

The State of New Hampshire

MERRIMACK, SS

SUPERIOR COURT

A & E Flooring, Inc.

v.

**SAMCO Holdings, LLC &
Great Pine Construction Management, LLC**

NO. 09-C-008

ORDER ON PETITION TO ATTACH

Based on the offers of proof, the Court finds that SAMCO Holding, LLC ("SAMCO") provided adequate proof to show that, on January 2, 2009, when A & E Flooring, Inc. ("A & E") gave SAMCO notice of its lien, the maximum amount SAMCO owed to its general contractor, Great Pine Construction Management, LLC ("Great Pine"), was \$3,860. Pursuant to RSA 447, A & E's mechanic's lien is limited to the amount due upon notice of its lien. The parties do not dispute for purposes of this hearing that Great Pine owes A & E, its subcontractor, for the work A & E performed at SAMCO's property.

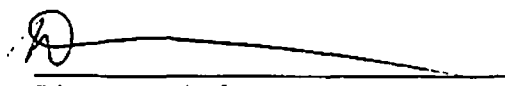
The Court declines to allow SAMCO to place in escrow \$3,860 in lieu of an attachment. RSA 447 provides a subcontractor a statutory right to a mechanic's lien. Although the petitioner did not convince the court that the escrow funds would not provide comparable security, unlike a bond, the respondent provided no authority for its request nor does RSA 447 provide for any alternate form of security.

Accordingly the attachment shall remain in effect, but is reduced to \$3,869.

SO ORDERED.

5/11/09

DATE



Diane M. Nicolosi
Presiding Justice