



Court Has No Inherent Power to Vacate a Notice of Lien Which Is Valid on Its Face—Validity of Lien Must Be Determined in Foreclosure Proceeding

The Second Department noted that a court has no inherent power to vacate a notice of lien which is valid on its face. Determination of the validity of the lien must await trial by foreclosure:

A court has no inherent power to vacate or discharge a notice of lien except as authorized by Lien Law § 19(6) Lien Law § 19 enumerates the grounds for the discharge of a mechanic's lien interposed against a nonpublic improvement Where, as here, the notice of lien was not invalid on its face, any dispute regarding the validity of the lien must await trial thereof by foreclosure [Rivera v Department of Hous. Preserv. & Dev. of City of New York, 2015 NY Slip Op 06126, 2nd Dept 7-15-15](#)