

Norm's Handy-Dandy Reference Guide

770 ILCS 60/ Mechanics Lien Act

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- 60/1 contractor defined, payment of interest, what can be liened, additional security, lien on adjoining property, repeal of 60/1 no lien except as provided under section 21.**
- 60/1.2 liens on rental (doesn't apply to single family or multi-family of less than 12 units)**
- 60/2 work furnished by mistake on land owed by another**
- 60/3 liens on property owed jointly- no claim of Homestead right shall defeat lien**
- 60/4 discontinue work under payment default**
- 60/5 duty of owner to require affidavit, materialmen not required, owner-occupied**
- 60/6 time limit for completion**
- 60/7 lien filing within 4 months, 2 years against owner, lien may not be defeated due to lack of proof of delivery, attach to multiple property, based on extra work, lien identifies property, lien may not be defeated as to its proper amount due to error or overcharging, one lien may attach to multiple buildings**
- 60/8 assignable**
- 60/9 suit to enforce within two year, multiple lien claimants may join, all lien claimants are defendants but may counterclaim and join**
- 60/10 in the event of death**
- 60/11 what a foreclosure should say, make all persons parties, service of suit, notice by publication**
- 60/12 appoint receiver and complete construction**
- 60/13 defenses, claims by laborers for wages**
- 60/14 delay, court may order sale, delay sale**
- 60/15 no preference based on when contract was made except claims for wages preferred lien**
- 60/16 prior incumbrances (bank), proving enhancement, fraudulent liens discharged**
- 60/17 costs taxed equitable against losing party, owner responsible for attorney fees**
- 60/18 partial sale of property**
- 60/19 pro-rata payment – labor first paid, deficiency judgment**
- 60/20 redemption by owner**

60/21 no lien contracts reinstated, interest, owner-occupied family residence notice requirements, owner not compelled to pay greater than contract amount, pay when paid not acceptable defense, abandonment by contractor

60/21.01 penalties if one induces waiver prior to payment and does not pay within 30 days from receipt of payment

60/21.02 waivers prior to payment, construction trust funds, allowed to commingle, must pay damages for violation

60/22 partners, joint contractors, sub-let contracts. Subcontractor required to furnish affidavit.

60/23 liens against public funds. 90 day complaint for accounting. Failure terminates. Pro-rata.

60/24 ninety day notice. Notice may be sent at any time prior but no later than 90 days. Notice not necessary if on sworn statement, but if incorrect, that party is only protected up to the amount on the affidavit.

60/25 ninety day notice if owner cannot be found

60/26 claims for wages as a laborer is a preferred lien (see 19, 13 & 27)

60/27 owners duty after notice to retain funds, priority of payments (pro rata), all lien claims are equal. Payment made to a sub is the same as if made to the contractor. Any payments made after notice made without retaining enough funds are considered illegal payments. Owners liability limited if claimant is omitted from affidavit or if listed for less than owed, unless claim is made before payment.

60/28 if not paid within 10 days of notice, file claim for lien, suit against owner and contractor jointly. Owner only liable for pro rata payments. Judgment against owner only enforced to the extent he is liable. Does not preclude judgment against the contractor even if the lien is defeated.

60/29 repealed

60/30 amounts insufficient - pro rata payment . Premises may be sold. Rules for foreclosure.

60/31 if contractor fails to complete contract, liens may be filed for the amount due. Premises may be sold.

60/32 wrongful payments.

60/33 repealed.

60/34 owner notice demanding suit be filed within 30 days or forfeited.

60/35 satisfaction or release of liens. Penalty for neglect or refusal to release liens increased to \$2,500.

60/36 improper removal of material with intent to defraud.

60/37 liens on water craft or mobile homes.

60/38 recorders' duties and fees.

60/39 remedial act