

**CONSTRUCTION LIEN ACT (EXCERPT)**  
**Act 497 of 1980**

**570.1128 Failure to commence proceedings to enforce lien within time provided by law; certificate; recording; affidavit showing time statement or claim of lien recorded.**

Sec. 128.

If any statement or claim of lien has been recorded in the office of a register of deeds, and the time within which proceedings to enforce the lien through foreclosure has elapsed without commencement of the proceedings, a person with an interest in the real property affected by the lien, or that person's agent or attorney, may make and present to the county clerk of the county in which the statement or claim of lien was recorded, an affidavit showing the time when the statement or claim of lien was recorded and the names of the parties to the statement or claim of lien. The county clerk shall examine the records of his or her office, and if it appears that proceedings to enforce the lien have not been commenced with the time provided by law, the county clerk shall execute and deliver to the owner a certificate of that fact, bearing the seal of the circuit court. The certificate may be recorded in the office of the register of deeds for the county where the statement or claim of lien was recorded, after which the statement or claim of lien shall have no effect.

**History:** 1980, Act 497, Eff. Jan. 1, 1982