

WHAT IS A MECHANIC'S LIEN?

Mechanic's liens exist to secure payment for services, labor and material on both personal and real property. However, the creation and enforcement mechanisms differ depending on whether real or personal property is involved. The law of mechanic's liens on real property governs the creation and enforcement of these liens on items of personal property that have been attached to real property in such a way as to be a [fixture](#).

Mechanic's liens, despite their name, are typically used by subcontractors and suppliers, and are a legal claim against property that has been remodeled or improved. For example, if you are remodeling your bathroom and the supplier who supplied the bathtub isn't paid by the general contractor, a lien can be placed against your house to recover the money.

What can be surprising to most homeowners is that it doesn't matter if you already paid the [general contractor](#) for the bathtub. If the subcontractor or supplier isn't paid by the general contractor, the law allows the subcontractors to come after you and the property that was improved (which is often your house). In the end, you may be responsible for paying for the work twice

WHAT IS THE RECORDERS ROLE OR DUTIES?

Indiana Code 32-28-3

This is the Indiana Code that covers who may file a lien, who the lien may be filed against, what the lien may be for and when the lien is to be filed and when court action must be taken.

1. The lien is to be filed in the recorder's Office: 32-28-3-1 A (2) file a copy of the written notice in the recorder's office of the county not later than sixty (60) days after the date of the first delivery or labor performed 32-28-3-5 (b) The recorder shall record the statement and notice of intention to hold a lien when presented under section 3 of this chapter in the miscellaneous record book. The recorder shall charge a fee for recording the statement and notice in accordance with [IC 36-2-7-10](#). When the statement and notice of intention to hold a lien is recorded, the lien is created. The recorded lien relates back to the date the mechanic or other person began to perform the labor or furnish the materials or machinery. Except as provided in subsections

(c) and (d), a lien created under this chapter has priority over a lien created after it.

2. The lien is copied and mailed to the owner 32-28-3-3 (d) The recorder **shall**:

- (1) Mail, first class, one (1) of the duplicates of the statement and notice of intention to hold a lien to the owner(s) named in the statement and notice not later than three (3) business days after recordation;
- (2) Post records as to the date of the mailing; and
- (3) Collect a fee of two dollars (\$2) from the lien claimant for each statement and notice that is mailed.

The statement and notice shall be addressed to the latest address of the owner as specifically set out in the sworn statement and notice of the person intending to hold a lien upon the property.

Documents must meet the recording requirements in 36-2-11-16

The recorders duties are not to give legal advice and decide if the person filing should file or when they should file. Below is an address on the state website that I found helpful in explaining the process, please feel free to share this website with your taxpayers:

<https://www.in.gov/dfi/2485.htm> (dfi is Indiana Department of financial Institutions)

Below are some websites I found helpful in explaining Mechanics Liens and the process they must go through. Recordors are frequently asked questions and by answering the questions we are giving out legal advice which we are not allowed to do, however you can tell the filer what the requirements for filing documents are, margins, font, signature, notary, etc., and suggest that they google “mechanics liens”. They will find a wealth of information and help available on websites. Please do not give out this list as that is considered giving out legal advice or advertising for attorneys.

<https://www.zlien.com/mechanics-lien/indiana-lien-law-faqs/> (this is a business that helps people file liens)

<https://constructionliens.uslegal.com/state-laws/indiana-construction-lien-law/> (this website explains the process of how the lien is filed and released)

http://www.mcnevinandschiff.com/Mechanic_Lien.html (deadlines for filing)