

COLORADO LIENS AND CLAIMS HANDBOOK

FOURTH EDITION



BY
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SUPPLEMENTED BY
GILBERT EGLE

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PUBLISHER'S NOTE

The *Colorado Liens and Claims Handbook* is an extensive treatise on mechanics' liens in Colorado. This 2013 Supplement provides essential updates to Chapters 2, 4, 6, and 8, and replaces forms and statutes as necessary in the Appendices at the back of the book. The Subject Index and Table of Authorities, which offer quick "at-a-glance" internal references, have also been updated to reflect these changes. This publication has been carefully updated for several years by attorney Gilbert Egle, who has tirelessly devoted many hours of his time preparing the 2013 Supplement. We are extremely grateful to him for his invaluable contributions.

We would also like to recognize and thank Jack Greenwald, the original author of this fine treatise, for providing CLE in Colorado with this comprehensive work that is helpful to practitioners, contractors, suppliers, and others. It has been a pleasure and an honor to work with Mr. Greenwald, and we thank him for all of his contributions to *Colorado Liens and Claims Handbook*.

As with all of our publications, CLE in Colorado is constantly striving to provide Colorado practitioners with the most up-to-date and helpful material possible. We welcome feedback from our readers, and if there is a way that we can improve *Colorado Liens and Claims Handbook*, please send suggestions or comments to Lisa Travis Fischer, ltravisfischer@cobar.org.

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AUTHOR'S NOTE

As the supplement author for the *Colorado Liens and Claims Handbook*, I want to acknowledge and thank Jack Greenwald, Esq. for this opportunity. Jack's many years of hard work and dedication to the field of liens and claims are reflected in this volume that he authored and updated for many years. All who practice in the field of liens and claims, and the many people in the construction industry who have benefited from this information, have Jack to thank for this comprehensive work.

I will continue to strive to make the *Colorado Liens and Claims Handbook* a useful and important resource for construction law practitioners throughout the state of Colorado. With that in mind, I continue to solicit and welcome input from readers. Please feel free to send your comments and suggestions to me or to Lisa Travis Fischer, Colorado Bar Association, CLE, at ltravisfischer@cobar.org.

Sincerely,
Gilbert R. Egle, Esq.
March 2013

AUTHOR'S NOTE (2002)

This is the fourth edition of Colorado lien and claims law. The first edition was printed in 1978. This edition has been completely redesigned for the legal profession.

For each edition, we mention just some of those attorneys who have made available their files and appellate work to enhance this volume. Thus, we wish to thank John J. Barry, Esq. of Greeley and Stephen J. Lebel, Esq. of Colorado Springs. We also acknowledge the invaluable assistance of Dean David Gosser, Esq. of the University of Colorado.

We pay tribute to the attorney who caused me to spend the last 35 years in the liens and claims field, my former partner, Mr. Jacques A. Machol, Jr.

And last but not least, I thank my editor, advisor, and proofreader, the managing editor of CLE in Colorado, Inc., Laura B. Embleton, Esq., together with her associate who has rendered valuable assistance in this endeavor, Ellen Buckley, Esq.

Jack Greenwald, Esq.
December 2002

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Gilbert R. Egle, Esq., brings twenty-eight years' experience to the law firm of Preeo Silverman Green & Egle, P.C. He is admitted to practice in Colorado federal and state courts and the U.S. Court of Appeals for the Tenth Circuit. Mr. Egle earned his law degree from the University of Wyoming. Mr. Egle is a member of the Denver and Colorado Bar Associations, and a member of the Colorado Bar Association Construction Law and Real Estate Sections.

Mr. Egle is a frequent speaker on construction topics to contractors and other construction professionals and teaches a class to contractors on construction contracts. He has also authored articles published in various journals and construction-related publications. In addition to his work on the *Colorado Liens and Claims Handbook*, he is also the author for the Colorado section of the Internet publication, "Lien Law Online," which can be found at www.lienlawonline.com. He is a member of the Rocky Mountain Surety Association, the American Subcontractors Association (ASA), and the Design Build Institute of America, Rocky Mountain Chapter. He is also a past Chairman of the Board for the Cherry Creek Chamber of Commerce.

Mr. Egle actively represents clients in a wide range of business, litigation, and construction matters. His construction practice includes representation of owners, general contractors, subcontractors, and suppliers in contract drafting and negotiations, mechanics' liens, verified claims, litigation, and arbitration involving claims and construction issues.

Jack Greenwald, Esq.

Jack Greenwald, Esq., received his Bachelor of Science of Law degree from the University of Denver in 1950 and a J.D. from the University of Denver College of Law in 1952. He has been a member of the bar since that year and has been practicing law in Denver continuously since 1952. For 35 years, Mr. Greenwald has specialized in the area of mechanic's liens and public works project claims in the State of Colorado. Mr. Greenwald has acted as a consultant to many attorneys with problems in this field throughout Colorado, and has testified as an expert in the area of mechanic's liens. He has lectured at law seminars and has spoken to many construction trade groups on the subject of mechanic's liens and public works project matters.

The first edition of *Liens and Claims*, authored by Mr. Greenwald, was published in 1978 by Broadway Legal Publishing Company. The Second Edition was published by CLE in Colorado,

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Inc. (CBA/CLE) in 1985, and supplemented in 1987 and 1991. The Third Edition of *Liens and Claims* was published by CBA/CLE in 1996.

In 1999, Mr. Greenwald authored the “Liens” chapter in CBA/CLE’s *The Practitioner’s Guide to Colorado Construction Law*. Mr. Greenwald wrote a supplement to the chapter in 2002. In addition, he has written several articles on the subject for *The Colorado Lawyer*.

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