

SEMI NAR

NEW MECHANICS LIEN REQUIREMENTS "RESIDENTIAL" PROJECTS

Friday, September 10 (9:30 am - 12:00 noon)
Truman Hotel (Hermitage Room), Jefferson City

Sponsored by:



Associated General
Contractors of Missouri

Presented by:

Carson and Coil, PC



Co-Sponsored by:

Missouri Limestone
Producers Association



Missouri Asphalt
Pavement Association



Missouri Concrete
Association



The 2010 Missouri General Assembly passed and the Governor signed "residential mechanics lien" legislation effective August 28, 2010. The legislation (HB 1692 and HB 2058) imposes **new notice requirements on potential lien claimants**. **New requirements apply to closings on sales of "residential property" occurring on or after November 1, 2010.**

"Residential real property" is broadly defined as the original construction of any number of residential units for purposes of sale and "commercial" elements within those residential units. **The legislation requires potential lien claimants to file a notice of lien rights with the county recorder of deeds not less than five calendar days prior to the "date of closing", on sale of "residential property".**

Your business will be impacted by the new mechanic's lien legislation if:

- Your company does **grading, excavation or other site development work** for purposes of original construction of "residential real property" or "mixed use developments" as defined by the statute.
- Your company **paves streets or sidewalks, builds utility services or improved common areas or other facilities** within the defined residential use structures or mixed use developments.
- Your company **sells materials, including asphalt, concrete, aggregate, water or sewer pipe or appurtenances or other building materials** to persons engaged in the original construction of "residential real property" or "mixed use developments", which are intended for resale to other person(s).

The **subcontractor or supplier may not know if he will be paid** at the time the initial notice is filed. It may also be difficult to know the **legal name of the owner, legal description** of the property and **date of closing on the sale**. For those AGC, MLPA, MAPA, and MCA members doing business for residential developments, the new requirements present challenges in day to day operations.

The above sponsors and co-sponsors have **engaged the construction law firm of Carson and Coil, PC of Jefferson City** to present a **two and one-half hour seminar** on **Friday, September 10** to help members of sponsoring organizations meet the challenges of the new requirements. (For more information on the presenters, see the reverse of this page.) **A 2.5 hour continuing education credit will be available to P.E.s attending the seminar.**

Please return the **attached Registration Form** to reserve space for your company. We have already had about sixty individuals express interest in the seminar. **Space is limited!** Registrations for the seminar will be accepted on a first come first served basis.

The registration deadline is September 1.

If there are any questions contact AGC at 573-636-3188 or e-mail dmassman@agcmo.org.

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SEMINAR PRESENTERS

Carson & Coil, P.C.
Jefferson City, Missouri
Ph: (573) 636-2177; Fax: (573) 636-7119



Paul Graham

Mr. Graham is a trial attorney who has tried numerous jury trials over a period of 28 years in the areas of construction and mechanic's lien law, products liability, medical malpractice, personal injury, and business law; and numerous trials in the area of disability law.

Areas of Practice: Construction Law, mechanic's liens and bonds, arbitration, warranty law, business litigation, products liability, workers compensation, Social Security disability, health insurance, and medical malpractice defense.

Bar Admissions: Missouri, 1982; U.S. Court of Appeals 8th Circuit, 1983; U.S. District Court Western District of Missouri, 1983

Education: University of Missouri Columbia School of Law, Columbia, Missouri, 1982 - J.D.; University of Missouri-Columbia, Columbia, MO, 1979 - Ph.D.; Kansas University, Lawrence, Kansas, 1973; Exeter College, Oxford University, England, 1972; Emporia State University, Emporia, Kansas; B.S.E. 1970; M.A. 1971.

Mr. Graham came from Kansas to Missouri in 1973. After completing his Ph.D. and law degrees at the University of Missouri Columbia, he served as law clerk for the Honorable J.P. Morgan, Judge of the Missouri Supreme Court and the Honorable George Gunn, Judge of the Missouri Supreme Court. Following his Supreme Court clerkship, Mr. Graham joined Carson & Coil in 1983, where he practiced until 1988, where he began practiced as a partner in the firm of Brandecker, Smull & Graham in Columbia. Returning to his friends at Carson & Coil in 1996, Mr. Graham has been a partner since 1999.

Outside the law, Mr. Graham teaches an occasional class in Business Law, English Literature, or Mark Twain at Columbia College in Jefferson City or at Central Methodist College in Fayette, Missouri. His Ph.D. dissertation written at the University of Missouri is pending publication.



Charles A. "Chip" Gentry

Mr. Gentry, a trial attorney, handles numerous lawsuits involving construction defect, class action, and insurance litigation throughout the United States. Mr. Gentry is currently serving as the national coordinating attorney for manufacturing clients involving hundreds of properties throughout the country. He also represents a number of window and door manufacturers coast to coast. He is specifically committed to protecting and providing "preventive advice" to the window and door industry. Additionally, Mr. Gentry routinely speaks around the country including the National Glass Association and Glass Management Institute events.

During his legal education, Mr. Gentry served as an intern for the Honorable Harold L. Lowenstein of the Missouri Court of Appeals, Western District and also worked at a large St. Louis insurance defense law firm obtaining valuable experience. Mr. Gentry joined Carson & Coil, P.C. in 1997, becoming a Partner in 2001.

Among his extensive civic and volunteer work, Mr. Gentry serves on the Regional Board of Directors for Easter Seals, is a member and attorney for the Jefferson City Jaycees, the Missouri State Jaycees and is an Eagle Scout. Mr. Gentry received the Missouri Jaycees 2003 Outstanding Missourian Award for his career and volunteer accomplishments.

Mr. Gentry is also an active instrument rated pilot flying approximately 300 hours per year for legal business and charity work for Angel Flight Central.

Mr. Gentry's wife, Pam, and he live in Jefferson City with their two children, Alexander Cole Gentry and Grace Marie Gentry.

Areas of Practice: Construction Defect; Insurance Defense

Bar Admissions: Missouri, 1997; U.S. District Court Western District of Missouri, 1997

Education: University of Missouri Columbia School of Law, Columbia, Missouri-J.D.; University of Missouri-Columbia, Columbia, Missouri; A.B. Political Science