

This fact sheet explains who can file a mechanics lien on private construction projects in Texas, and how to secure your right to file a lien. This download includes a preliminary notice template and a proof of service template.

1. Who can file a mechanics lien in Texas?

People or businesses who provide work or materials to improve a property. This includes:

- Direct Contractors
- Subcontractors
- Material Suppliers
- Equipment Lessors
- Design Professionals
- Laborers
- Equipment Lessors

2. Is preliminary notice required?

Texas has particularly complex notice requirements that must be met to protect lien rights.

Failing to provide required notice on time may be fatal to a mechanics lien claim.

3. When is the notice deadline?

2nd Month Notice must be delivered by the 15th day of the 2nd month following the month in which labor or materials were provided. For example, if you performed work in January, notice is due March 15. 3rd Month Notice follows the same convention, but send after 3 months rather than 2.

Notice Requirements

General Contractor (Contracted with Owner)

Residential Projects

- Disclosure Notice (Send to owner & GC)
- List of subs and suppliers (Send to owner)
- Contract (Send to Owner)

Non - Residential Projects

- No documents required

1st-Tier Subcontractor (Contracted with GC)

Residential Projects

- 2nd Month Notice (Send to owner & GC)
- Retainage Notice (Send to owner)
- Notice of Specially Fabricated Materials (Send to Owner)

Non - Residential Projects

- 3rd Month Notice (Send to owner & GC)

Everybody Else (Not Contracted with Owner or GC)

Residential Projects

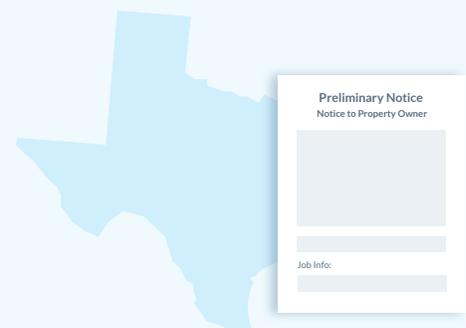
- 2nd Month Notice (Send to owner & GC)
- Retainage Notice (Send to owner)
- Notice of Specially Fabricated Materials (Send to Owner)

Non - Residential Projects

- 2nd Month Notice (Send to GC)
- 3rd Month Notice (Send to owner & GC)

Ready to send an Texas preliminary notice?

Visit [Levelset](https://www.levelset.com) to send a notice in minutes. Our team is here to help.



SECOND MONTH NOTICE

PARTY SENDING NOTICE (Name & Address)

Property where improvements and/or construction is being performed by the Party Sending Notice is described as follows (the "**PROPERTY**"):
(Municipal Address)

ORIGINAL CONTRACTOR (Name & Address)

DESCRIPTION OF IMPROVEMENT

This project involves the construction of the following described improvement:

Amount Currently Owed

Amount Currently Unpaid: \$ _____

Month(s) Work Performed:

For all work that has not been paid, list the month(s) when that work was performed at the Property:

HIRING CONTRACTOR (Name & Address)

Description of work performed by the Party Sending Notice, or _____ Invoice Attached identifying work (**Services**):

THIS IS NOT A LIEN. NOTICE IS HEREBY PROVIDED to you that the above-identified Party Sending Notice has performed the above-described Services during the above-listed Month(s) Work Performed. This work was performed in connection with the above-referenced Description of Improvement, and performed upon the above-identified Property. The above-identified Amount Currently Owed is currently unpaid and owing for such work, including any agreed retainage.

Signed this ____ day
of _____, 20____.

Agent for Party Providing Notice
Signed by: _____
Title: _____

PROOF OF SERVICE AFFIDAVIT

I, _____, being duly sworn, deposes and says that I am over the age of 18 years old, that this affidavit is made upon my own personal knowledge, and that on the _____ day of _____, 20____, I served the attached Second Month Notice to the following parties at these stated addresses:

Original Contractor

I served the attached document:

By personally delivering the notice to the identified parties;

By First Class Certified or Registered Mail service, return receipt requested, postage prepaid.

Signed this ____ day
of _____, 20____.

Agent for Party Providing Notice
Signed by: _____
Title: _____

THIRD MONTH NOTICE

PARTY SENDING NOTICE (Name & Address)

Property where improvements and/or construction is being performed by the Party Sending Notice is described as follows (the "**PROPERTY**"):
(Municipal Address)

PROPERTY OWNER (Name & Address)

DESCRIPTION OF IMPROVEMENT

This project involves the construction of the following described improvement:

ORIGINAL CONTRACTOR (Name & Address)

Amount Currently Owed

Amount Currently Unpaid: \$ _____

Month(s) Work Performed:

For all work that has not been paid, list the month(s) when that work was performed at the Property:

HIRING CONTRACTOR (Name & Address)

Description of work performed by the Party Sending Notice, or _____ Invoice Attached identifying work (**Services**):

THIS IS NOT A LIEN. NOTICE IS HEREBY PROVIDED to you that the above-identified Party Sending Notice has performed the above-described Services during the above-listed Month(s) Work Performed. This work was performed in connection with the above-referenced Description of Improvement, and performed upon the above-identified Property. The above-identified Amount Currently Owed is currently unpaid and owing for such work, including any agreed retainage.

To preserve our rights under Texas law to file a lien against the Property, we are required to inform you that if this payment deficiency is not paid or settled, you, as the property owner, may be personally liable and your Property may be subjected to a lien for the Amount Currently Owed unless you take the precaution of withholding funds sufficient to pay the amount due us from payments due to your original contractor.

Further, PLEASE TAKE NOTICE that the Party Sending Notice makes demand upon you for payment of the Amount Currently Owed under § 53.083, and request that you forward to us any funds held for the original contractor to pay this claim, unless the original contractor disputes this claim, as per law.

Signed this ____ day
of _____, 20 ____.

Agent for Party Providing Notice
Signed by: _____
Title: _____

PROOF OF SERVICE AFFIDAVIT

I, _____, being duly sworn, deposes and says that I am over the age of 18 years old, that this affidavit is made upon my own personal knowledge, and that on the ____ day of _____, 20____, I served the attached Third Month Notice to the following parties at these stated addresses:

Property Owner

Original Contractor

Hiring Contractor

I served the attached document:

By personally delivering the notice to the identified parties;

By First Class Certified or Registered Mail service, return receipt requested, postage prepaid.

Signed this ____ day
of _____, 20____.

Agent for Party Providing Notice

Signed by: _____
Title: _____