

IC 32-28-6

Chapter 6. Release of Mechanic's Liens

IC 32-28-6-1

Failure to release lien; damages

Sec. 1. (a) If:

- (1) a person owns or has an interest in real estate to which a mechanic's lien has been attached;
- (2) the debt secured by the lien has satisfied or paid; and
- (3) the person who owns or has an interest in the encumbered real estate demands that the lien be released;

the lienholder shall release the lien within fifteen (15) days after the demand.

(b) If the lienholder does not release the lien within fifteen (15) days after the demand, the lienholder is liable to the person who owns or has an interest in the real estate to which the mechanic's lien has been attached for the greater of:

- (1) actual damages; or
- (2) liquidated damages in the sum of ten dollars (\$10) per day from the fifteenth day until the release or expiration of the lien.

(c) A person who owns or who has an interest in real estate to which a mechanic's lien has been attached may, at any time thirteen (13) months after the date of the filing of the notice of the lien, file in the office of the recorder of the county in which the real estate is situated an affidavit stating that no suit for the foreclosure of the lien is pending and that no unsatisfied judgment has been rendered on the lien.

As added by P.L.2-2002, SEC.13.

IC 32-28-6-2

Certification of lien satisfaction

Sec. 2. If a person who owns or has an interest in real estate encumbered by a mechanic's lien files the affidavit described in section 1(c) of this chapter, the recorder of the county in which the encumbered real estate is situated shall immediately record the affidavit and certify on the record of the lien that the mechanic's lien is fully satisfied and that the real estate described in the mechanic's lien is released from the lien. The fee of the recorder for the filing and recording of the affidavit shall be an amount prescribed by law and shall be paid by the person filing the affidavit.

As added by P.L.2-2002, SEC.13.