

CONSTRUCTION LIEN ACT (EXCERPT)
Act 497 of 1980

570.1118a Attachment of claim to residential structure; affidavit; rebuttable presumption of payment by owner or lessee to contractor.

Sec. 118a.

(1) A claim of construction lien does not attach to a residential structure, to the extent payments have been made, if the owner or lessee files an affidavit with the court stating that the owner or lessee has paid the contractor for the improvement to the residential structure according to the contract, indicating in the affidavit the amount of the payment. The owner or lessee shall attach to the affidavit copies of the contract, any change orders, and any evidence of the payment that the owner or lessee has, including, but not limited to, a canceled check or a credit card or other receipt.

(2) If there is no written contract between the owner or lessee and the contractor as required by section 114, the filing of an affidavit under this section creates a rebuttable presumption that the owner or lessee has paid the contractor for the improvement. The presumption may be overcome only by a showing of clear and convincing evidence to the contrary.

History: Add. 2010, Act 147, Imd. Eff. Aug. 23, 2010