

## Mechanics Liens

Directive #18-68  
Issued by:

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Edward B. McConnell  
Administrative Director

As you know, *N.J.S.A 2A:44-101* requires the plaintiff in a suit to enforce a mechanic's lien claim to file a Certificate of Commencement of Suit with the County Clerk of the county where the lien is recorded. This must be done within 10 days of the filing of the complaint. Occasionally the time limitation becomes critical, particularly when complaints are filed directly with the judge.

Accordingly, we have had printed a Certificate of Commencement of Suit. These forms will be pre-signed and sealed as are writs of attachment, *R. 4:60-6*, and require only that they be completed with the case name, dates and the signature of the county clerk for issuance.

Whenever an attorney produces the filed complaint in a mechanic's lien suit brought in county, that county's clerk shall issue the Certificate. The only thing lacking may be the Superior Court docket number but this is not required.

Your cooperation in this regard will be of service to the Bar and will be appreciated.

### EDITOR'S NOTE

Several changes have been made to reconcile the statutory requirements with the present system for direct filing. *N.J.S.A. 2A:44-101* requires a certificate of Commencement of Suit to be filed with the county clerk in a suit to enforce a mechanics lien. But direct filing of complaints with the county clerk has obviated the need to mail these certificates to Trenton for issuance. Therefore, the directive explaining the procedure has been amended, omitting all reference to the Superior Court Clerk's office.

The rule governing the issuance of a writ of attachment, *Rule 4:77-10*, has been replaced by *R. 4:60-6* in the second paragraph.