

Utah Mechanic's Liens

TIME DEADLINES (When to File and Serve Your Mechanic's Lien & Pre-Lien Notice)

To File a Lien--Go to: [Utah Mechanic's Lien Forms](#)

More Info: www.NationalLienlaw.com

Questions?

(800) 995-9434

Notice of Commencement (General Contractors)

When to Serve/File	Comments
No longer recorded with the county recorder's office. Now it is filed electronically with the Utah State Construction Registry (SCR) within 15 days from the start of physical construction.	See Lien Law Summary for more details.

Preliminary Notice (General Contractors on commercial and residential projects)

When to Serve/File	Comments
Filed electronically with the Utah State Construction Registry within 20 days of the start of work on the project. Can be late, but not more than five days from the filing date.	See Lien Law Summary for more details.

Preliminary Notice (all Subcontractors and Suppliers, 1st tier and below, on commercial and residential projects)

When to Serve/File	Comments
<p>No longer served by certified mail. Now filed electronically with the Utah State Construction Registry within 1) twenty days of your first furnishing labor or materials, or 2) within 10 days of the filing of a notice of commencement, whichever is later. Can be late, but not more than five days from the filing date.</p>	<p>See Lien Law Summary for more details.</p>

**Mechanic's Lien
(Notice of Lien)**

When to Serve/File	Comments
<p>Residential and Commercial Projects—All Persons</p> <p>Filed manually with the county recorder's office and not the State Contractors Registry. All claimants (General, sub, or Supplier) record within 180 days of final completion of the general's contract with the owner (in other words, completion of the overall project). Final completion is defined as the date of: 1) filing the certificate of occupancy, or 2) if none, the date of final inspection, or if none of the above, 2) the date there is no substantial work left to be done under the general's contract. Warranty or punch list work will not extend the time.</p> <p>If a Notice of Completion has been filed, 90 days after that filing.</p>	<p>See Lien Law Summary.</p>

How to Count the Days—Utah Mechanic's Lien

Utah Pre-Lien notices and Utah mechanic's liens are unforgiving—if you miss the deadline by one day, your lien rights will be lost. Assume hypothetically you last furnished labor and materials on April 10 (these examples are based on calendar year 2016, but the same principles apply to any year) and have 90 days thereafter to record your Utah lien. To count the days correctly, follow these steps:

- Ignore the first day—the day of last furnishing the labor or materials (April 10). The courts give you 90 full days after completion and that would not be the case if you finished at 5:00 P.M. on April 10 and it counted as the first full day. It would end up being some strange fraction of a day that is too hard to calculate. Day 1 will be April 11. Day 1 can be either a workday, weekend or holiday. In this case, the first day is Monday, April 11.
- Count with calendar days not work days.
- Count weekends and federal holidays.
- If the LAST day falls on a weekend or holiday, you get the next business day to record your Utah mechanic's lien.
- When you record a Utah lien with the Court Clerk/Recorder, it is easy to know the deadline is met because the papers are date-stamped. If you are only serving (for example a pre-lien notice on the owner or general contractor) and not recording, you are OK in most states if the mailing is stamped and placed in a post office box or the post office before mail pick-up, by the last day—even if the addressee gets it later. You will have proof of mailing to show it was mailed on time. However, some states require the mailing be received by a certain date. If you have any doubts, give us a call and we will research the Utah mechanic's lien statute for you (800-995-9434; info.NationalLienLaw@gmail.com).
- There is a big difference between a time limit of 3 months and 90 days. For 3 months you do not count the days and simply go forward three months. In our example of the last day of furnishing labor or materials being April 10, the third month deadline would be July 10. The 90th day is actually July 9--this is one day shorter because May has 31 days.
- To summarize, if the last day of work was April 10, 2016, you have until July 11, 2016 to record the Utah mechanic's lien because the 90th day is Saturday, July 9.
- When in doubt—file or serve the lien early. If you have no choice but to do it on the last day, make it earlier in the day and go in personally to the clerk's office--in case you have to go back and pick-up more papers, forget something or get caught in traffic. And, if you think the last day is on a weekend or holiday—play it safe and file the Utah mechanic's lien on the business day before.
- If you have not recorded a Utah mechanic's lien before or are uncertain about the process, it would just be your luck to send it out by mail or overnight delivery, and have the Clerk reject it for some technicality—only to receive the Utah lien back in the mail after the time has expired. To prevent this, personally take it in at least the day before, so you have time to revise your paper work. It also gives you the advantage of being able to talk to a live person who will usually tell you exactly what format is required for the Utah mechanic's lien. Or pay approximately \$75 and have a messenger service/process server

(see the yellow pages) do it. Finally, never send the papers by regular mail (use overnight delivery) if you are 5 or less days before the lien deadline. Good luck.

For more information and to view the Utah Mechanic's Lien Law Summary, [CLICK HERE](#).

Prepared by:

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