

Construction Lien Workflow Checklist (WA)

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

A construction lien (also known as a mechanics' lien or materialmen's lien) is used by a contractor, subcontractor, laborer, supplier, designer, or other construction professional (claimant) to secure payment for the labor or services it performs or the material or equipment it furnishes to improve real property (lienable work).

Chapter 60.04 of the Revised Code of Washington governs construction liens on privately owned real property in Washington (RCW 60.04.011 to 60.04.904). For a general discussion of Washington construction liens, see Practice Note, Construction Liens in Practice (WA) ([W-016-8986](#)).

BEFORE BEGINNING A PROJECT

EVALUATE THE SUBJECT PROPERTY

- Order a title search to determine:
 - the subject property's legal description;
 - the extent of the owner's interest in the property; and
 - whether there are any mortgages, deeds of trust, or other liens or encumbrances against the property.

For more information, see Practice Note, Construction Liens in Practice (WA): Property Interests Subject to a Construction Lien and Priority of Construction Liens ([W-016-8986](#)).

SATISFY THE PRELIMINARY REQUIREMENTS (CONTRACTOR)

- Verify each contractor is registered with the Department of Labor and Industries (L&I).
- Ensure each contractor provides the customer with a model disclosure statement notice (disclosure statement) in the statutory form if the project involves:
 - four or fewer residential units or accessory structures with a contract price of at least \$1,000; or
 - a commercial building with a contract price of at least \$1,000 but less than \$60,000.
- If a disclosure statement is required, confirm each contractor:
 - also gives L&I's informational notice on construction liens to the customer; and
 - retains a signed copy of the disclosure statement for at least three years.
- If the project exceeds \$5,000, make sure the prime contractor posts either a notice or a building permit on the project site with the information required by statute, including:
 - the name and contact information for the owner, prime contractor, and either the construction lender or the surety of a qualifying payment bond; and
 - the property's legal description or tax parcel number (and street address if available).

(RCW 19.27.095 and 60.04.230.)

- Confirm the prime contractor provides the contents of the posted notice or building permit to all subcontractors, suppliers, and professional service providers on the project.

For more information on preliminary requirements for contractors, see Practice Note, Construction Liens in Practice (WA): Preliminary Notice Requirements for Contractors ([W-016-8986](#)).

RECORD A NOTICE OF FURNISHING PROFESSIONAL SERVICES

- If the claimant provides professional services that are not visible on the property (for example, certain design or engineering work), record a notice of furnishing professional services (notice of furnishing) in the required form in the county containing the

property (RCW 60.04.031(5); see Practice Note, Construction Liens in Practice (WA): Record a Notice of Furnishing Professional Services and Priority of Construction Liens ([W-016-8986](#))).

WITHIN EITHER 10 OR 60 DAYS AFTER STARTING WORK SERVE A NOTICE OF RIGHT TO FILE LIEN CLAIM

- Serve a notice of right to file lien claim (pre-claim notice) in the required form and manner on both the owner (or reputed owner) and the prime contractor within:
 - ten days after starting lienable work to construct a single-family residence; or
 - 60 days after starting lienable work on any other project. (RCW 60.04.031.)
- Do not issue a pre-claim notice if the claimant:
 - contracts directly with the owner or the owner's common law agent;
 - provides only labor; or
 - is a subcontractor that contracts directly with the prime contractor (unless performing lienable work for an owner-occupied single-family residence).
- Do not provide a pre-claim notice to the prime contractor if:
 - the claimant contracts directly with the prime contractor (unless a subcontractor performing lienable work on an owner-occupied single-family residence); or
 - the prime contractor violates the permitting and notice requirements for projects exceeding \$5,000 (see Satisfy the Preliminary Requirements (Contractor)).

For more details on serving a pre-claim notice, see Practice Note, Construction Liens in Practice (WA): Serve a Pre-Claim Notice ([W-016-8986](#)).

SERVE A STOP NOTICE ON THE LENDER (OPTIONAL)

- Consider serving a stop notice on the construction lender (if any) to encourage the lender to address a potential lien claim if:
 - the claimant is not paid within five days after the deadline in its contract; and
 - the project is not secured by a payment bond of at least 50% of the construction financing amount.
- Serve the stop notice in the required form and manner on the lender within 35 days after the claimant's contractual payment deadline (RCW 60.04.221).
- Verify the lender either:
 - withholds the delinquent amount from future financing draws if any funds remain; or
 - obtains a payment bond for the claimant from the prime contractor or loan borrower.

For more information on the procedures for a stop notice, see Practice Note, Construction Liens in Practice (WA): Send a Stop Notice to the Lender ([W-016-8986](#)).

WITHIN 90 DAYS AFTER COMPLETING WORK

RECORD A NOTICE OF CLAIM OF LIEN

- Record a notice of claim of lien (lien claim) in the statutory form in the county containing the property within 90 days after the lienable work ends (RCW 60.04.091).
- When stating the lien amount:
 - provide the outstanding balance on the date the lien claim is submitted for recording;
 - allocate the amounts due for lienable work performed on multiple properties owned by the same person; and
 - do not include anticipated fees and interest.
- Ensure the lien claim is:
 - verified by the claimant or another person authorized to act on its behalf; and
 - acknowledged in the same manner as other real property instruments.
- If necessary, amend the lien claim within the 90-day filing period by following the same procedure for recording and serving the original lien claim.

SERVE THE LIEN CLAIM

- Serve a copy of the lien claim in the required manner on the owner or reputed owner within 14 days after the claimant submits the lien claim for recording.

For additional guidance on preparing, recording, and serving a lien claim, see Practice Note, Construction Liens in Practice (WA): Creating and Perfecting a Construction Lien ([W-016-8986](#)).

WITHIN EIGHT MONTHS AFTER RECORDING A LIEN CLAIM FILE AND SERVE A FORECLOSURE COMPLAINT

- File a foreclosure complaint in the superior court for the county containing the property within eight months after recording the claim.
- Serve the complaint on the owner within 90 days after filing. (RCW 4.28.080 and 60.04.141; see Practice Note, Construction Liens in Practice (WA): Enforcing a Construction Lien ([W-016-8986](#)) and State Q&A, Commencing an Action: Washington: Questions 5, 14, and 15 ([W-000-5748](#))).
- Do not file a complaint if another foreclosure action is pending against the same property. Consider applying for joinder in the other action. (RCW 60.04.171; see Practice Note, Construction Liens in Practice (WA): Multiple Actions Against the Same Property ([W-016-8986](#))).

Name the Necessary Parties

- Review the title search and name all necessary parties in the complaint such as:
 - the owner and, if the subject property is community property, the owner's spouse;
 - the surety of a recorded lien release bond, if applicable (see Record a Lien Release Bond (Owner or Other Interested Person));

- all junior or inferior lien or interest holders, including subordinated or subsequent mortgagees and judgment lien holders; and
- any person other than the owner or a surety contractually obligated to pay the claimant for the lienable work (for example, the prime contractor).

Plead the Required Facts

- Plead all required facts in the complaint, including:
 - a description of the lien claim;
 - a statement that the claimant has satisfied all filing and service requirements; and
 - if the claimant is a contractor, confirmation that the contractor complied with the statutory registration and notice requirements. Attach a copy of the signed disclosure statement (see Satisfy the Preliminary Requirements (Contractor)).

For more information on conducting a foreclosure action to enforce a lien claim, see Practice Note, Construction Liens in Practice (WA): Conduct a Foreclosure Action ([W-016-8986](#)).

WITHIN TWO YEARS AFTER FILING A FORECLOSURE COMPLAINT

OBTAIN AND ENFORCE A JUDGMENT

- Obtain a judgment within two years after filing the foreclosure complaint to prevent the court from dismissing the action and canceling the lien.
- Execute on the judgment by selling the property under the procedures for a judicial foreclosure unless the judgment is satisfied by a lien release bond (see Record a Lien Release Bond (Owner or Other Interested Person) and Practice Notes, Residential Foreclosures (WA): Execute on the Judgment ([W-011-5725](#)) and Commercial Foreclosures (WA): Execute on the Judgment ([W-013-1946](#))).

For more details, see Practice Note, Construction Liens in Practice (WA): Judgment and Sale ([W-016-8986](#)).

WAIVE OR RELEASE A LIEN (CLAIMANT)

- Provide a signed lien waiver or release if the claimant:
 - accepts payment of the amount due for its lienable work; and
 - receives demand from the owner or other person making the payment.

- Consider that the claimant may release its lien rights in exchange for periodic payments under the contract for the lienable work (see Practice Note, Payment Provisions in Construction Contracts: Drafting Strategies: Waiver and Release of Claims ([1-568-1506](#))).
- Note that the claimant may inadvertently waive or release a lien by failing to timely:
 - provide a disclosure statement (if a contractor on a qualifying project);
 - serve a pre-claim notice (if applicable);
 - record a lien claim;
 - file and serve a foreclosure action; or
 - obtain a judgment in the foreclosure action.

For more information on lien waivers and releases, see:

- Practice Note, Construction Liens in Practice (WA): Releasing, Waiving, or Discharging the Lien ([W-016-8986](#)).
- Practice Note, Waivers and Releases in Construction Contracts: Drafting Strategies ([W-001-0219](#)).
- Standard Document, Partial Lien Waiver and Release (Construction) ([W-008-8952](#)).
- Standard Document, Final Waiver and Release of Liens and Claims (Construction) ([W-009-8445](#)).

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

- Consider recording a lien release bond in the county containing the property to release the property from the claimant's lien.
- Ensure the bond secures the minimum coverage amount and meets all other statutory requirements (RCW 60.04.161).
- If necessary, take other measures to protect against the claimant's lien such as:
 - filing a motion to challenge a lien claim as frivolous or clearly excessive; and
 - withholding funds from the prime contractor during a foreclosure action on a lien claim filed by a subcontractor, supplier, or laborer.

For more information on methods for addressing construction liens, see Practice Note, Construction Liens in Practice (WA): Owner's Rights and Remedies ([W-016-8986](#)).

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