

Fidelity and Surety Bond Agency

Discharging a Mechanics Lien for Public Improvements (Effective 1/1/2003 under NYS Lien Law Section 21)

- A “Data Correct” stamped copy of the Mechanics Lien is to be discharged (From Docket Section)
- A **Surety Bond in the Amount of 110% of the Lien Amount**. The Bond should contain the following:
 - Bond must state: “As Surety, are held and firmly bound unto the New York State Office of the State Comptroller and/or New York State (The appropriate State Agency) “
 - Contain Index Number
 - Acknowledgement Signatures of the Principal and the Surety
 - The Block and Lot Numbers of the Property
 - The Name of the Owner of the Property
 - The Address of the Property
 - The Original Amount of the Lien
 - The Date the Lien was Filed
 - A Statement that the Surety is authorized to do business in the State of New York, or a “Certificate of Solvency” under Subsections 327 and 1111 of the New York Insurance Law form should be attached to the Bond
 - Certified Copy of Resolution of Board of Directors of Surety Company authorizing execution by Officers or Attorney.
- An originally signed **Affidavit of Service** of a Copy of the Bond on the Lienor (Or the Lienor’s Attorney, if this information is provided in the Lien). The Bond must be served prior to discharging it
- An **Affirmation (From an Attorney)** requesting that the County Clerk discharge the Lien pursuant to Section 19 (4) of the Lien Law, and identifying the Lien to be discharged.

Send completed Forms to:

Office of the State Comptroller
110 State Street
10th Floor – Offset Unit
Albany, NY 12236