Due to legislation which replaced Lien Law § 19(4) in 2002 (Chap. 582), application to the Court to fix correct bond amounts and a specific court order to discharge the lien due to a bond are no longer necessary. Now a 110% bond from an authorized surety served on the adverse party and filed with the County Clerk is sufficient to "discharge lien." The following Notice to County Clerk is one method to accomplish the discharge of the lien in order to remove lien cloud on title.

NOTICE TO COUNTY CLERK AS TO MECHANIC'S LIEN BOND
PURSUANT TO LIEN LAW § 19(4)a TO DISCHARGE LIEN*

Date:_____

To: Appropriate County Clerk

Mechanic's Lien Division

Street Address

Anywhere, New York Zip Code

From: Attorney for Owner or Contractor

Street Address

Anywhere, New York Zip Code

Re: Bond to Discharge Mechanic's Lien on Real Property

1. On or about _____, 2010 the *Subcontractor Company, Street Address, Anywhere, New York Zip Code*, filed a mechanic's lien in the sum of $10,000 dollars with your office. (See lien Exhibit A).

2. Pursuant to Lien Law § 19(4)(a) a Mechanic's Lien Bond from [Name of Surety] in the sum of $11,000 dollars [110% of the lien sum] is separately enclosed to discharge said lien. [Enclose original and one copy of bond for clerk's use] (See Exhibit B).

3. A Certificate of Qualification authorized by the New York State Superintendent of Insurance pursuant to Insurance Law § 1111 (See Exhibit C-1) and an appropriate resolution of the board of directors of said surety are attached to the Bond (See Exhibit C-2).

4. Said Certification of Qualification has not been revoked as duly noted by the surety's authorized representative (Exhibit D) [may not be necessary if language already in board resolution].

5. An exact copy of the Bond and all attachments have also been served upon the adverse party (lienor). See affidavit of service (Exhibit E).

6. Please stamp the extra copy of this "notice" also enclosed acknowledging receipt of the bond and documents and confirming discharge of the lien due to the bond and return same in the pre-addressed envelope also provided.

Sample

Respectfully Submitted,

By_____

Alvy & Tablante, LLP

Attorneys for Owner (or Contractor)

3000 Marcus Avenue, Suite 3W2

Lake Success, New York 11042

516-328-7181

Sample