

Putting a Lien on Someone's House

There are several ways to put a lien on someone's house, but they all require either the person's signature, a winning a case against them in court, or a special status such as you being a building contractor working on the property.

Deed of Trust with Promissory Note

If you are lending someone money, it is a good idea to get a written contract, or *promissory note*, in which they commit to paying you back. However, a written promise to repay you by itself is not enough to create a lien. The borrower must also sign a *deed of trust*, which is essentially the California version of a mortgage.

If you are considering lending money to someone and using their real estate as collateral, you can find instructions and forms in our guide on creating a [Deed of Trust and Promissory Note](https://saclaw.org/resource_library/deed-of-trust-and-promissory-note/)

(https://saclaw.org/resource_library/deed-of-trust-and-promissory-note/).

Mechanics' Lien

You can record a mechanics' lien against a piece of real estate if you "furnish labor, service, equipment, or material to a private work of improvement." In other words, it is limited to contractors, subcontractors, and suppliers working on a construction or improvement to that specific real estate. There are time limits, and most claimants are required to give the owner a preliminary notice within 20 days of starting work or furnishing supplies or equipment.

You can find out more about filing a mechanics's lien in our guide [Mechanics Liens: Placing and Releasing Contractors Claims](https://saclaw.org/resource_library/mechanics-liens-placing-and-releasing-contractors-claims/) (https://saclaw.org/resource_library/mechanics-liens-placing-and-releasing-contractors-claims/).

File an Abstract of Judgment after Winning a Lawsuit

If neither of these situations fits your needs, but you still want to file a lien based on a debt, you will have to wait until they breach their promise and you win a lawsuit against them. Any time you win a lawsuit, you can put a lien on the defendant's real estate by recording an Abstract of Judgment in the Recorder's Office of the county where the real estate is located.

If you have already won a judgment, find out more about how to do this in our guide on [Abstract of Judgment: Putting a Lien on Real Estate after a Judgment](https://saclaw.org/resource_library/ej-abstract-of-judgment/). (https://saclaw.org/resource_library/ej-abstract-of-judgment/)

If the borrower has already breached the agreement, but you have not sued them, you will need to do that prior to getting a lien. You can find basic information about the steps to file a lawsuit in our guide on [Filing a Complaint to start a Civil Lawsuit in California](https://saclaw.org/resource_library/filing-a-complaint-to-start-a-civil-lawsuit-in-california/). (https://saclaw.org/resource_library/filing-a-complaint-to-start-a-civil-lawsuit-in-california/)

Date Created

05/10/2024