

Lien Filing

South Dakota Department of Transportation

1. Company filing lien _____
2. DOT project number _____ County _____
3. Prime Contractor _____
4. Subcontractor (if you are a second-tier sub) _____
5. Type of work performed _____
6. Materials supplied _____
7. Dates work performed _____
8. Balance due \$ _____
9. Signature _____ Date _____

On this _____ day of _____, 200____, before the undersigned appeared
(name of the individual who signed number 9 above)

known to be the person whose name is subscribed on this lien filing, and acknowledged to me that he/she executed the same and was authorized by the company named in number 1 above, and did so of his or her own free act and deed.

Notary Public _____

State of _____

Residing at _____

My commission expires on _____

Instructions for filing lien

1. Company requesting lien.
2. The DOT project number [i.e., BRO 8042(2)] of the project for which you are owed money. Complete a separate filing for each project that you are owed money. County or counties the project is located in.
3. Prime contractor: self explanatory.
4. Subcontractor: Provide name of subcontractor only if your company worked under that firm as a second-tier subcontractor.
5. A brief description of the work you provided, but were not paid, such as -- hauled 50 tons of gravel from crusher to project, seeded 10 acres; installed 150 feet of three cable guard rail.
6. Materials you supplied by type and quantity or weight.
7. Dates you performed the work or supplied materials you were not paid for.
8. Balance of the money due you for services or materials provided.
9. Signature of majority owner of the company filing lien, and the date signed.
10. Have the lien filing notarized.
11. Keep a copy of the lien filing for your records.
12. Liens are to be filed only for projects where payment is due from the South Dakota Department of Transportation. The Department does not have authority to file a lien on projects let by another department or governmental entity.
13. This filing will withhold an amount of money sufficient to cover lien from funds due or to become due to the prime contractor.
14. Action to enforce or determine the validity of the lien may be brought by the claimant, the contractor, or the DOT in the Circuit Court for the county where the work or any part thereof shall be situated.
15. The lien shall cease to have any validity or be binding on the contractor or DOT unless an action to enforce the same shall be commenced within 30 days from the acceptance of the work for which the same shall be claimed.
16. Notwithstanding these instructions, the provisions of SDCL Chapter 5-22 govern liens relating to public improvement contracts.
17. Mail original form to:

Department of Transportation
General Legal Counsel
700 E Broadway Avenue
Pierre, South Dakota 57501-2586