (or partnership or operating agreement) executed the within instrument on its behalf, and thereupon acknowledged that claimant signed, sealed and delivered same as claimant's act and deed, for the purposes herein expressed.

NOTARY PUBLIC

NOTICE TO OWNER OF REAL PROPERTY

NOTICE TO CONTRACTOR OR SUBCONTRACTOR, IF APPLICABLE

The owner's real estate may be subject to sale to satisfy the amount asserted by this claim. However, the owner's real estate cannot be sold until the facts and issues which form the basis of this claim are decided in a legal proceeding before a court of law. The lien claimant is required by law to commence suit to enforce this claim.

The claimant filing this lien claim shall forfeit all rights to enforce the lien claim and shall be required to discharge the lien claim of record, if the claimant fails to bring an action in the Superior Court, in the county in which the real property is situated, to establish the lien claim:

1. Within one year of the date of the last provision of work, services, material or equipment, payment for which the lien claim was filed; or
2. Within 30 days following receipt of written notice, by personal service or certified mail, return receipt requested, from the owner or community association, contractor, or subcontractor against whom a lien claim is filed, as appropriate, requiring the claimant to commence an action to establish the lien claim.

You will be given proper notice of the proceeding and an opportunity to challenge this claim and set forth your position. If, after the owner (and/or contractor or subcontractor) has had the opportunity to challenge this lien claim, the court of law enters a judgment against any of you and in favor of the claimant filing this lien claim, and thereafter judgment is not paid, the owner's real estate may then be sold to satisfy the judgment. A judgment against a community association for a claim of work, services, material or equipment pursuant to a contract with that community association cannot be enforced by a sale of real estate.

The owner may choose to avoid subjecting the real estate to sale by the owner (or contractor) by either:

1. paying the claimant and obtaining a discharge of lien claim from the claimant, by which the owner will lose the right to challenge this lien claim in a legal proceeding before a court of law; or
2. causing the lien claim to be discharged by filing a surety bond or making a deposit of funds as provided for in section 31 of P.L.1993, c.318 (C.2A:44A-31), by which the owner will retain the right to challenge this lien claim in a legal proceeding before a court of law.

L.1993, c.318, s.8; amended 2010, c.119, s.5.