

# Mechanics' Lien Workflow Checklist (VA)

TIMOTHY R. HUGHES, JUANITA F. FERGUSON, AND STEPHEN D. CARUSO,  
BEAN KINNEY & KORMAN PC, WITH PRACTICAL LAW REAL ESTATE

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A Checklist outlining the steps for creating, perfecting, enforcing, and discharging a mechanics' lien for work performed or materials furnished for the improvement of privately owned residential and commercial real property in Virginia. This Checklist outlines pre-lien notice requirements for property owners and potential lien claimants and includes the requirements for filing a memorandum of lien and the steps to perfect and enforce a mechanics' lien after filing the memorandum of lien.

## BEFORE FILING A MECHANICS' LIEN

- Review the statutes governing mechanics' liens in Virginia (Va. Code Ann. §§ 43-1 to 43-71).
- Determine if the lien claimant is a person entitled to a mechanics' lien.
- Determine if the work and materials are covered by a mechanics' lien.
- Give written notice to the mechanics' lien agent by registered or certified mail or personal delivery before filing a memorandum of lien if the property owner has designated a mechanics' lien agent in writing and posted the designation on the property (Va. Code Ann. § 43-4.01(B)).
- Give written notice to the mechanics' lien agent within:
  - 30 days of the first day that the claimant performed labor or furnished materials; or
  - 30 days of the date that the building permit was issued, if the labor or materials were performed or furnished before the building permit was issued.
 (Va. Code Ann. § 43-4.01(C).)

For more information on the pre-lien requirements and procedures, see Practice Note, Mechanics' Liens in Practice (VA): Pre-Lien Matters ([W-015-7675](#)).

## CREATE AND PERFECT A MECHANICS' LIEN GENERAL CONTRACTOR'S MEMORANDUM OF LIEN

- Prepare a general contractor's memorandum of lien and affidavit using the statutory form (Va. Code Ann. §§ 43-4 and 43-5).
- If not using the prescribed form, ensure that the information contained in the lien memorandum conforms to the statutory requirements.
- Record the general contractor's memorandum of lien and affidavit with the land records of the circuit court where the real property is located:
  - within 90 from the last day of the month in which the claimant last performed work or furnished materials on the project; and
  - in no event later than 90 days from the time when the work on the building or structure is completed or otherwise terminated.
- Include in the memorandum of lien sums for work performed and materials furnished within 150 days before the filing of the lien.

For more information, see Practice Note, Mechanics' Lien in Practice (VA): General Contractor's Memorandum of Lien ([W-015-7675](#)).

## SUBCONTRACTOR'S MEMORANDUM OF LIEN

- Prepare a subcontractor's memorandum of lien and affidavit using the statutory form (Va. Code Ann. §§ 43-7 and 43-8).
- If not using the prescribed form, ensure that the information contained in the lien memorandum conforms to the statutory requirements.
- Record the subcontractor's memorandum of lien and affidavit with the land records of the circuit court where the real property is located:
  - within 90 from the last day of the month in which the claimant last performed work or furnished materials on the project; and
  - in no event later than 90 days from the time when the work on the building or structure is completed or otherwise terminated.

- Mail a copy of the memorandum of lien and affidavit to the property owner or its agent by certified or registered mail, return receipt requested.

For more information, see Practice Note, Mechanics' Liens in Practice (VA): Subcontractor's Memorandum of Lien ([W-015-7675](#)).

#### SUB-SUBCONTRACTOR'S MEMORANDUM OF LIEN

- Prepare a sub-subcontractor's memorandum of lien and affidavit using the statutory form (Va. Code Ann. §§ 43-9 43-10).
- If not using the prescribed form, ensure that the information contained in the lien memorandum conforms to the statutory requirements.
- Record the sub-subcontractor's memorandum of lien and affidavit with the land records of the circuit court where the real property is located:
  - within 90 from the last day of the month in which the claimant last performed work or furnished materials on the project; and
  - in no event later than 90 days from the time when the work on the building or structure is completed or otherwise terminated.
- Mail a copy of the memorandum of lien to the property owner or its agent by certified or registered mail, return receipt requested.
- Mail a copy of the memorandum of lien to the general contractor or its agent by certified or registered mail, return receipt requested.

For more information, see Practice Note, Mechanics' Liens in Practice (VA): Sub-Subcontractor's Memorandum of Lien ([W-015-7675](#)).

#### ENFORCE THE MECHANICS' LIEN

- File a civil complaint to enforce the lien no later than:
  - six months after the date the claimant records the memorandum of lien and affidavit;
  - 60 days after the completion of the building, structure or railroad; or
  - the date the work on the building, structure or railroad was terminated.

(See Practice Note, Mechanics' Liens in Practice (VA): Time Limitation).

- File an itemized statement of account with the complaint including:
  - the amount and character of the work done or materials supplied;
  - the prices charged for the work or materials;
  - any payments made on the account;
  - the balance due; and
  - the date from which interest is claimed, if any.
- Ensure that the claimant or its agent verifies the statement of account.
- Include all necessary parties in the action to enforce the mechanics' lien.
- Determine the priority of applicable mechanics' liens.

For more information, see Practice Note, Mechanics' Liens in Practice (VA): Enforcing the Mechanics' Lien ([W-015-7675](#)).

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