

## CHAPTER 521—H. F. No. 91.

*An act to amend Sections 7026 and 7028 General Statutes Minnesota, 1913, relating to liens for labor and materials for improvement of real estate, and providing for releasing property from the mechanics' liens under certain conditions.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Mechanic's lien—Filing—Contents of statement.**—That Section 7026 of the General Statutes of Minnesota for 1913, be, and the same is hereby amended to read as follows:

7026. The lien shall cease at the end of ninety days after doing the last of such work, or furnishing the last item of such skill, material, or machinery, unless within such period a statement of the claim therefor, be filed for record with the register of deeds of the county in which the improved premises are situated, or, if the claim be made under Section 7022, with the secretary of state. Such statement shall be made by or at the instance of the lien claimant, be verified by the oath of some person shown by such verification to have knowledge of the facts stated, and shall set forth:

1. A notice of intention to claim and hold a lien, and the amount thereof.

2. That such amount is due and owing to the claimant for labor performed, or for skill, material, or machinery furnished, and for what improvement the same was done or supplied.

3. The names of the claimant, and of the person for or to whom performed or furnished.

4. The dates when the first and last items of the claimant's contribution to the improvement were made.

5. A description of the premises to be charged, identifying the same with reasonable certainty.

6. The name of the owner thereof at the time of making such statement, according to the best information then had.

7. *The Post Office address of the claimant. The failure to insert such post office address shall not invalidate the lien statement.*

Sec. 2. **Foreclosure of liens.**—That Section 7028, General Statutes of Minnesota for 1913 be and the same is hereby amended to read as follows:

7028. Such liens may be enforced by action in the district court of the county in which the improved premises or some part thereof are situated, or if claimed under Section 7022, of any county through or into which said railway or other line extends, which action shall be begun and conducted in the same manner as actions for the foreclosure of mortgages upon real estate, except as herein otherwise provided, *but the owner or any person or party having an interest in or lien upon the property against which a lien has been filed under the provisions of this chapter may bring an action to remove the lien in the nature of an action to determine adverse claims and subject to*

all the provisions of law regarding actions to determine adverse claims.

When an action has been brought either by the lien claimant to enforce his lien or by the owner, person or party having an interest in or a lien upon the property against which a lien claim has been filed to determine adverse claims as provided herein, application may be made at any time after such action has been commenced by any of the persons or parties above mentioned to have the property affected by any such lien released from the lien by giving ten days' notice, or such other and shorter notice as the Court may order and direct, to the lien claimant, or his attorney, of intention to apply to the district court for the release of such lien and of the time and place of hearing. Upon a hearing upon an application the court shall fix a sum of money to be deposited by the applicant with the clerk of the district court, which sum shall not be less than the aggregate amount of, (1) the amount claimed in the lien statement, (2) eighteen dollars (\$18.00) for every one hundred dollars (\$100) or fraction thereof, to cover interest, (3) the probable disbursements in an action to enforce the claim for which the lien statement was filed, (4) an amount not less than double the amount of attorneys fees allowed upon the foreclosure under Section 8170, General Statutes of 1913, to cover any allowance the court may make upon the trial for costs and attorney's fees in said action or upon appeal. Upon making a deposit in the amount so fixed in the order of court, an order shall be made by the court releasing the premises described in the statement thereof from the effect of such lien. The lien claimant shall have the same right of lien against such money deposit that he had against the property released. The order releasing the lien may be filed in the office of the register of deeds or registrar of titles, if registered land, of the county in which the lien statement is recorded or filed, and thereupon the premises affected shall be released therefrom. The Court shall by the same order discharge any notice of *lis pendens* filed in any action in which such lien may be asserted if it appears that all mechanics' liens filed or recorded against the property covered by the *lis pendens* have been released.

After the release of the property affected, the judgment ordered in any action either to enforce such lien or determine adverse claims and remove such lien, in the event that the lien is established, shall provide that it be paid, and it shall be paid without further proceedings out of the deposit made as provided herein. The judgment of the district court establishing a lien, unless a written notice of intention to appeal therefrom is served on the clerk of the district court within thirty days from the entry of such judgment, shall be authority to such clerk to pay the amount specified in such judgment to the person or persons entitled thereto, or his or their attorney of record in the action. The balance of deposits, if any, shall be returned to the depositor. If the lien was not a valid and enforceable

*one the judgment shall direct the return of the whole deposit to the depositor unless the claimant obtains judgment against such depositor personally, and in such case such judgment shall be paid as herebefore specified.*

Sec. 3. **Effective July 1, 1921.**—This act shall take effect and be in force from and after July 1, 1921.

Approved April 25, 1921.

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CHAPTER 522—S. F. No. 1034.

*An act relating to the reimbursement to counties for moneys expended by them subsequent to February 1, 1919, or hereafter expended by them in permanently improving roads described in article 16 of the constitution of the state of Minnesota, and to be hereafter more definitely fixed and determined by the commissioner of highways.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **State to reimburse counties for money expended on trunk highways.**—That the State of Minnesota hereby agrees to reimburse, to the extent hereinafter provided, all counties for moneys expended by them subsequent to February 1, 1919, or hereafter to be expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota, and to be hereafter more definitely fixed and determined by the Commissioner of Highways.

Sec. 2. **Manner and time of reimbursement.**—That said reimbursement shall be made only in the manner, at the time, and to the extent herein provided:

(a) To the extent that the proceeds derived from the issuance of bonds by any counties under Chapter 265, Laws of Minnesota for 1919, or any other general law of this state, shall have been heretofore so expended, the State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds at maturity, and it shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways on or before August 1, 1921, full data concerning such bonds on blanks prepared and furnished by said Commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest, and such other facts as may be required by said Commissioner.

The State of Minnesota hereby agrees to reimburse said counties for all interest accruing on said bonds subsequent to February 1, 1919, and paid by said counties, and for all interest