

Mechanic's Lien Workflow Checklist (MD)

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A Checklist outlining the steps for perfecting, enforcing, and releasing a statutory mechanic's lien arising from the improvement of privately owned residential and commercial real property in Maryland. This Checklist also covers preliminary notice requirements and a property owner's protections against mechanic's lien claims.

A mechanic's lien is used by a contractor, subcontractor, supplier, or other construction professional (claimant) to secure payment for the labor or services it performs or the material or equipment it furnishes to improve privately owned real property (lienable work).

For a general discussion of mechanic's liens in Maryland, see Practice Note, Mechanic's Liens in Practice (MD) ([W-017-0331](#)).

BEFORE BEGINNING A PROJECT

CONSIDER THE NATURE OF THE PROJECT

- If the project is limited to repairing or improving an existing building and does not involve new construction, ensure the cost of all repairs and improvements totals at least:
 - 15 percent of the building's value; or
 - when a tenant or its employee orders the lienable work, 25 percent of the building's value.

For more information, see Practice Note, Mechanic's Liens in Practice (MD): Persons Entitled to a Mechanic's Lien ([W-017-0331](#)).

EVALUATE THE SUBJECT PROPERTY

- Order a title search (and, if not included, a local court records search) to determine:
 - the subject property's legal description;
 - the extent of the owner's interest in the property;

- whether the owner has filed a notice to establish boundaries designating the lienable portion of the property (see Practice Note, Mechanic's Liens in Practice (MD): Designate the Lienable Real Property (Optional) ([W-017-0331](#))); and
 - any deeds of trust, mortgages, or other liens or encumbrances against the property.
- Consider satisfying any senior or super liens such as property tax liens and liens for unpaid homeowners association assessments.

For more information, see Practice Note, Mechanic's Liens in Practice (MD): Property Subject to a Mechanic's Lien and Priority of Mechanic's Liens ([W-017-0331](#)).

AFTER BEGINNING A PROJECT

DESIGNATE THE LIENABLE REAL PROPERTY (OPTIONAL)

- After construction starts, consider filing a motion to designate the lienable portion of the property in the circuit court for the county where the property is located.
- Request a writ of survey in the motion.
- Serve the motion on all necessary parties, such as the owner and other mechanic's lien claimants (MD Rules, Rule 12-308(b)(2)).
- If necessary, file a separate motion requesting the court to determine different boundaries within 15 days after receiving the surveyor's report.

For more details on designating lienable property, see Practice Note, Mechanic's Liens in Practice (MD): Designate the Lienable Real Property (Optional) ([W-017-0331](#)).

WITHIN 120 DAYS AFTER COMPLETING WORK (SUBCONTRACTOR)

SERVE A NOTICE OF INTENTION TO CLAIM A LIEN

- If the claimant is a subcontractor, serve a notice of intention to claim a lien (notice of intention):
 - in the required form and manner;
 - on the owner or the owner's agent; and
 - within 120 days after the claimant completes its lienable work.

- (Md. Code Ann., Real Prop. §§ 9-101(g) and 9-104; MD Rules, Rule 12-301(b)(7).)
- Serve the notice of intention shortly after starting any work on an owner-occupied single-family residence to protect against a potential payment defense by the owner (see Record a Lien Release Bond (Owner or Another Interested Person) ([W-017-8514](#))).
- Provide a notice of intention to each unit owner if seeking a mechanic's lien against an entire condominium building.

For more details on preparing and serving a notice of intention, see Practice Note, Mechanic's Liens in Practice (MD): Serve a Notice of Intention to Claim a Lien (Subcontractors Only) ([W-017-0331](#)).

WITHIN 180 DAYS AFTER COMPLETING WORK FILE A PETITION TO ESTABLISH MECHANIC'S LIEN

- File a petition to establish mechanic's lien (petition to establish):
 - in the circuit court for the county where the property is located; and
 - within 180 days after the claimant completes its lienable work.

Name the Necessary Parties

- Name the owner as the defendant. Join all unit owners if asserting a mechanic's lien against an entire condominium building.
- Review the title search and consider adding to the action any other person that may have:
 - an interest in the property; and
 - the right to share in the proceeds when the property is sold.

Provide the Required Information

- Plead all required facts and attach:
 - a supporting affidavit;
 - the material papers forming the basis of the lien, such as the contract, change orders, payment applications, and a copy of the notice of intention (if applicable); and
 - a proposed show cause order.
- (Md. Code Ann., Real Prop. § 9-105(a); MD Rules, Rule 12-302(b).)
- When determining the lien amount:
 - include prejudgment interest and deduct any credits;
 - allocate balances due for lienable work performed on multiple properties owned by the same person; and
 - if the claimant is a contractor, follow the pricing method specified in the claimant's contract (for example, lump sum or cost-plus).
- Submit a petition to enforce mechanic's lien (petition to enforce) together with the petition to establish, if desired (see Enforce the Lien).

For guidance on preparing a petition to establish, see Practice Note, Mechanic's Liens in Practice (MD): File a Petition to Establish Mechanic's Lien ([W-017-0331](#)).

SERVE A SHOW CAUSE ORDER

- Confirm the court issues a show cause order. Supplement or explain any portion of the record if requested by the court.

- Serve the show cause order on all defendants in the same manner as a civil complaint (MD Rules, Rule 2-121; see State Q&A, Commencing an Action: Maryland: Question 15 ([W-011-0325](#))). Attach copies of the petition to establish and all other filed pleadings and exhibits.
- Attend the show cause hearing if the owner or another defendant files an answer.

For more information, see Practice Note, Mechanic's Liens in Practice (MD): Serve a Show Cause Order and Attend the Show Cause Hearing ([W-017-0331](#)).

OBTAIN A JUDGMENT

- Confirm the court enters a judgment establishing the claimant's lien.
- If the court:
 - enters a judgment denying the lien, consider appealing the court's decision; or
 - dismisses the petition to establish because the claimant fails to demonstrate probable cause it is entitled to a lien, consider filing a request within 30 days to assign the matter for trial (MD Rules, Rule 12-304(e)(3)).
- If the court issues an interlocutory order instead of a judgment or dismissal, ensure the order:
 - establishes the claimant's lien;
 - schedules a trial to take place within six months;
 - sets the amount for a lien release bond (see Record a Lien Release Bond (Owner or Another Interested Person)); and
 - contains the additional elements required by statute and court rule.
- (Md. Code Ann., Real Prop. § 9-106(b)(3); MD Rules, Rule 12-304(e)(2), (4).)
- Verify that the amount of any lien release bond sufficiently protects the claimant. File a motion requesting an additional bond if the claimant objects to:
 - the bond amount; or
 - the surety.
- Attach the claimant's lien to any portion of the property located in another county by filing certified copies of the following documents in that county:
 - the docket entries for the lien action;
 - the court's judgment or order establishing the lien; and
 - any required bond.

For more details, see Practice Note, Mechanic's Liens in Practice (MD): Obtain a Judgment ([W-017-0331](#)), Set the Amount of the Lien Release Bond ([W-017-0331](#)), and Property in Multiple Counties ([W-017-0331](#)).

WITHIN ONE YEAR AFTER STARTING AN ACTION TO ESTABLISH A LIEN

ENFORCE THE LIEN

- File one of the following in the lien action after obtaining judgment and within one year after filing the petition to establish:

- a petition to enforce containing a request for an order to sell the property (if not already filed with the petition to establish); or
 - a petition to execute on a lien release bond, if applicable (see Record a Lien Release Bond (Owner or Another Interested Person)).
- (Md. Code Ann., Real Prop. § 9-109; MD Rules, Rule 12-305(a).)
 - Execute on the judgment under the ordinary procedures for judicial sales (MD Rules, Rule 14-301 to Rule 14-306).
 - Comply with the post-sale requirements applicable to foreclosures, including:
 - filing a report of sale;
 - ratifying the sale; and
 - enabling the court-appointed auditor to prepare a final account.
 - (MD Rules, Rule 2-543, Rule 12-306, and Rule 14-305; see Practice Notes, Residential Foreclosures (Power of Sale) (MD): Post-Sale Requirements ([W-016-4176](#)) and Commercial Foreclosures (Power of Sale) (MD): Post-Sale Requirements ([W-016-4198](#)).

For more information, see Practice Note, Mechanic's Liens in Practice (MD): Enforcing a Mechanic's Lien ([W-017-0331](#)).

WAIVE OR RELEASE A LIEN (CLAIMANT)

- File an order of satisfaction releasing the claimant's lien if the lien amount is paid or otherwise satisfied.
- Ensure that any prospective lien waiver by a contractor:
 - is clear and unambiguous; and
 - does not purport to bind any subcontractor (since a contractor may not waive its subcontractors' lien rights).
- Confirm any contract for lienable work between a contractor and subcontractor does not:
 - require the subcontractor to waive its rights to claim a lien or sue on the contractor's bond; or

- include a pay-if-paid provision that infringes on those rights (see Practice Note, Pay-if-Paid vs. Pay-when-Paid in Construction Contracts ([9-604-7025](#)) and Prompt Payment Acts (Private Projects): State Comparison Chart ([W-000-7032](#))).

For more information on lien waivers and releases, see Practice Note, Mechanic's Liens in Practice (MD): Releasing or Waiving a Mechanic's Lien ([W-017-0331](#)).

RECORD A LIEN RELEASE BOND (OWNER OR ANOTHER INTERESTED PERSON)

- Release the property from the claimant's lien by filing a lien release bond in the amount set by the court (see Obtain a Judgment).
- Consider filing a motion to:
 - release the lien any time after the petition to establish is filed; or
 - modify or dissolve a lien created by an interlocutory order.
- Note that Maryland law provides owners and purchasers with several additional protections against mechanic's liens, including:
 - exempting a property if the owner transfers legal title to a bona fide purchaser for value before the court establishes the lien;
 - extinguishing a claimant's right to assert a lien after the transfer of equitable title to a bona fide purchaser for value;
 - limiting or prohibiting the lien of a subcontractor providing lienable work for an owner-occupied single-family home;
 - permitting the owner to withhold payments from a contractor after service of a notice of intention by a subcontractor (see Serve a Notice of Intention to Claim a Lien); and
 - requiring a contractor that receives full payment from the owner to provide a signed lien release from each subcontractor on a project.

For a discussion of mechanic's lien remedies for owners and purchasers, see Practice Note, Mechanic's Liens in Practice (MD): Owner's Rights and Remedies and Releasing or Waiving a Mechanic's Lien ([W-017-0331](#)).

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