

NOTICE OF COMMENCEMENT

Name _____
Address _____

Tax Folio No. _____

Permit No. _____ **AFTER RECORDING FAX TO SANIBEL BUILDING DEPARTMENT: (239) 472-8826**

STATE OF _____
COUNTY OF _____

THE UNDERSIGNED hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property: (legal description of property and street address if available)

2. General description of improvement:

3. Owner information or Lessee information if the Lessee contracted for the improvement:
 - a. Name and address: _____
 - b. Interest in property: _____
 - c. Name and address of fee simple titleholder (if different from owner listed above): _____
4. Contractor:
 - a. Name and address: _____
 - b. Phone number: _____
5. Surety (if applicable a copy of the payment bond is attached):
 - a. Name and address: _____
 - b. Phone number: _____
 - c. Amount of Bond \$ _____
6. Lender:
 - a. Name and address: _____
 - b. Phone number: _____
7. Persons within the State of Florida designated by Owner upon who notices or other documents may be served as provided by Section 713.13(1) (a) 7, Florida Statutes:
 - a. Name and address: _____
 - b. Phone numbers of designated persons: _____
8. In addition to himself, Owner designates the following person(s) to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes:
 - a. Name and address: _____
 - b. Phone number of person or entity designated by Owner: _____
9. Expiration date of notice of commencement (the expiration date will be 1 year from the date of recording unless a different date is specified): _____

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

Signature of Owner or Lessee, or Owner's or Lessee's
Authorized Officer/Director/Partner/Manager

Signatory's Title/Office _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2__ (year) by ____

(name of person) as _____ (type of
Authority, ...e.g. officer, trustee, attorney in fact) for _____ (name of party on
Behalf of whom instrument was executed).

Signature of Notary Public – State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public
Commissioned Number

Personally Known ____ or Produced Identification _____

NOTICE OF COMMENCEMENT

FOR INFORMATIONAL PURPOSES ONLY, NOT REQUIRED TO BE RECORDED!

Florida's Construction Lien Law:

A Homeowner can protect their investment

According to Florida law, those who work on a property or provide materials, and are not paid-in-full, have a right to enforce their claim for payment against the property owner. This claim is known as a construction lien. If a contractor fails to pay subcontractors or material suppliers, or neglects to make other legally required payments, the people who are owed money may look to the property owner for payment, even if they have paid the contractor in full. This means if a lien is filed against the property, it could be sold against the will of the owner to pay for labor, materials or other services, which the contractor may have failed to pay. This page explains Florida Statute 713, Part 1, as it pertains to home construction and remodeling and provides tips on how a property owner can avoid construction liens on their property.

TIPS FOR HOMEOWNERS:

When hiring a contractor and the improvements cost more than \$2,500, a homeowner should know the following:

- The homeowner may be liable if they pay the contractor and he then fails to pay his suppliers or sub-contractors. There is a way to protect the homeowner: **A Release of Lien** is a written statement that removes the homeowner's property from the threat of lien. Before making any payment, the homeowner should be sure to receive this waiver from suppliers and subcontractors, covering the materials used and work performed.
- Request from the contractor, via certified or registered mail, a list of all contractors and suppliers who have a contract with the contractor to provide services or materials to the property.
- If the contract calls for partial payments before the work is completed, get a Partial Release of Lien covering all workers and materials used to that point.
- Before making the last payment to a contractor, obtain an affidavit that specifies all unpaid parties who performed labor, services or provided materials to the property. Make sure that the contractor obtains releases from these parties before making the final payment.
- The local authority that issues building permits is required to provide the NOC form. Always file a Notice of Commencement before beginning a home construction or remodeling project. The homeowner (or contractor) must record the form with the Clerk of the Court in the County where the property being improved is located. Also, post a certified copy at the job site. (In lieu of a certified copy, the homeowner may post an affidavit stating that a Notice of Commencement has been recorded. Attach a copy of the Notice of Commencement to the affidavit.)
- **In addition, the building department is prohibited from performing the first inspection if the Notice of Commencement is not also filed with the building department.** A homeowner can also supply a notarized statement that the Notice has been filed, with a copy attached.