

Texas Mechanics Liens

Type of Lien	Statutory Lien	Constitutional Lien
Authority	Texas Property Code	Texas Constitution
Applies to	Contractors and Subcontractors	Original Contractor only (d/n/a to subcontractors)
Amount of lien	Labor costs to build, repair or provide materials less monies paid by property owner. Tex. Prop. Code §53.024	Labor costs to build, repair or provide materials less monies paid by property owner. Tex. Const. Article XVI, §37
Affidavit	Must file an affidavit with the county clerk of the county in which the property is located.	Must file an affidavit with the county clerk of the county in which the property is located.
Affidavit Contents	<ol style="list-style-type: none"> 1. Signed and sworn statement of the amount of the claim; 2. Name and last known address of the owner or reputed owner; 3. General statement of the kind of work done, for subcontractors a statement of each month in which the work was done; 4. Name and last known address of the person client for whom the claimant performed labor; 5. Name and last known address of the original contractor; 6. Legally sufficient description of the property; 7. Claimant's name and address; and 8. Subcontractors must identify the date each notice of claim was sent to the owner and the method of delivery. 	<ol style="list-style-type: none"> 1. Signed and sworn statement of the amount of the claim; 2. Name and last known address of the owner or reputed owner; 3. General statement of the kind of work done; 4. Name and last known address of the person client for whom the claimant performed labor; 5. Legally sufficient description of the property; and 6. Claimant's name and address.
Time limit for Residential Construction and Improvements	Affidavit must be filed not later than the 15th day of the <u>third</u> calendar month after the day on which the indebtedness accrues	No time limit
Time limit for Other Construction and Improvements	Must file an affidavit with the county clerk of the county in which the property is located or into which the railroad extends not later than the 15th day of the <u>fourth</u> calendar month after the day on which the indebtedness accrues	No time limit
Notice	Must be sent via certified mail. Tex. Prop. Code §53.003	Must be sent via certified mail.

