

# LIENS

## CHAPTER 359

HOUSE BILL NO. 1377  
(Representatives Martin, Knudson)  
(Senator Quail)

### THRESHING LIEN FILING PERIOD

AN ACT to amend and reenact section 35-07-02 of the North Dakota Century Code, relating to the time within which a threshing lien must be obtained.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 35-07-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-07-02. PROCEDURE TO OBTAIN LIEN - STATEMENT FILED - CONTENTS - WAIVER. Any person entitled to a threshing lien, within ~~thirty~~ ninety days after the threshing or combine threshing is completed, shall file in the office of the register of deeds of the county or counties in which the grain was grown a verified statement in writing stating all of the following:

1. The kind and quantity of grain threshed or combine threshed and harvested.
2. The name of the person for whom the threshing was done.
3. A description of the land upon which the grain was grown.
4. The price agreed upon for threshing or combine threshing and harvesting, whether by the acre [.40 hectare], bushel [35.24 liters], hour, or day, and if no price was agreed upon, the reasonable value of such services.

Unless the statement is filed within ~~thirty~~ ninety days as aforesaid, the person entitled to the lien shall be deemed to have waived his right thereto.

Approved March 3, 1981

# CHAPTER 360

SENATE BILL NO. 2408  
(Nelson, Thane)

## FARM LABORER'S LIEN

AN ACT to repeal chapter 35-11 of the North Dakota Century Code, relating to lien required for farm laborers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. REPEAL. Chapter 35-11 of the North Dakota Century Code is hereby repealed.

Approved March 11, 1981

## CHAPTER 361

HOUSE BILL NO. 1124  
(Committee on Industry, Business, and Labor)  
(At the request of the Secretary of State)

## MECHANIC'S LIEN RECORDATION

AN ACT to amend and reenact section 35-27-05, subsection 3 of section 35-27-11, and sections 35-27-12, 35-27-13, and 35-27-25 of the North Dakota Century Code, relating to the filing of mechanic's liens; and to repeal subsection 4 of section 11-17-04 and section 35-27-15 of the North Dakota Century Code, relating to fees collected by the clerk of the district court for filing and indexing mechanic's liens and to the duty of the clerk of the district court in filing mechanic's liens.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 35-27-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-27-05. NOTICE OF INTENTION TO CLAIM LIEN - FILING. Any person having a contract for the improvement of land in accordance with section 35-27-02 may ~~file-fee~~ record, with the ~~clerk-of-court~~ register of deeds of the county within which the land is situated, a verified notice of intention to claim a mechanic's lien, which notice shall be notice to all of his intention to perfect a lien for the contract price or value of all contributions to such improvement thereafter made by him or at his instance. Such notice of intention to claim a mechanic's lien shall contain all of the following:

1. The name of the person in possession of the land.
2. The description of the property to be charged with the lien.
3. The date of the contract.
4. That a mechanic's lien against the building, improvement, or premises will be perfected according to law unless the account shall have been paid.

The ~~clerk-of-court~~ register of deeds shall ~~file and~~ record the notice of intention to claim a mechanic's lien as is provided in section 35-27-12.

SECTION 2. AMENDMENT. Subsection 3 of section 35-27-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. ~~File Record with the clerk-of-the-district-court~~ register of deeds of the county in which the land, building, or improvement is situated a verified notice in writing signed by the person entitled to the mechanic's lien or by his authorized agent stating all of the following:
  - a. The name of the person in possession of the land.
  - b. The description of the property to be charged with the lien.
  - c. The date of the contract.
  - d. That a mechanic's lien against the building, improvement, or premises will be perfected according to law unless the account shall have been paid.

SECTION 3. AMENDMENT. Section 35-27-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-27-12. ~~CLERK-OF-COURT REGISTER OF DEEDS TO RECORD NOTICE.~~ The ~~clerk-of-district-court~~ register of deeds shall ~~file and~~ record the verified notice of intention ~~to file a lien in a book entitled "book of mechanic's lien notice".~~ ~~The "book of mechanic's lien notice" shall be indexed according to tracts~~ in the reception book, tract index, and elsewhere according to law.

SECTION 4. AMENDMENT. Section 35-27-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-27-13. HOW LIEN PERFECTED - ~~ACCOUNT FILED~~ MECHANIC'S LIEN RECORDED. Every person desiring to perfect his lien shall ~~file~~ RECORD with the ~~clerk-of-the-district-court~~ register of deeds of the county in which the property to be charged with the lien is situated, within ninety days after all his contribution is done, and having complied with the provisions of this chapter, a ~~true account of the demand due him after allowing all credits and containing a correct description of the property to be charged with a lien, which account shall be verified by affidavit~~ mechanic's lien describing the property and stating the amount due.

SECTION 5. AMENDMENT. Section 35-27-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-27-25. REQUIRING SUIT TO BE COMMENCED - DEMAND - LIMITATIONS OF ACTION. Upon written demand of the owner, his agent,

or contractor, served on the person holding the lien, suit shall be commenced and filed with the clerk of court within thirty days thereafter ~~if the debt for which the lien is security is due, and if not due, within thirty days after the same becomes due,~~ or the lien shall be forfeited. No lien shall be valid or effective as such, nor shall the same be enforced in any case, ~~and the clerk of the district court shall cancel any such lien of record,~~ unless the holder thereof shall assert the same either by complaint ~~or answer~~ filed with the clerk of court within three years after the date of ~~the last item of his claim as set forth in the recorded lien account, or within three years after it becomes due, if the lien account shows that it is not then due~~ of recording of the verified notice of intention to claim a mechanic's lien. If a summons and complaint ~~or answer~~ asserting the validity of the lien is not filed in the office of the clerk of court of the county in which the lien is ~~filed~~ recorded within the ~~limitation herein~~ limitations provided by this section, the lien is deemed satisfied and the clerk of court shall, upon request of any interested person, certify to the register of deeds that no summons and complaint has been filed and ~~the lien is deemed satisfied under this section, who then shall cancel the lien of record~~ the verified certificate.

SECTION 6. REPEAL. Subsection 4 of section 11-17-04 and section 35-27-15 of the North Dakota Century Code are hereby repealed.

Approved March 5, 1981