

**Mechanic's Lien Quick Reference Guide ©
Compliments of Husch Blackwell LLP**

MISSOURI - COMMERCIAL LIEN LAW		KANSAS - COMMERCIAL LIEN LAW				
	Contractor	Subcontractor/Supplier	Design Professional	Contractor	Subcontractor/Supplier	Design Professional (Lien rights only if design is constructed)
Preliminary Notice	Due before receipt of 1st payment	10 days before filing lien	None - but give both to be safe	None	None	None
Deadline to file lien (from last day worked)		6 months		4 Months	3 months	4 Months
Filing Extension		Not Available		Extend deadline to 5 months if file request within original deadline (n/a on residential projects)		
Post-Filing Notice		Not required but advisable		None	Serve owner, contractor and anyone with an interest in the property with copy of lien	None
Deadline to file lawsuit to enforce lien (measured from date filed lien)		6 months		1 year		
Lien rights of remote subcontractors/suppliers		Any tier providing labor/materials used in project has right to lien		Sub-subcontractors and suppliers to subcontractors are the most remote tiers with lien rights		
Rental Equipment		Lienable if: Give 5 days notice to owner, used on commercial property, amount exceeds \$5,000		Rental equipment is likely lienable, no special notice required		
Warranty work		Warranty and corrective work don't count and won't extend deadline for filing		Test: Work required under original contract?		
Last Day Worked		Look at time cards - don't use cleanup, demobilization, travel or date of last job cost entry AND don't bill 100% unless you are done because lien time starts when send final bill				
Contracts with Tenants		Generally, only tenant's interest is lienable, so if you win, you become the tenant under the lease				
Contractor Preliminary Notice (10 POINT, BOLD TYPE)		FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMo. TO AVOID THIS RESULT YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING FOR LABOR AND MATERIAL TWICE.		Not Required		

MISSOURI - RESIDENTIAL LIEN LAW				KANSAS - RESIDENTIAL LIEN LAW			
	Contractor	Subcontractor	Design Professional	Contractor	Subcontractor	Design Professional	
Owner-occupied Residential (4 units or less, repair/remodel only)	Lienable to same extent as commercial property	No lien unless contractor got owner's consent to lien per 429.013 and provides subcontractor with a copy. The following consent, if contained in the general contract in ten-point bold type, is sufficient: CONSENT OF OWNER CONSENT IS HEREBY GIVEN FOR FILING OF MECHANIC'S LIENS BY ANY PERSON WHO SUPPLIES MATERIALS OR SERVICES FOR THE WORK DESCRIBED IN THIS CONTRACT ON THE PROPERTY ON WHICH IT IS LOCATED IF HE IS NOT PAID.	Lienable to same extent as commercial property if there is a direct contract with owner	No Notice/Warning Statement Required			Before filing lien, warning statement required: "Notice to owner: (name of supplier or subcontractor) is a supplier or subcontractor providing materials or labor on Job No. _____ at (residence address) under an agreement with (name of contractor). Kansas law will allow this supplier or subcontractor to file a lien against your property for materials or labor not paid for by your contractor unless you have a waiver of lien signed by this supplier or subcontractor. If you receive a notice of filing of a lien statement by this supplier or subcontractor, you may withhold from your contractor the amount claimed until the dispute is settled."
Residential Intended for Sale (not Owner-occupied repair/remodel)	Must record Notice of Rights in recorder's office in county where property is located AND otherwise follow commercial property lien procedures.	Must record Notice of Rights in recorder's office in county where property is located, AND otherwise follow commercial lien procedures. BUT not required to provide ten day notice.	Must record Notice of Rights in recorder's office in county where property is located AND otherwise follow commercial property lien procedures.				File notice of intent to perform prior to sale to residential owner
Other new residential		Lienable to same extent as commercial property					File notice of intent to perform prior to sale to residential owner