



OFFICE OF CLERK OF COURTS
EAU CLAIRE COUNTY
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LIEN INFORMATION:

The following information is provided as a courtesy through the Clerk of Courts (here-after referred to as Clerk). This information should not be considered as a substitute for legal advice or services.

1. General Information:

- a. A Lien is a claim, encumbrance, or charge on property for payment of some debt, obligation, or duty. **Wisconsin** law provides a **lien** right to any person who “performs, furnishes, or procures any work, labor, service, materials, plans, or specifications, used or consumed for the improvement of land,” provided that the person complies with notice and filing requirements.
- b. Statutory Information on lien processes is covered in §779 of Wisconsin Statutes.
- c. Statutory Information on condominium liens is covered in §703 of Wisconsin Statutes.

2. Where a Lien may be filed:

- a. The Clerk files, records, and maintains lien and judgment records provided for by statute.
- b. The party submitting the lien is responsible for deciding what county the lien should be filed in.

3. Types of liens filed in the Clerk of Circuit Court may include the following:

- a. Construction Lien
- b. Condominium Lien
- c. Hospital Lien
- d. Wage Earner Lien
- e. Agricultural Deficiency Judgment/Lien

4. Some of the more common lien forms are:

- a. Claim for Lien (there are several different claim forms depending on the type of lien being filed)
- b. Notice of Intention
- c. Statement of Condominium Lien
- d. Prime Contractor’s Claim for Lien
- e. Subcontractor’s Claim for Lien
- f. Notice of Wage Lien

5. Where to get lien forms:

- a. The Clerk of Court does not have or provide forms for these types of filings.
- b. They can be purchased at an office supply business, googled &/or secured on-line, or drafted by you or your attorney.

6. Filing Fee: The fee to file a standard lien is \$5.00

7. Legal Procedure/Information:

- a. The party seeking to file the lien is responsible for compiling and submitting the lien in proper form to the Clerk.

- b. For information or details regarding specific types of liens, refer to § 779 and §703 of the Wisconsin Statutes or contact an attorney.
- c. Lien processes include providing proper and timely notice, documented proof of how and whom that notice was given to, then timely submitting the appropriate lien documents and fee to the Clerk for filing
- d. Each newly filed claim will be assigned a lien case number.
- e. Once the lien claimant files the claim, he/she may view it by searching on the claimant's name through the case management program in the county of filing.
- f. The lien must be filed in the county where the work was done or services performed.
- g. The lien and any accompanying documents must be filed within a specified timeframe per Wisconsin Statutes. That time frame varies depending on the type of lien being filed.
- h. Liens will need to be properly served on the other party, and proof of service on the debtor must be filed with the Clerk of Court at the time the lien is filed. Examples of proof of service include an affidavit of mailing and/or certified mail receipt.
- i. **Definitions:**
 - 1. **Claimant/Plaintiff/Creditor:** The claimant/plaintiff/creditor is the person or company filing the claim for lien.
 - 2. **Debtor/Defendant:** The debtor/defendant is the person the claim is being filed against.

8. A Claim for Construction Lien should contain the following information:

- a. **A statement of the contract** or demand upon which it is founded. Typically, this is a statement that the claimant performed a certain type of work for the owner at the direction of the owner or the owner's agent.
- b. The name of the person against whom the claim is made.
- c. The name of the claimant and any assignee.
- d. The last date on which the claimant performed any labor or furnished any materials on the job (within 6 months of filing the claim with the Clerk's office).
- e. **A legal description of the property** against which the lien is claimed.
- f. A statement of the amount claimed.
- g. The signature of the claimant or the claimant's attorney.
- h. **Notice to owner of intent to file.**

9. VALIDITY OF LIEN:

It is not the Clerk's role to determine if the lien is correctly done or proper. If the lien filing is challenged, it will become an issue for the Court to decide.

10. LEGAL ADVICE

If you are proceeding on your own, you are responsible for roles and decisions an attorney would otherwise handle. If you have legal questions, you are advised to consult an attorney or make a decision based on your own study and conclusions of the law. Legal resources include:

- There is a self help center available through the Wisconsin Court Website that can be accessed through: www.wicourts.gov
- Information on Wisconsin law is available electronically through a website located at: <http://wsll.state.wi.us/>
- **Free Legal Clinic:** There is a free legal clinic every third Wednesday of the month at the LE Phillips Memorial Public Library. The clinic operates on a first come first serve basis between the hours of 5:30p.m.-7:00 pm. Phone ahead to confirm clinic schedule (715) 839-1648.
- **For area attorney listings,** google or check your community resources.