Lien Law Revisited

The Times They Are A-Changin’

(The presenter is not responsible for the creation of the title of this presentation or any copyright infringement resulting therefrom)
The Basics

1. Liens delayed are liens denied. READ THE STATUTE.
2. Mechanic’s liens – they’re not just for mechanics anymore. – Greens of Rock Hill vs. Rizon, READ THE STATUTE.
3. Documentation. And stuff. READ THE STATUTE.
I was just here.

I like y’all but I liked “here” more.
Also, it is spelled lien, not lean.
Ferguson Fire vs. Preferred Fire

ALWAYS PAY YOUR FIRE SUPPRESSION CONTRACTORS. ALWAYS.
“Creation, perfection, and enforcement.”

1. Creation:
   a. Did you do “the job”?
   b. For whom?
      i. Owner – Time to get your lien on
      ii. Contractor – Time to send a Notice of Furnishing - SC ST 29-5-40
         • Identify labor and material provided. “I gave you widgets.”
         • Provide an invoice. “Now you give me money.”
2. Perfection
   a. Notice of Lien
   b. Lis Pendens

3. Enforcement - Foreclosure
The Greens of Rock Hill vs. Rizon

“... Demonstrate the legislative intent that a person who performs a component of the work involved in development and construction projects should be considered a ‘laborer’ that performed work ‘for the improvement of real estate.’”
F & D Electrical Contractors vs. Powder Coaters

CONSENT OF THE OWNER

1. Who receives consent? Tenant or laborer may be notified of consent.

2. What is consent? I know it when I see it.
   a. It is not mere knowledge of the project.
   b. Must be specific, at a minimum the landlord should know the scope of the project.
   c. Expressed or implied agreement that the landlord will be liable.