

Dear Stewart Partners,

In this week's Mid-Week Update, we are providing a primer on Maine's mechanics lien laws. In addition, we are highlighting Signature Closers, a member of the Stewart family of companies, dedicated to providing on-demand notary services. Finally, we're sharing with you the release of Stewart's 2023 Sustainability Report.



A Primer on Mechanics' Liens in Maine By: Zachary I. Greenfield, Esq., Maine State Manager and Underwriting Counsel

As in most states, mechanics' liens exist by statute in Maine. That statute, 10 M.R.S.A. § 3251, provides as follows:

Whoever performs labor or furnishes labor or materials . . . or performs services as a surveyor, an architect, a forester . . . or an engineer, or as a real estate licensee, or as an owner-renter, owner-lessor, or owner-supplier of equipment used in erecting, altering, moving or repairing a house, building or appurtenances . . . or in constructing . . . clearing, grading, draining, excavating or landscaping of the ground adjacent to and upon which any such objects are constructed, or in selling any interest in land, improvements or structures, by virtue of a contract with or by consent of the owner, has a lien thereon and on the land on which it stands and on any interest such owner has in the same, to secure payment thereof, with costs. 10 M.R.S.A. § 3251.

Although the statute broadly defines those claimants entitled to mechanics' liens, any such claimant must strictly comply with all of the related statutory provisions in order to have the right to enforce their lien. From a real estate title perspective, it is therefore important to understand what steps a claimant must take for their claim to effectively encumber title to real estate.

Maine's statutory scheme divides the mechanics' lien process into three steps. As described above in 10 M.R.S.A. § 3251, the first step – lien creation – is accomplished by performing labor or supplying materials in connection with real estate. The second step – lien preservation – is achieved by recording a certificate of lien in the registry of deeds for the county in which the real estate is located "within 90 days after ceasing to labor, furnish materials or perform services," 10 M.R.S.A. § 3253(1), providing the owner a copy thereof by mail, 10 M.R.S.A. § 3253(1)(B), filing a lawsuit "within 120 days after the last of the labor or services are performed or labor, materials or services are so furnished," 10 M.R.S.A. § 3255(1), and recording a certificate of the court clerk in the registry of deeds. The final step – lien enforcement – occurs by obtaining a final judgment whereby the claimant may force

a sale of the property to recover the amount due. 10 M.R.S.A. § 3259. Although there are various exceptions and defenses set forth in the statutes, this is the general scheme.

According to Maine case law, a properly created, preserved, and enforced mechanic's lien will have priority over any party that had knowledge of, or consented to, the labor or materials. Importantly, this can include mortgage lenders, especially those making construction loans. For that reason, deleting the mechanic's lien exception from a non-construction loan policy requires confirmation – often by an affidavit given by the borrower and/or seller – affirming that no one has provided labor or materials during the lien preservation period for which they haven't been paid. Deleting the mechanics' lien exception from construction loan policies is far riskier and always requires underwriter approval. Your Stewart underwriters are always prepared to assist you with these requests. Additional information about mechanics' liens in Maine is available in Virtual Underwriter by following this link: [Maine Mechanic's Liens](#)



Signature Closers

Signature Closers, a Stewart owned company, provides vetted and professional notary services in all 50 states. With the growing concern around vacant land fraud, we understand the need to find qualified and trustworthy notaries to assist with signings all over the country. Trusting the notary process is essential anytime parties to the transaction cannot attend the closing or sign documents in person at your office. Signature Closers' notaries go through an extensive vetting process with yearly background checks and the confirmation of E&O insurance. Once you become a customer of this service, the online portal to schedule your signing is intuitive and user-friendly. For more detailed information and to schedule a demo, reach out to your agency sales manager or representative.



Stewart Release Sustainability Report

Recently, we published externally on stewart.com our fourth annual Sustainability Report, continuing to highlight the progress Stewart has made in key areas around our environmental impact, social commitment, and governance. Our purpose is clear. We are Committed to Ensuring a Better Home for All. [Read our full report here.](#)

As we celebrate Stewart's 130-year anniversary, it's important that we continue forward on a path of sustainability that will lead to another 130 years. Our hope is that generations can look back on what we started and the path we put ourselves on will create a better business and future for our employees, our customers, and the greater world community. The 2023 report shares our company's progress and actionable steps forward on important initiatives, including but not limited to:

- Enhancing our health and welfare programs, including launching a new Wellness Program, adding Childbirth and Bonding Paid Leave, and expanding Short-Term Disability;
- Launching global Code of Conduct training to improve our culture, productivity and overall performance; and
- Increasing our charitable giving and partnering with Rebuilding Together in nine cities across the U.S. to volunteer and strengthen homes in those communities.

This is only scratching the surface of the achievements and progress we have highlighted in the 2023 Sustainability Report. As Stewart’s CEO Fred Eppinger says in his letter leading off the report, “Our employees and leaders have put in a tremendous amount of effort to continue to evolve and advance Stewart, allowing us to build a company that our local communities can be proud of, a partner of choice. Our commitment to sustainability is woven into the very fabric of the company and is part of every decision we make as we pursue excellence in every interaction we have with our customers.”



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