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CONSTRUCTION CLAIM TIMELINES (Effective 1/1/10)

DEADLINES: PRE-LITIGATION PHASE

ACTIVITY	RESIDENTIAL PROPERTY (Effective November 1, 2005)	COMMERCIAL PROPERTY (Effective May 1, 2005)
Preliminary Notice to State Construction Notice Registry www.scr.utah.gov *	Within the later of: (1) 20 days of your first supply; or (2) 20 days after the filing of a notice of commencement; UNLESS a notice of completion (not commencement) has been filed before supply in which case you should file within 10 days of the date the notice of completion is filed. Not required if notice of commencement is not timely filed, or if notice of commencement is filed more than 15 days after first supply.	
Pre-Lien	Not Required	
Mail notice to govt entity that failed to bond	N/A	Within 90 days of your last supply (Public Projects Only)
Record Notice of Lien	If NOTICE OF COMPLETION is filed with the SCR, then within 90 days of the filing of the NOTICE OF COMPLETION . If no NOTICE OF COMPLETION IS FILED , then within 180 days of: 1) a Certificate of Occupancy, or if one is not required, then; 2) a Final Inspection, or if one is not required, then; 3) the date no substantial work remains to be completed. (see U.C.§38-1-7).	

* For projects on which building permits were issued prior to the effective date, the old deadlines apply—for questions contact an attorney.

DEADLINES: LITIGATION PHASE

ACTIVITY	RESIDENTIAL PROPERTY *	COMMERCIAL PROPERTY
File Lawsuit	Within the earlier of a) 180 days from the date your lien was recorded; or b) 270 days from final completion of the project	Within the earlier of (a) 180 days from the date your lien was recorded; or b) 1 year of last supply (for bond or failure to bond claims)
Record Lis Pendens with County Recorder	180 days from lien recording	
Release Lien and Lis Pendens	Single Family/Duplex – Within the earlier of: a) 10 days of payment; or b) 15 days after the owner mails a Certif. of Compliance from DOPL	Within 10 days of payment.

* "Residential" for purpose of the Lien Recovery Fund is single family residence or multi-family up to **Duplex**.
 "Residential" for purpose of Bond or Failure to Bond claims is single family residence or multi-family up to **Fourplex**.

NOTE: In the event that you miss any of the deadlines above, you may still have claims that survive and are not barred. You should contact an attorney to be advised of whether you may still have rights that can be pursued.

DEADLINES: LIEN RECOVERY FUND CLAIMS (Single Family/Duplex)

ACTIVITY	DEADLINE
File claim with Recovery Fund	1 year from the earlier of: a) judgment, or b) debtor's bankruptcy

For additional information see our website and click on "Resources": www.osnlaw.com

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