

## **MECHANIC'S LIENS**

Mechanic's liens are filed by a repair shop when a vehicle has been left with them for repair and not picked up. The filing fee is \$32.00, plus any required certified mail postage fees. The Plaintiff must submit an affidavit along with the work or repair order, a copy of the DMV print out for the vehicle and proof of notices sent prior to filing the affidavit.

1. A vehicle must have been left by the owner/lessee or by the authority of the owner/lessee for repairs and be unclaimed.
2. The mechanic/repair shop must do a title search to determine if there is a lien holder or security interest holder. This can be done by furnishing the Department of Revenue, the Georgia Bureau of Investigation or the local tag office with the vehicle identification number and the license number. If you think the vehicle is registered in another state, you must check that state's records.
3. All parties must be notified by certified or registered mail, return receipt requested, of the fact that the vehicle has been left with you for repair and unclaimed. Any owner and/or lien holder wishing to claim the vehicle has ten days to pay the bill or surrender the title. Proof of such notice must be furnished to the Court when the lien is filed.
4. If the owner, or lien holder fails to comply, a lien can then be filed.
5. You must attach a copy of the work order authorizing the repair to the Court's copy of the affidavit when filing.
6. All owners and/or lien holders will then be served by the Court via certified return receipt mail. They have five days from the date of service to contest the lien.
7. If an answer is filed, a probable cause hearing will be set to determine the validity of the debt.
8. If an answer is not filed, an order may issue on the sixth day allowing the sale of the vehicle, free and clear of all other liens, to satisfy the debt.

## **DISCLAIMER**

The information in this hand-out is to explain the procedural process. Further information and/or questions can be answered by reading O.C.G.A. § 40-3-52 through 40-3-54, or by consulting with an attorney.