

## Changes to Georgia Lien Waiver Requirements

Along with the amendment to the statute that changed the deadlines for mechanic's liens and suit to foreclose liens in Georgia, the requirements for a lien waiver have been changed.

**Be aware!** *Even though the waiver you sign for Georgia projects may appear to be conditional, your rights to proceed with a lien or bond claim will be jeopardized if payment is not received and an affidavit of nonpayment is not recorded timely.*

**Effective March 31, 2009, when a claimant is requested to execute a waiver and release in exchange for or in order to induce payment, the waiver must follow the new, statutory form.**

Download the new forms here: Form One:

[http://home.ncscredit.com/email/imgs/INTERIM\\_WAIVER\\_AND\\_RELEASE.pdf](http://home.ncscredit.com/email/imgs/INTERIM_WAIVER_AND_RELEASE.pdf)

and Form Two: [http://home.ncscredit.com/email/imgs/WAIVER\\_AND\\_RELEASE.pdf](http://home.ncscredit.com/email/imgs/WAIVER_AND_RELEASE.pdf)

Although the waiver appears to be conditioned upon the receipt of funds, when the waiver so specifies an affidavit of nonpayment or a Mechanic's Lien must be recorded within 60 days from the date of the waiver in order to retain your right to file a lien or to make a claim against a payment bond. (A mechanic's lien may be recorded in place of the notice of nonpayment within 90 days from last furnishing, but within 60 days from the date of the waiver.)

**The following wording must appear on the waiver:**

**NOTICE:** When you execute and submit this document, you shall be conclusively deemed to have been paid in full the amount stated above, even if you have not actually received such payment, 60 days after the date stated above unless you file either an affidavit of nonpayment or a claim of lien prior to the expiration of such 60-day period. The failure to include this notice language on the face of the form shall render the form unenforceable and invalid as a waiver and release under O.C.G.A. Section 44-14-366.

**When NCS is tracking a Georgia project for you, please advise the date a lien waiver was signed so that we can recalculate your deadline to either file the affidavit of nonpayment or the lien.**

**Note:** The prior statute required the lien or affidavit of nonpayment to be filed within 30 days from the waiver; however, the "NOTICE" verbiage was not required to appear within the waiver form.

For more information, please contact NCS at 800-826-5256 or [SecureYourTomorrow@ncscredit.com](mailto:SecureYourTomorrow@ncscredit.com).

\*\*\*\*\*

Since 1970, NCS has been the leader in providing credit professionals throughout the U.S. and Canada with proactive solutions to **secure** receivables, **minimize** credit risk and **improve** profitability. With four distinct service groups—**Construction, UCC, Collection and Publications Services**—NCS develops customized solutions based on your business model and organizational requirements to **secure your tomorrow**. Our groups specialize in: commercial collections; mechanic's liens and bond claims; a full-service UCC filing program; comprehensive software to save you time and ensure critical deadlines are never missed; and a partnership with an established national attorney network. Visit us online at [www.ncscredit.com](http://www.ncscredit.com).

**NCS: Securing Your Tomorrow**

