

COURT OF APPEALS OF MARYLAND

Arfaa v. Martino, 404 Md. 364

946 A.2d 995 (2008) · No. No. 101, Sept. Term, 2006 · Decided April 18, 2008

SUMMARY

The Maryland Court of Appeals held that a petition for a mechanics' lien sufficiently identified the subject building by its street address when read together with attached documents, including tax records and photographs. The court also held that a lien claimant's failure to seek designation of the boundaries of land adjacent to the building was not grounds for dismissal because boundary designation under Maryland law is optional. The court affirmed the judgment of the Court of Special Appeals and remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Bell, Chief Judge; Bell, C.J.; Raker, J.; Cathell, J.; Harrell, J.; Battaglia, J.; Greene, J.; Alan M. Wilner, J. (Retired, Specially Assigned)
JURISDICTION	Maryland
DECIDED	April 18, 2008
DOCKET	No. 101, Sept. Term, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	The property owners appealed from the Court of Special Appeals' judgment vacating dismissal of a subcontractor's petition to establish a mechanics' lien and remanding for further proceedings. The Court of Appeals granted certiorari and affirmed.
STANDARD OF REVIEW	The sufficiency of a petition on a motion to dismiss is reviewed by assuming the truth of well-pleaded facts and reasonable inferences, viewing them in the light most favorable to the petitioner, and determining whether the allegations would afford relief if proven.
PRECEDENTIAL VALUE	published precedential opinion of the highest court of Maryland
PARTIES	Manoochehr Arfaa, Dottie Arfaa v. Christopher Martino, d/b/a Do-It-All Construction, Inc.

TOPICS

mechanics liens

construction law

statutory interpretation

motions to dismiss

civil procedure

PRACTICE AREAS

construction law

real estate

civil procedure

QUESTIONS PRESENTED

1. Whether Martino's petition sufficiently described and identified the building subject to the requested mechanics' lien under Maryland Code, Real Property Article § 9-105(a)(1)(iv).
2. Whether a subcontractor seeking a mechanics' lien must designate the boundaries of land adjacent to the building when the building is located on a large parcel arguably containing more land than is reasonably necessary for the building's ordinary and useful purposes.

HOLDINGS

1. A mechanics' lien petition sufficiently identifies the subject building when it identifies the building by the property's street address and is supplemented by attached documents, including a tax parcel description, affidavit, and photographs showing distinctive features of the structure. Martino's petition therefore was sufficient to withstand a motion to dismiss.
2. A subcontractor's failure to designate the boundaries of land adjacent to the subject building is not a mandatory pleading defect and does not require dismissal of a mechanics' lien petition. The statutory and rule-based procedure for designating boundaries is permissive, and an owner or other interested person may seek designation.

KEY QUOTATIONS

“We agree and hold that identifying in the petition the building to which to attach the lien, the Arfaas' residence, by its mailing address (with both a street number and 9-digit zip code), is sufficient to withstand the Arfaas' motion to dismiss.” (404 Md. at 375, 946 A.2d at 1001)

“The failure to do so, however, is not a fatal defect in a petition for a mechanics' lien, which mandates or even permits dismissal of the petition. Applying for designation of boundaries is optional, not mandatory.” (404 Md. at 382, 946 A.2d at 1008)

“Our cases make clear that the fact that Martino's petition for mechanics' lien was not limited and, indeed, sought a lien against the entire 73+ acres of land, on which the Arfaas' residence was located, is not grounds for its dismissal.” (404 Md. at 383, 946 A.2d at 1009)

FACTUAL BACKGROUND

A fire damaged the Arfaas' residence on their 73.77-acre property, and the Arfaas hired Belfor USA Group, Inc. to manage repairs and renovations. Belfor subcontracted with Keith Parker Construction Company, which in turn subcontracted with Martino's company. Martino performed approximately nine weeks of substantial demolition, reconstruction, framing, roofing, flooring, and related work, invoiced Parker \$93,145, and received only \$23,650, leaving an unpaid balance of \$69,495. Martino timely served notice of intent to claim a lien and filed a

petition identifying the property by street address, tax map and parcel number, and attached photographs and other documents describing the residence and work.

PROCEDURAL HISTORY

Martino, a subcontractor who performed repair and renovation work on the Arfaas' residence, filed a petition in the Circuit Court for Harford County seeking a mechanics' lien for an unpaid balance. The circuit court dismissed the petition, concluding that the petition did not adequately identify the building. The Court of Special Appeals vacated and remanded, holding that the building description was sufficient and that the failure to designate boundaries for adjacent land did not require dismissal. The Court of Appeals affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

No new remand was ordered by the Court of Appeals; it affirmed the Court of Special Appeals' judgment vacating the dismissal and remanding to the circuit court for further proceedings not inconsistent with the appellate opinion.

CASES CITED

- Martino v. Arfaa, 169 Md. App. 692, 906 A.2d 945 (2006)
- Arfaa v. Martino, 396 Md. 11, 912 A.2d 648 (2006) (table)
- Winkler v. Jerome, 355 Md. 231, 734 A.2d 212 (1999)
- T. Dan Kolker, Inc. v. Shure, 209 Md. 290, 121 A.2d 223 (1956)
- Freeform Pools v. Strawbridge, 228 Md. 297, 179 A.2d 683 (1962)
- Aviles v. Eshelman Elec. Corp., 281 Md. 529, 379 A.2d 1227 (1977)
- Reisterstown Lumber v. Tsao, 319 Md. 623, 574 A.2d 307 (1990)
- Morris v. Osmose Wood Preserving, 340 Md. 519, 667 A.2d 624 (1995)
- A.J. Decoster Co. v. Westinghouse, 333 Md. 245, 634 A.2d 1330 (1994)
- Sharrow v. State Farm Mutual Auto. Ins. Co., 306 Md. 754, 511 A.2d 492 (1986)
- Faya v. Almaraz, 329 Md. 435, 620 A.2d 327 (1993)
- Figueiredo-Torres v. Nickel, 321 Md. 642, 584 A.2d 69 (1991)
- Board of Education v. Browning, 333 Md. 281, 635 A.2d 373 (1994)
- Carroll v. Konits, 400 Md. 167, 929 A.2d 19 (2007)
- McNack v. State, 398 Md. 378, 920 A.2d 1097 (2007)
- Ricketts v. Ricketts, 393 Md. 479, 903 A.2d 857 (2006)
- Allied Invest. Corp. v. Jasen, 354 Md. 547, 731 A.2d 957 (1999)
- Bobo v. State, 346 Md. 706, 697 A.2d 1371 (1997)
- Fulton v. Parlett, 104 Md. 62, 64 A. 58 (1906)

- *Caltrider v. Isberg*, 148 Md. 657, 130 A. 53 (1925)
- *Mervin L. Blades & Son v. Lighthouse*, 37 Md. App. 265, 377 A.2d 523 (1977)
- *Scott & Wimbrow v. Wisterco Inv., Inc.*, 36 Md. App. 274, 373 A.2d 965 (1977), cert. denied, 281 Md. 743 (1977)
- *Md. Overpak Corp. v. Mayor & City Council of Balt.*, 395 Md. 16, 909 A.2d 235 (2006)
- *Kushell v. Department of Natural Resources*, 385 Md. 563, 870 A.2d 186 (2005)
- *Trail v. Terrapin Run, LLC*, 403 Md. 523, 943 A.2d 1192 (2008)
- *Attorney Grievance Comm'n v. Whitehead*, 390 Md. 663, 890 A.2d 751 (2006)
- *Board of Physician Quality Assurance v. Mullan*, 381 Md. 157, 848 A.2d 642 (2004)
- *Brodsky v. Brodsky*, 319 Md. 92, 570 A.2d 1235 (1990)
- *Barry Properties v. Fick Bros.*, 277 Md. 15, 353 A.2d 222 (1976)