

CHAPTER 514

LIENS; LABOR, MATERIAL

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IMPROVEMENT OF REAL ESTATE

514.01 MECHANICS, LABORERS AND MATERIALMEN. Whoever performs engineering or land surveying services with respect to real estate, or contributes to the improvement of real estate by performing labor, or furnishing skill, material or machinery for any of the purposes hereinafter stated, whether under contract with the owner of such real estate or at the instance of any agent, trustee, contractor or subcontractor of such owner, shall have a lien upon the improvement, and upon the land on which it is situated or to which it may be removed, that is to say, for the erection, alteration, repair, or removal of any building, fixture, bridge, wharf, fence, or other structure thereon, or for grading, filling in, or excavating the same, or for clearing, grubbing, or first breaking, or for furnishing and placing soil or sod, or for furnishing and planting of trees, shrubs, or plant materials, or for labor performed in placing soil or sod, or for labor performed in planting trees, shrubs, or plant materials, or for digging or repairing any ditch, drain, well, fountain, cistern, reservoir, or vault thereon, or for laying, altering or repairing any sidewalk, curb, gutter, paving, sewer, pipe, or conduit in or upon the same, or in or upon the adjoining half of any highway, street, or alley upon which the same abuts.

[R L s 3505; 1917 c 285 s 1; 1921 c 229 s 1; 1925 c 274 s 1; 1973 c 247 s 1; 1974 c 381 s 1] (8490)

MINNESOTA STATUTES 1974

514.011 NOTICE. Subdivision 1. **Contractors.** Every person who enters into a contract with the owner for the improvement of real property and who has contracted or will contract with any subcontractors or materialmen to provide labor, skill or materials for the improvement shall give the owner the notice required in this subdivision. The notice shall be delivered personally or by certified mail to the owner or his authorized agent within ten days after the contract for the work of improvement is agreed upon. The notice shall be in at least 10-point bold type, if printed, or in capital letters, if typewritten and shall state as follows:

(a) Persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved land if they are not paid for their contributions, even if such parties have no direct contractual relationship with the owner;

(b) Minnesota law permits the owner to withhold from his contractor so much of the contract price as may be necessary to meet the demands of all other lien claimants, pay directly such liens and deduct the cost thereof from the contract price, or withhold amounts from his contractor until the expiration of 90 days from the completion of such improvement unless the contractor furnishes to the owner waivers of claims for mechanics' liens signed by persons who furnished any labor or material for the improvement and who provided the owner with timely notice.

A person who fails to provide the notice shall not have the lien and remedy provided by this chapter.

The notice required by this subdivision is not required of any person who is himself an owner of the improved real estate, to any corporate contractor of which the owner of the improved real estate is an officer or controlling shareholder, to any contractor who is an officer or controlling shareholder of a corporation which is the owner of the improved real estate, or to any corporate contractor managed or controlled by substantially the same persons who manage or control a corporation which is the owner of the improved real estate.

Subd. 2. Subcontractor to give notice. Every person who contributes to the improvement of real property so as to be entitled to a lien pursuant to section 514.01 except a party under direct contract with the owner must, as a necessary prerequisite to the validity of any claim or lien, cause to be given to the owner or his authorized agent, either by personal delivery or by certified mail, not later than 20 days after the lien claimant has first furnished labor, skill or materials for the improvement, a written notice in at least 10-point bold type, if printed, or in capital letters, if typewritten, which shall state:

"NOTICE OF OWNER

TO: (name and address of owner)

We are authorized by law to provide you with this NOTICE. Your failure to read it carefully could result in unnecessary expense to you or in the loss of your

..... at
(type of property) (address of property)

We,, have been hired by your CONTRACTOR,
(name and address)
(of subcontractor)

..... to provide for use in improving
(name of contractor) (type of service)
(or material)

your property. We estimate our charges will be
(value of service)
(or material)

If we are not paid by your CONTRACTOR, we can file a claim against your property for the price of our services unless you have ALREADY paid your CONTRACTOR in full. ENFORCEMENT OF OUR CLAIM COULD MEAN THE LOSS OF YOUR PROPERTY IF YOU ARE UNABLE TO PAY US FOR OUR SERVICES.

To protect yourself, Minnesota law allows you to either:

1. Withhold payment to your CONTRACTOR for up to 90 days from the completion of the improvement or until he provides you with a waiver of claim from us which states that we will not file a claim against your property; or

2. Pay us directly and deduct the amount paid from the amount you owe your CONTRACTOR."

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Subd. 3. **Materialmen, may request information; owner defined.** A contractor who contracts with any subcontractors or materialmen to provide labor, skill or materials for the improvement shall upon request provide the subcontractor or materialman with the name and address of the owner. For purposes of this section "owner" means the owner of any legal or equitable interest in real property who enters into a contract for the improvement of such real property.

Subd. 4. **Exceptions to notice requirement.** The notice required under this section shall not be required to be given where the contractor is managed or controlled by substantially the same persons who manage or control the owner of the improved real estate or in connection with an improvement to real property consisting of or providing (i) more than four family units and the improvement is wholly residential in character, or (ii) more than 10,000 total usable square feet of floor space and the improvement is partly or wholly nonresidential in character.

[1973 c 247 s 2]

514.02 NONPAYMENT FOR IMPROVEMENT; PENALTY. Subdivision 1. **Acts constituting.** Whoever, on any improvement to real estate within the meaning of section 514.01, fails to use the proceeds of any payment made to him on account of such improvement by the owner of such real estate or person having any improvement made, for the payment for labor, skill, material, and machinery contributed to such improvement, knowing that the cost of any such labor performed, or skill, material, or machinery furnished for such improvement remains unpaid, and who has not furnished to the person making such payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for such improvement, or a payment bond in the basic amount of the contract price for such improvement, conditioned for the prompt payment to any person or persons entitled thereto for the performance of labor or the furnishing of skill, material, or machinery for the improvement, shall be guilty of theft of the proceeds of such payment and upon conviction shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Subd. 2. **Notice of nonpayment.** Notice of nonpayment of the cost of labor, skill, material, and machinery contributing to the improvement of the real estate to the person paid for such improvement may be given by the person who made payment for such improvement, or by any person furnishing the labor, skill, material, or machinery contributing to the improvement and who has not been paid for his contribution. Notice may be given in any reasonable manner. Notice shall be in writing and in any terms that identify the real estate improved and the nonpayment complained of.

Subd. 3. **Proof of knowledge of nonpayment.** Proof that such person failed to pay for labor performed, or skill, material, or machinery furnished within 15 days after receiving notice that the cost of such labor performed, or skill, material, or machinery furnished remains unpaid will be sufficient to sustain a finding that the proceeds of such payment were used for a purpose other than the payment for labor, skill, material, and machinery for such improvement, knowing that the costs of labor performed, or skill, material, or machinery furnished remains unpaid, unless the person;

(1) Establishes that all proceeds received from the person making such payment have been applied to the cost of labor, skill, material, or machinery furnished for the improvement; or

(2) Within 15 days after receiving notice shall give a bond or make a deposit with the clerk of district court, in an amount and form approved by a judge of district court, to hold harmless the owner or person having the improvement made from any claim for payment of anyone furnishing labor, skill, material, or machinery for such improvement.

[1915 c 105 s 1; 1965 c 35 s 9; 1971 c 914 s 1] (8491)

514.03 EXTENT AND AMOUNT OF LIEN. Subdivision 1. With respect to any contract or improvement as to which notice is not required by section 514.011, the lien shall be as follows:

(a) If the contribution is made under a contract with the owner and for an agreed price, the lien as against him shall be for the sum agreed upon.

(b) In all other cases, it shall be for the reasonable value of the work done, and of the skill, material, and machinery furnished.

Subd. 2. With respect to any contract or improvement as to which notice is required by section 514.011, the lien shall be as follows:

(a) If the contribution is made under a contract with the owner and for an agreed price, the lien as against him shall be for the sum agreed upon;

(b) In all other cases, it shall be for the reasonable value of the work done, and of the skill, material, and machinery furnished. Provided, however:

(c) The total sum of all liens, whether the contribution is made under a contract with the owner or otherwise, shall not exceed the total of said contract price plus the contract price or reasonable value of any additional contract or contracts between the owner and the contractor or additional work ordered by the owner, less the total of the following:

(i) Payments made by the owner or his agent to the contractor prior to receiving any notice prescribed by section 514.011, subdivision 2;

(ii) Payments made by the owner or his agent to discharge any lien claims as authorized by section 514.07; and

(iii) Payments made by the owner or his agent pursuant to presentation of valid lien waivers from persons or companies contributing to the improvement who have previously given the notice required by section 514.011, subdivision 2.

Subd. 3. The lien shall extend to all the interest and title of the owner in and to the premises improved, not exceeding 40 acres.

[R L s 3506; 1973 c 247 s 3] (8492)

514.04 LINES OF RAILWAY, TELEGRAPH, OR SIMILAR PROJECTS. If such contribution be thus made for the construction, alteration, or repair of any line of railway, or any structure or appurtenance of such railway, or of any telegraph, telephone, or electric light line, or of any line of pipe, conduit, or subway, or any appliance or fixture pertaining to either, the person performing such labor, or furnishing such skill, material, or machinery, shall have a like lien upon the lines so improved, and upon all the rights, franchises, and privileges of the owner appertaining thereto.

[R L s 3507] (8493)

514.05 WHEN LIEN ATTACHES; NOTICE. All such liens, as against the owner of the land, shall attach and take effect from the time the first item of material or labor is furnished upon the premises for the beginning of the improvement, and shall be preferred to any mortgage or other encumbrance not then of record, unless the lienholder had actual notice thereof. As against a bona fide purchaser, mortgagee, or encumbrancer without notice, no lien shall attach prior to the actual and visible beginning of the improvement on the ground, but a person having a contract for the furnishing of labor, skill, material, or machinery for such improvement, may file for record with the register of deeds of the county within which the premises are situated, or, if claimed under section 514.04, with the secretary of state, a brief statement of the nature of such contract, which statement shall be notice of his lien. Engineering or land surveying services with respect to real estate shall not constitute the actual and visible beginning of the improvement on the ground referred to in this section, except when such engineering or land surveying services include a visible staking of the premises. No lien shall attach for engineering or land surveying services rendered with respect to a purchaser for value if the value of those services does not exceed \$250.

[R L s 3508; 1973 c 247 s 4; 1974 c 381 s 2] (8494)

514.06 TITLE OF VENDOR OR CONSENTING OWNER, SUBJECT TO. Where land is sold under an executory contract requiring the vendee to improve the same, and such contract is forfeited or surrendered after liens have attached by reason of such improvements, the title of the vendor shall be subject thereto; but he shall not be personally liable if the contract was made in good faith. When improvements are made by one person upon the land of another, all persons interested therein otherwise than as bona fide prior encumbrancers or lienors shall be deemed to have authorized such improvements, in so far as to subject their interests to liens therefor. Any person who has not authorized the same may protect his interest from such liens by serving upon the persons doing work or otherwise contributing to such improvement within five days after knowledge thereof, written notice that the improvement is not being made at his instance, or by posting like notice, and keeping the same posted, in a conspicuous place on the premises. As against a lessor no lien is given for repairs made by or at the instance of his lessee.

[R. L. s. 3509] (8495)

514.07 PAYMENTS WITHHELD; LIEN WAIVERS. The owner may withhold from his contractor so much of the contract price as may be necessary to meet the demands of all persons, other than such contractor, having a lien upon the premises for labor, skill, or material furnished for the improvement, and for which the contractor is liable; and he may pay and discharge all such liens and deduct the cost thereof from such contract price. No owner shall be required to pay his contractor until the expiration of 90 days from the completion of the improvement, except to the extent that the contractor shall furnish to the owner waivers of claims for mechanics' liens signed by persons who furnished labor, skill or material for the improvement and who have given the notice required by section 514.011, subdivision 2. The owner, within 15 days after the completion of the contract, may require any person having a lien hereunder, by written request therefor, to furnish to him an itemized and verified account of his lien claim, the amount thereof, and his name and address; and no action or other proceeding shall be commenced for the enforcement of such lien until ten days after such statement is so furnished. The word "owner," as used in this section, includes any person interested in the premises otherwise than as a lienor thereunder.

[R L s 3510; 1973 c 247 s 5] (8496)

514.08 STATEMENT; NOTICE; NECESSITY FOR RECORDING; CONTENTS. Subdivision 1. The lien shall cease at the end of 90 days after doing the last of such work, or furnishing the last item of such skill, material, or machinery, unless within such period:

(1) 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 514.04, with the secretary of state; and

(2) A copy of such statement be served personally or by certified mail on the owner or his authorized agent or the person who entered into the contract with the contractor.

Subd. 2. 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);

(8) That a copy of such statement has been served or mailed to the owner, his authorized agent or the person who entered into the contract with the contractor as provided herein; and

(9) That notice as required by section 514.011, subdivision 2, if any, was given.

[R L s 3511; 1921 c 521 s 1; 1973 c 247 s 6] (8497)

514.09 TWO OR MORE BUILDINGS. A lienholder who has contributed to the erection, alteration, removal, or repair of two or more buildings or other improvements situated upon or removed to one lot, or upon or to adjoining lots, under or pursuant to the purposes of one general contract with the owner, may file one statement for his entire claim, embracing the whole area so improved; or, if he so elect, he may apportion his demand between the several improvements, and assert a lien for a proportionate part upon each, and upon the ground appurtenant to each, respectively.

[R. L. s. 3512] (8498)

514.10 FORECLOSURE OF LIENS. 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 514.04, of any county through or into which the 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) \$18 for every \$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 582.01, to cover any allowance the court may make upon the trial for costs and attorneys' fees in the 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 30 days from the entry of such judgment, shall be authority to such clerk to pay the amount specified in such judgment to the persons entitled thereto, 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 the judgment shall be paid as hereinbefore specified.

[*R. L. s. 3513; 1921 c. 521 s. 2*] (8499)

514.11 COMMENCEMENT OF ACTION; PROCEEDINGS. The action may be commenced by any lienholder who has filed his lien statement for record and served a copy thereof on the owner pursuant to section 514.08, and all other such lienholders shall be made defendants therein. The summons shall state that the complaint has been filed with the clerk and shall be of no effect unless such complaint be in fact so filed. It shall contain a notice that the action is brought to foreclose a lien, giving the amount thereof, and a brief description of the premises affected, and of the improvement out of which the lien arose, and shall require each defendant to file his answer to the complaint with the clerk within 20 days after service on him. Such answer, in addition to all other matters proper to be pleaded, shall set up any lien claimed by the defendant, and demand the enforcement thereof. No copies of such

complaint or answer need be served on any party, upon demand or otherwise, and all averments of the answer shall be taken as denied without further pleading.

[*R. L. s. 3514; 1973 c. 247 s. 7*] (8500)

514.12 NOTICE OF LIS PENDENS. Subdivision 1. **Recording.** At the beginning of the action the plaintiff shall file for record with the register of deeds of the county in which it is brought, and of the several counties if the lien be claimed under section 514.04 a notice of the pendency thereof, embracing therein a copy of the summons, omitting the caption.

Subd. 2. **Intervention and limitation on number of actions.** After such filing, no other action shall be commenced for the enforcement of any lien arising from the improvement described, but all such lienholders shall intervene in the original action by answer, as provided in section 514.11. Any such lienholder not named as a defendant may answer the complaint and be admitted as a party. If more than one action shall be commenced in good faith, all shall be consolidated and tried as one, under such order of the court as may best protect the rights of all parties concerned.

Subd. 3. **One-year limitation.** No lien shall be enforced in any case unless the holder thereof shall assert the same, either by complaint or answer, within one year after the date of the last item of his claim as set forth in the recorded lien statement; and, as to a bona fide purchaser, mortgagee, or encumbrancer without notice, the absence from the record of a notice of lis pendens of an action after the expiration of the year in which the lien could be so asserted shall be conclusive evidence that the lien may no longer be enforced and, in the case of registered land, the registrar of titles shall refrain from carrying forward to new certificates of title the memorials of lien statements when no such notice of lis pendens has been registered within the period; nor shall any person be bound by the judgment in such action unless he is made a party thereto within the year. Whenever a lien statement for work, labor or materials furnished upon unregistered real estate has been recorded for one year and no notice of lis pendens has been filed as required by subdivision 1, the register of deeds of the county in which the lien statement is recorded, shall, upon the application in writing of the record owner, his executor, administrator, personal representative or assigns, certify on the margin of said recorded lien statement that said lien is void, canceled and released. Said register of deeds shall receive for said certification on the records the same fee as for a satisfaction of a lien.

[*R. L. s. 3515; 1933 c. 362 s. 1; 1945 c. 4 s. 1*] (8501)

514.13 BILL OF PARTICULARS. Each lienholder shall attach to and file with his complaint or answer a bill of the items of his claim, verified by the oath of some person having knowledge thereof, and shall file such further and more particular account, as the court may at any time direct. Upon his failure to file such original or further bill, his pleading shall be stricken out and his claim disallowed. No failure to comply with any of the provisions of this chapter shall affect the right of any person to recover, in an ordinary civil action, from the party with whom he has contracted.

[*R. L. s. 3516*] (8502)

514.14 POSTPONEMENT, JUDGMENT, SUBROGATION. If upon the trial of such action, or at any time before the execution of final judgment therein, it shall transpire that any proper party who may still be brought in has been omitted, or that any party then entitled to answer has not yet appeared, or that for any other reason the trial or judgment should be delayed, or the judgment as ordered or entered be modified, the court may postpone the trial, or make such other or further order in the premises as shall be just. If it be found that any indebtedness for which a lien is demanded be not then due, the same shall be allowed for the amount of its present worth. Judgment shall be given in favor of each lienholder for the amount demanded and proved by him, with costs and disbursements to be fixed by the court at the trial, and such amount shall not be included in the lien of any other party; but if, after judgment, a lienholder who is personally indebted for the amount of any lien so adjudged in favor of another shall pay such indebtedness, he shall thereby become subrogated to the rights of the person so paid.

[*R. L. s. 3517*] (8503)

514.15 JUDGMENT, SALE, REDEMPTION. The judgment shall direct a sale of the real estate or other property for the satisfaction of all liens charged thereon, and the manner of such sale, subject to the rights of all persons which are paramount to such liens or any of them. It shall require the officer making such sale to pay over and distribute the proceeds of the sale, after deducting all lawful charges and expenses, to and among the lienors to the amount of their respective claims, if there is sufficient therefor; and if there is not sufficient then to divide and distribute the same among the several lienors in proportion to the amount due to each, and without priority among themselves. If the estate sold be a leasehold having not more than two years to run, or be the interest of a vendee under an executory contract of sale the conditions whereof are to be performed within the same period, no redemption shall be allowed; in all other cases the right of redemption shall be the same as upon execution sales. No sale shall be deemed complete until reported to and confirmed by the court.

[R. L. s. 3518] (8504)

514.16 SEVERANCE OF BUILDING, RE-SALE, RECEIVER. If, without material injury to the building or other improvement to which the lienholder has contributed, the same can be severed and removed from the land, the judgment, in the discretion of the court, may direct the sale of such improvement, with the privilege to the purchaser of removing the same at any time within 60 days, unless before such removal the owner or other person interested in the land shall pay to the sheriff, for the purchaser, the amount realized from the sale, with interest and all expenses incurred toward such removal. If in any case the sale be not confirmed, the court may direct a re-sale, or, if deemed best, may appoint a receiver to lease or otherwise handle the property, under its direction, in the interests of all persons concerned. And in all cases of liens arising under section 514.04, such receivership may be created in the first instance instead of directing a sale of the property.

[R. L. s. 3519] (8505)

514.17 MINERS. Whoever performs labor, or furnishes any skill, material, or machinery, in or about the opening or working of any mine, at the request of the owner thereof, or of the lessee of such owner, or of any contractor with either, shall have a lien for the value thereof upon the interest of such owner or lessee, as the case may be, in the mine and its appurtenances, which lien may be asserted and enforced as in this chapter prescribed in respect to other liens upon real estate.

[R. L. s. 3520] (8506)

NOTE: Sections 514.01 to 514.17 are excepted from the Rules of Civil Procedure governing the procedure in the district courts in all suits of a civil nature insofar as they are inconsistent with the procedure and practice provided by the Rules.

PERSONALTY IN POSSESSION

514.18 RETAINING. Whoever, at the request of the owner or legal possessor of any personal property, shall store or care for or contribute in any of the modes mentioned in section 514.19 to its preservation, care, or to the enhancement of its value, shall have a lien upon such property for the price or value of such storage, care, or contribution, and for any legal charges against the same paid by such person to any other person, and the right to retain the property in his possession until such lien is lawfully discharged; but a voluntary surrender of possession shall extinguish the lien herein given.

[R. L. s. 3521; 1905 c. 328 s. 1; 1907 c. 114 s. 1] (8507)

514.19 RIGHT OF DETAINER. Such lien and right of detainer shall exist for:

- (1) Transporting property from one place to another but not as a carrier under article 7 of the uniform commercial code;
- (2) Keeping or storing property as a bailee but not as a warehouseman under article 7 of the uniform commercial code;
- (3) Keeping, feeding, pasturing, or otherwise caring for domestic animals or other beasts, including medical or surgical treatment thereof and shoeing the same;
- (4) Making, altering or repairing any article, or expending any labor, skill or material thereon.

Such liens shall embrace all lawful charges against such property paid to any other person by the person claiming such lien, and the price or value of such

care, storage or contribution and all reasonable disbursements occasioned by the detention or sale of the property.

[*R. L. s. 3522; 1905 c. 328 s. 2; 1907 c. 114 s. 2; 1965 c. 812 s. 12*] (8508)

514.20 SALE. If any sum secured by such lien be not paid within 90 days after it becomes due, the lienholder may sell the property and out of the proceeds of such sale there shall be paid, first, the disbursements aforesaid; second, all charges against the property paid by such person to any other person; and, third, the total indebtedness then secured by the lien. The remainder, if any, shall be paid on demand to the owner or other person entitled thereto.

[*R. L. s. 3523; 1905 c. 328 s. 3; 1907 c. 114 s. 3*] (8509)

514.21 SALE, WHEN AND WHERE MADE; NOTICE. The sale herein provided for shall be made at public auction between nine o'clock in the morning and five o'clock in the afternoon in the county where the property or some part thereof is situated. A notice stating the time and place of sale, the amount which will be due on the date of sale exclusive of the expenses of advertising and sale, and the grounds of the lien, giving a general description of the property to be sold, shall be served personally upon the owner of the property if he can be found within the county in which the property is stored, and if he cannot, then it shall be mailed to the owner thereof at least three weeks before the time fixed for such sale if the place of residence or post-office address of such owner is known to him or with due diligence can be learned by the person claiming such lien, and shall be published once in each week for three successive weeks in a newspaper printed and published in the county where the property, or some part thereof, is situated, the last publication of such notice to be at least one week prior to the date of sale; or, if there is no newspaper printed and published in the county, then the notice of sale shall be posted in three of the most public places in the county at least three weeks before the time of sale. In case neither the place of residence nor the post-office address of such owner is known to the person claiming such lien and cannot with reasonable diligence be learned, the publication or posting of notice, as herein provided, shall be sufficient to authorize such sale.

[*1905 c. 328 s. 4; 1907 c. 114 s. 4*] (8510)

514.22 CONDUCT OF SALE. The property sold, as herein provided, shall be in view at the time of the sale. Under the power of sale hereby given enough of the property may be sold to satisfy the amount due at the time of sale, including expenses, and the property, if under cover, may be offered for sale and sold in the original packages in the form and condition that the same was received by the lienholder; but, after sufficient property has been so sold to satisfy the amount so due, no more shall be sold. The lienholder, his representatives or assigns, may fairly and in good faith purchase any property sold under the provisions of sections 514.18 to 514.22, provided the sale is conducted by the sheriff, his deputy, or any constable of the county where such sale is made.

[*1905 c. 328 s. 5*] (8511)

SHOEING ANIMALS

514.23 LIEN UPON ANIMAL. Every person who shall shoe or cause to be shod by his employees any horse, mule, ox, or other animal shall have a lien upon the animal shod for his reasonable charge for the shoeing of the same, and each lien conferred by sections 514.23 to 514.34 shall take precedence of all other claims or liens thereon, not duly recorded prior to the recording of the claim of lien, as provided in sections 514.24 to 514.34, but such lien shall not attach where the property has changed ownership prior to the filing of such lien.

[*1907 c. 47 s. 1*] (8512)

514.24 STATEMENT AND NOTICE, WHEN AND WHERE FILED. Any person desiring to secure the benefit of sections 514.23 to 514.34, shall, within six months after the shoeing of such horse, mule, ox, or other animal, or in case he has shod such animal more than once within that time, then within six months of the last shoeing, file in the appropriate filing office under the uniform commercial code, Minnesota Statutes, Section 336.9—401, a statement made under oath by the claimant, or someone in his behalf, and a notice of his intention to claim a lien upon such animal for his charges for the shoeing of the same.

[*1907 c. 47 s. 2; 1965 c. 812 s. 13*] (8513)

514.25 CONTENTS OF STATEMENT. Such statement and notice shall state the name of the person claiming the lien, the name of the owner or reputed owner of the animal sought to be charged with the lien, and a description sufficient for identification of the animal upon which the lien is claimed, and the amount due the claimant, as near as may be, over and above all legal off-sets.

[1907 c. 47 s. 3] (8514)

514.26 SUCCESSIVE LIENS. Any person may file successive liens upon the same animal for charges for shoeing the same, and he may include in any one claim of lien his charges for any number of times of shoeing such animal; provided, that no lien shall be had for any shoeing of any animal done more than six months prior to the filing of the notice of lien.

[1907 c. 47 s. 4] (8515)

514.27 DUTY OF FILING OFFICER. It shall be the duty of the filing officer, upon the presentation to him of any such statement and notice of lien, to file the same in his office in the same manner as provided by law for the filing of financing statements under the uniform commercial code.

[1907 c. 47 s. 5; 1965 c. 812 s. 14] (8516)

514.28 CERTIFIED COPY; EVIDENCE. A copy of such statement and notice of lien, filed as aforesaid, certified by the filing officer shall be received in evidence in any proceeding to enforce the lien provided for in sections 514.23 to 514.34, but only of the fact that such statement and notice of lien was received and filed according to the endorsements of the filing officer thereon and of no other fact.

[1907 c. 47 s. 6; 1965 c. 812 s. 15] (8517)

514.29 ACTION TO ENFORCE; NOTICE. The person having such lien shall, within six months from and after the date of filing such lien statement, commence suit for the recovery of such charges by summons, in the usual form, before any justice of the peace of the town in which he resides, or in any court, as the case may require, against the person liable for the payment thereof. Before any such lien claimant shall commence any action to foreclose such lien, he shall give the person against whom he proposes to bring such action at least 20 days' notice in writing of his intention to foreclose such lien.

[1907 c. 47 s. 7] (8518)

514.30 PERSONAL SERVICE. If such summons be returned personally served upon the defendant, the same proceedings shall thereon be had in all respects as in other suits commenced by summons, in which there is a personal service of process; and the judgment shall be rendered in such suit in like manner as judgments are now rendered in civil actions.

[1907 c. 47 s. 8] (8519)

514.31 DEFENDANT NOT FOUND. If the officer return upon such summons that the defendant cannot be found in this county, the same proceedings shall be had in all respects, as near as may be, as in suits commenced by attachment in which there is not a personal service of the attachment upon the defendant, and judgment shall be rendered in such suits in like manner as judgments are now rendered in such actions.

[1907 c. 47 s. 9] (8520)

514.32 EXECUTION AND SALE. If the plaintiff recover judgment in such suit, execution shall be issued thereon in the same manner and with like effect as upon judgments now rendered in suits commenced by attachment, and the horse, mule, ox, or other animal upon which the plaintiff holds such lien shall not be exempt from execution but may be sold to satisfy such execution in the same manner as if it had been seized and held upon an attachment in such suit.

[1907 c. 47 s. 10] (8521)

514.33 EXPENSES. All expenses which shall have been incurred by the person having such lien after the same had accrued shall be an additional lien upon the property, and shall be computed and ascertained upon the trial or assessment of damages and included in the judgment.

[1907 c. 47 s. 11] (8522)

514.34 FINDINGS; JUDGMENT. In all suits or attachments prosecuted under

the provisions of sections 514.23 to 514.34, the court, jury, or justice of the peace who shall try the same, or make an assessment of damages therein, shall, in addition to finding the sum due the plaintiff, also find that the same is due for the cost of shoeing the horse, mule, ox, or other animal described in plaintiff's declaration, and is a lien upon the same; provided, that if the court, jury, or justice of the peace shall find that the amount due the plaintiff is not a lien upon the property described in the plaintiff's declaration, the plaintiff shall be non-suited thereby, but shall be entitled to judgment, as in other civil actions, but in such case the plaintiff shall not recover or tax any costs other than those allowed and taxable in such case; and in those cases where the amount due is found to be a lien upon the property mentioned in plaintiff's declaration, the finding or verdict may be in the following form: (The court, jurors, or justice, as the case may be) say that there is due the sum of dollars from the defendant, and that the same is due for plaintiff's reasonable charges for shoeing the animal mentioned in plaintiff's declaration (giving a description sufficient for identification of the animal), and that the plaintiff has a lien upon the animal for the amount.

[1907 c. 47 s. 12] (8523)

514.35 [Repealed, 1971 c 162 s 31]

514.36 [Repealed, 1971 c 162 s 31]

514.37 [Repealed, 1971 c 162 s 31]

514.38 [Repealed, 1971 c 162 s 31]

514.39 [Repealed, 1971 c 162 s 31]

LOGS, TIMBER

514.40 LIENS, PREFERENCE. Whoever performs manual labor or other personal service for hire, in or in aid of the cutting, sawing, piling, loading, peeling, hauling, banking, driving, rafting, towing, cribbing, or booming any logs, cross-ties, poles, or other timber shall have a lien thereon for the price or value of such labor or service, which shall be preferred to all other claims on the same except those of the State of Minnesota and of the owner or occupant of the land from which the same may have been unlawfully removed, and no agreement to waive such lien shall be valid.

[R. L. s. 3524] (8529)

514.41 LIEN STATEMENT, FILING; ASSIGNMENT OF LIEN. If the indebtedness so due be not paid within five days after demand therefor made upon the debtor in person, or upon some agent or clerk of the debtor at his business office, the lienholder may file for record with the commissioner of natural resources a statement, verified by the oath of some person having knowledge of the facts, setting forth his post-office address, the dates of beginning and ending the labor or service, the rate of compensation agreed upon or claimed, the sums, if any, paid thereon, the amount then due, a description of the logs or other timber on which the lien is claimed, and the fact of such claim. If such labor or service be terminated by the direction or act of the employer, or by the completion of the work in which the employee is engaged, then no demand for payment shall be necessary, and the lien statement may be filed at once. If no mark or description of such logs or other timber be filed for record with the commissioner of natural resources, the lien statement shall be filed, not with him, but with the clerk of the district court of the county, in which the labor or service was performed. Any person having a claim upon logs, cross-ties, poles, or other timber, as provided in section 514.40, may assign the same in writing to any person either before or after the making and filing of the statement therefor as provided in this section; and the person to whom such claim may be assigned, his agent or attorney, may make and file for record the statement for lien therefor required by this section, in case no such statement has been filed. When such statement and assignment have been made and filed in the office of the commissioner of natural resources or in the office of the clerk of the district court, in case such statement is filed in the office of the clerk of the district court, the person to whom the assignment is made shall be subrogated to all the rights of the original claimant, and is hereby authorized to enforce the lien against the logs, cross-ties, poles, and all other timber in his own name, in the same manner and with the same effect as the original claimant could have done had not such assignment been made; and any person holding the title to the logs or timber, or any

lien by mortgage or otherwise thereon, as security for payment of any sum as stumpage thereon, may in like manner purchase and take an assignment of any or all such claims for labor, or may pay and discharge the same, and in either case may tack the same to his original claim and hold the same as an additional encumbrance thereon, and may enforce the payment of the same, with interest, in like manner as his original claim thereon, but in no case shall he be required to pay more than the reasonable and current value of such labor.

[R L s 3525; 1967 c 568 s 1 subd 9; 1969 c 1129 art 3 s 1] (8530)

514.42 TERMINATION OF LIEN. The lien shall cease unless said statement be so filed within 30 days after the termination of such labor or service, unless the same shall have been wholly performed between October 1 and April 1 next thereafter, in which case the statement may be filed on or before the last day of said April. Such filing shall continue the lien in force for 90 days thereafter, and no longer, unless within that period an action be commenced for its enforcement as provided in sections 514.40 to 514.58.

[R. L. s. 3526] (8531)

514.43 ACTION; ATTACHMENT. The lien shall be enforced by attaching the property subject thereto in a civil action in the district court of any county of the judicial district in which the labor or service was performed, or within which judicial district is situated the office of the commissioner of natural resources wherein the marks of such property are recorded; such county to be determined by the plaintiff's choice, and such attachment to be governed by the rules regulating ordinary attachment proceedings in the district court, except as in sections 514.40 to 514.58 otherwise provided. No bond or other security shall be required of the plaintiff as a condition of obtaining such writ.

[R L s 3527; 1967 c 568 s 1 subd 9; 1969 c 1129 art 3 s 1] (8532)

514.44 ALLOWANCE AND ISSUE OF WRIT. The affidavit for such attachment shall be made by or in behalf of the plaintiff, shall be entitled in the action, shall set forth the amount of indebtedness secured by the lien and then unpaid, with the name of the debtor, and a copy of the lien statement shall be attached thereto as an exhibit. No other averments shall be necessary therein. Any judge of the district or the court commissioner of any county therein may allow the writ, and upon the filing of the affidavit and order of allowance with the clerk the writ shall issue forthwith.

[R. L. s. 3528] (8533)

514.45 CONTENTS AND LEVY OF WRIT. Such writ shall contain a description of the property, substantially as set forth in the lien statement and shall require the sheriff or other proper officer to attach and safely keep the same, or so much thereof as shall be sufficient to satisfy the plaintiff's demand, with such costs, disbursements, and charges as he may recover. If the levy be made upon logs or other timber, the marks whereof have been filed with the commissioner of natural resources, the officer shall file for record with the commissioner of natural resources a copy of the writ and of his return thereon, which return shall specify such marks and the quantity attached. In all cases a copy of such writ and return shall be filed with the clerk of the court in which the action is brought. No other filing or service thereof shall be necessary to perfect such levy.

[R L s 3529; 1967 c 568 s 1 subd 9; 1969 c 1129 art 3 s 1] (8534)

514.46 LOGS SCALED TO OFFICER; WHERE HELD; FEES. The officer serving such writ, if necessary to save the property from loss, shall have such logs or other timber scaled to him in any boom to which they may have arrived, but he shall not delay the driving thereof to their destination, if within the state. The boomage and scalage fees may be paid by the attaching officer, and the amount so paid returned as a part of his charges. Whether paid before or after judgment, the amount of boomage and scalage shall be collected out of the property, as other costs and disbursements are collected.

[R. L. s. 3530] (8535)

514.47 PLEADINGS; PRIORITY OF LIENS. The complaint shall allege the facts upon which the plaintiff's right to a lien depends, and the averments thereof shall be taken as true unless expressly denied by answer. When more than one lien

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is claimed on the same property, they shall have priority in the order in which the attachments are levied.

[R. L. s. 3531] (8536)

514.48 DISCHARGE OF ATTACHMENT; BOND. The defendant, or any person entitled to defend, upon presenting an affidavit showing that he has a valid defense to the whole or some part of the plaintiff's claim, and upon paying into court such part thereof as he admits, with costs and disbursements then incurred, may have the attachment dissolved by giving a bond, to be approved by the judge, conditioned for the payment of any sum that may be recovered in the action. At least five days' notice shall be given of the application for such dissolution, and at the hearing thereof the judge, in his discretion, may require the sureties to justify orally at such time and place as he may direct. The bond so approved, the affidavit and notice, and the order of dissolution shall be filed with the clerk, whereupon the property shall be released.

[R. L. s. 3532] (8537)

514.49 FINDINGS, JUDGMENT, COSTS. Upon the trial of such action the court or jury, in addition to finding the sum due to plaintiff, shall find how much thereof is due for labor or service upon the property described in the complaint, and how much of such property is subject to plaintiff's lien. The judgment entered thereon shall include costs and disbursements as follows:

(1) The costs allowed in ordinary actions in the district court, and in addition an attorney's fee of \$20;

(2) The disbursements made by or in behalf of the plaintiff in enforcing the lien including all scalage, boorage, and officers' fees;

(3) If the plaintiff be the original lienholder his fees and mileage as a witness.

[R. L. s. 3533] (8538)

514.50 EXECUTION SALE. The judgment shall be enforced by execution sale of the property found subject to the lien, if any there be; if not, execution shall issue in ordinary form for the amount recovered. If a part only of the recovery be secured by the lien, separate executions may issue as the case shall require. The levy upon property covered by the lien shall be made in the manner provided for the levy of the attachment, and notice of the sale shall be given as in the case of ordinary execution sales, except that such notice shall also be posted in the office of the commissioner of natural resources; and if the sale be made in the county wherein the office of the commissioner of natural resources is situated, it shall take place at his office. The officer making the sale shall give his certificate thereof to the purchaser, which shall vest in him the title of all parties to the action, and entitle him to a scale bill for such part of the property as is described by recorded marks.

[R L s 3534; 1967 c 568 s 1 subd 9; 1969 c 1129 art 3 s 1] (8539)

514.51 OBSTRUCTING OR INTERMIXED LOGS. Any person desiring to float logs or other timber in any of the streams or waters of this state, and being hindered or obstructed in so doing by the logs or timber of another, or any person whose logs or timber shall become so intermingled therein with those of another as to make it difficult to separate his own without floating all to other waters, may drive all such obstructing or mingled logs or timber, with his own, to some point where the same can conveniently be assorted and his own separated from the mass. He shall have a lien upon the logs or timber so driven for the reasonable value of his services in driving the same, which shall be asserted and enforced as in the case of other liens.

[R. L. s. 3535] (8540)

514.52 SUBMERGED, BURIED OR SUNKEN LOGS; BOND; LIEN; CONVERSION. Any person desiring to raise or float any submerged, buried or sunken logs or other timber owned by him in any of the waters of this state and being hindered or obstructed in so doing by the logs or timber of another, and any person whose logs are sunken, buried, or submerged, and so intermingled with those of another as to make it difficult to raise or float his own without raising and floating all, and who shall have filed in the office of the commissioner of natural resources a bond in the amount and with sureties approved by such commissioner of natural resources conditioned that such person will, on demand and on payment of any lien he

may have thereon, deliver to the owner thereof at the nearest convenient place of separation, or the nearest advantageous market, all submerged, buried, or sunken logs raised or floated by him in pursuance hereof, or in case such delivery be not so demanded, pay to the owner thereof, in pursuance of and according to the provisions of this section, and who shall from time to time renew such bond or give such additional bond as the commissioner of natural resources shall require, may raise and float all such obstructing or mingled logs or timber with his own and transport the same to some safe point where the same may be conveniently sorted and separated or advantageously marketed. He shall have a lien upon the logs or timber so raised or floated for the reasonable value of his services in raising and floating the same, which shall be asserted and enforced as in the case of other liens upon logs and timber. Any person who shall convert to his own use any logs or timber of another upon which he has a lien under the provisions of this section, and the delivery of which has not been demanded by the owner thereof, shall be liable to the owner of the logs or timber so converted for the full value thereof at the time of such conversion, with interest, less the amount of such lien and payment of the amount of such liability shall be full compensation for all logs or timber so converted.

[*R L s 3535a; 1907 c 428 s 1; 1967 c 568 s 1 subd 9; 1969 c 1129 art 3 s 1*] (8541)

514.53 SCALING AND MARKING OF SUBMERGED LOGS; DUTY OF COMMISSIONER OF NATURAL RESOURCES; FEES. Every person who shall engage in raising or floating logs or timber under the provisions of section 514.52 shall cause all logs and other timber raised or floated by him to be scaled at time of such raising or floating by the commissioner of natural resources, and shall place on each log and piece of timber so raised a suitable log mark, which mark shall only be used on logs or timber so raised or floated. The commissioner of natural resources shall attend in person or by deputy at the raising and floating of such logs or timber, and promptly scale the same, recording the size, kind, and all marks on each piece thereof. For such service said commissioner of natural resources shall receive in addition to all fees now allowed by law the further sum of \$5 for each day's attendance under the provisions of sections 514.40 to 514.58, and such fees shall be paid by the person so employing him and shall be taken and held to be a part of the cost of raising and floating such logs and timber. No such work shall be performed within the limits of any operating boom company organized under the laws of this state, except under the supervision and direction of some representative of the boom company within whose limits such work is being carried on.

[*R L s 3535b; 1907 c 428 s 1; 1967 c 568 s 1 subd 9; 1969 c 1129 art 3 s 1*] (8542)

514.54 TIMBER CUT IN OTHER STATES. If such logs or other timber are cut in another state, and are thence rafted or otherwise transported into this state, any person who has performed labor or service thereon for which he would have been entitled to a lien if the same had been performed in Minnesota shall have the same lien therefor, and may enforce it at any place where the logs or timber may be found, to the same extent and with like effect as though the same had accrued in this state.

[*R. L. s. 3536*] (8543)

514.55 STRAY TIMBER SECURED IN OTHER STATES. Any person authorized by the laws of another state so to do, who shall pick up or secure lost or stray logs, timber, or other floating property upon any waters of that state whereon there is, during the season of navigation, an actual commerce carried by vessels drawing eight feet of water, or more, which property shall thereafter be rafted or otherwise transported to waters of the same description within this state, shall have a lien thereon for the value of such services and the expenses thereof, to the same extent and effect as that given by law to persons authorized to perform like services upon such waters in this state.

[*R. L. s. 3537*] (8544)

514.56 PRESERVATION AND ENFORCEMENT. The liens provided for in sections 514.54 and 514.55 shall be preserved and enforced as in the case of labor liens, except that no demand for payment need be made before the lien statement is filed, and that the lien statement, in addition to the other facts required, shall specify under which of the sections the lien is claimed; and except that in no case

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need the same be filed for record elsewhere than with the commissioner of natural resources.

[*R L s 3538; 1967 c 568 s 1 subd 9; 1969 c 1129 art 3 s 1*] (8545)

514.57 COMMISSIONER OF NATURAL RESOURCES; LIEN FOR CHARGES. To secure the payment of his fees, mileage, and other charges for official services relating to logs, timber, and lumber, the commissioner of natural resources shall have a lien upon the same, which he may retain by affixing to the scale bill of such logs, timber, or lumber a statement of the amount due him, with a declaration that he claims and is entitled to such lien, and by taking actual possession of a quantity of such logs, timber, or lumber sufficient to pay such amount, with the expenses of seizure and sale.

[*R L s 3539; 1967 c 568 s 1 subd 9; 1969 c 1129 art 3 s 1*] (8546)

514.58 SALE AND DISTRIBUTION OF PROCEEDS. If the amount of such lien be not paid within 60 days after delivery of the scale bill and statement aforesaid, the property so seized may be sold at auction by the sheriff or any constable of the county upon ten days posted notice. One copy of the notice shall be posted in the office of the commissioner of natural resources who may become a purchaser at the sale. Out of the proceeds of the sale the officer making the same shall retain his fees and charges therefor, and pay to the commissioner of natural resources the amount of his lien and all expenses lawfully incurred by him in enforcing the same. The remainder, if any, shall be paid to the owner or other person entitled thereto.

[*R L s 3540; 1967 c 568 s 1 subd 9; 1969 c 1129 art 3 s 1*] (8547)

WAGES

514.59 WAGES, LIEN AS AGAINST SEIZURE. Every mechanic, salesman, clerk, operative, or other employee of a manufacturer, merchant, or dealer in merchandise shall have a lien upon all the property of his employer, as against any attachment or execution levied thereon, for the security of his wages earned within the six months last preceding, to an amount not exceeding \$200. Such lien shall not be affected by any agreement with the employer to waive the same, and shall be preferred to mortgages, judgments, and other liens which shall have attached after the beginning of the labor or services in which the wages were earned.

[*R. L. s. 3541*] (8548)

514.60 NOTICE TO SHERIFF; PROPERTY HELD. Within five days after such levy the lienholder shall give to the officer making the same a written notice of the amount and grounds of his claim; whereupon the officer shall hold the property, or the proceeds thereof in case of sale, subject to such claim until the same is determined by agreement of the parties concerned or by the judgment of a court. The lien shall cease unless such agreement be reached, or an action to determine the claim be commenced, within 30 days after such notice was served. Upon a sale of the property by the officer holding the sale he shall pay the liens, in the order of the giving of the notices, out of the moneys derived therefrom.

[*R. L. s. 3542*] (8549)

514.61 DEATH OR DISSOLUTION OF EMPLOYER. The lien shall also exist, as against all other creditors, in case of the death, dissolution, or insolvency of the employer. The notice provided for in section 514.60 shall, in such case, be given to the personal representative of the decedent, or to the receiver or other officer of court entitled to possession of the assets of the employer, within five days after his qualification as such, and the lien shall cease unless determined or sued upon as prescribed in section 514.60.

[*R. L. s. 3543*] (8550)

SERVICE OF MALE ANIMALS

514.62 LIEN ON OFFSPRING. The owner of any bull, ram, or boar kept for public service shall have a lien upon the offspring of such animal for the price or value of its service.

[*R. L. s. 3544*] (8551)

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514.63 PRESERVATION AND ENFORCEMENT OF LIEN. To preserve the lien created by section 514.62 the holder thereof, within six months after such service, shall file in the appropriate filing office under the uniform commercial code, Minnesota Statutes, Section 336.9-401, a verified statement containing a description of the female and stating the time and place of the service and the amount due therefor. A certified copy of such statement shall be sufficient to authorize the lienholder to take possession of the offspring at any time within one year after its birth and to foreclose his lien thereon in the manner prescribed for security interests under article 9 of the uniform commercial code.

[*R L s 3545; 1965 c 812 s 17*] (8552)

514.64 [Repealed, 1949 c 273 s 1]

PROCESSING FARM PRODUCTS

514.65 RIGHT TO LIEN; PRIORITY. Any person owning or operating a threshing machine, combined thresher and harvester, clover huller, corn picking machine, corn sheller, corn shredder, grain dryer, ensilage cutter or hay baler shall have a lien upon the grain threshed, clover hulled, corn shelled or shredded, or picked, or dried, ensilage cut, or hay baled, as the case may be, for the price or value of such service, which shall be preferred to all other liens or encumbrances except those given for the seed from which the grain was grown.

[*R L s 3546; 1923 c 132 s 1; 1929 c 314 s 1; 1937 c 254 s 1; 1959 c 115 s 1*] (8555)

514.66 PRESERVATION AND ENFORCEMENT OF LIEN. Within 15 days after such threshing, clover hulling, corn picking, corn shelling or shredding, or hay baling, or grain drying is completed the claimant of such lien shall file in the appropriate filing office under the uniform commercial code, Minnesota Statutes, Section 336.9-401, a verified statement of the amounts and kinds of grain threshed, clover hulled, corn picked, corn shelled or shredded, or hay baled, or grain dried, the time and place of doing the same, giving the first and last days thereof, the rates per bushel, per day, per hour or other terms of the contract and the total charge therefor, the amounts paid thereon, if any, and the balance due, the name of the reputed owner and of the person requesting the work to be done, and a notice that a lien is claimed for the amount remaining unpaid. Within six months after the filing of the lien statement but not thereafter the lien claimant may foreclose his lien in the manner prescribed for security interests under article 9 of the uniform commercial code. Any person secreting or disposing of property covered by such lien, without the consent of the lienholder, shall be guilty of a misdemeanor. The minimum penalty thereof shall be a fine of \$25.

[*R L s 3547; 1921 c 248 s 1; 1923 c 132 s 2; 1929 c 314 s 2; 1959 c 115 s 2; 1965 c 812 s 18*] (8556)

GOVERNMENTAL SERVICES

514.67 INSPECTIONS, EXAMINATIONS, OR OTHER GOVERNMENTAL SERVICES. All charges and expenses for any inspection, examination, or other governmental service of any nature now or hereafter authorized or required by law shall constitute and be a first and prior lien from the date of such inspection, examination, or service upon all property in this state subject to taxation as the property of the person from whom such charges and expenses are by law authorized or required to be collected. No record of such lien shall be deemed necessary, but the same shall be duly presented or proven in any bankruptcy, insolvency, receivership, or other similar proceeding, or be barred thereby.

As used in this section the following words and terms have the following meanings:

(1) "Person" means and includes any natural person in any individual or representative capacity, and any firm, copartnership, corporation, or other association of any nature or kind.

(2) The term "first and prior lien" means a lien equivalent to, and of the same force and effect as a lien for taxes; but any such lien or claim shall be deemed barred unless proceedings to enforce same shall have been commenced within two years from the date when such claim becomes due.

[*1925 c. 188 ss. 1, 2*] (8556-1, 8556-2)

HOSPITAL CHARGES

514.68 LIEN FOR HOSPITAL CHARGES. Any person, firm, or corporation operating a hospital in this state shall have a lien for the reasonable charges for hospital care of an injured person upon any and all causes of action accruing to the person to whom such care was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which necessitated such hospital care, subject, however, to any attorney's lien.

[1933 c. 345 s. 1] (8556-3)

514.69 FILE WITH CLERK OF THE DISTRICT COURT. In order to perfect such lien, the operator of such hospital, before, or within ten days after, such person shall have been discharged therefrom, shall file in the office of the clerk of the district court of the county in which such hospital shall be located a verified statement in writing setting forth the name and address of such patient, as it shall appear on the records of such hospital, the name and location of such hospital and the name and address of the operator thereof, the dates of admission to and discharge of such patient therefrom, the amount claimed to be due for such hospital care, and, to the best of claimant's knowledge, the names and addresses of all persons, firms, or corporations claimed by such injured person, or the legal representatives of such person, to be liable for damages arising from such injuries; such claimant shall also, within one day after the filing of such claim or lien, mail a copy thereof, by registered mail, to each person, firm, or corporation so claimed to be liable for such damages to the address so given in such statement. The filing of such claim or lien shall be notice thereof to all persons, firms, or corporations liable for such damages whether or not they are named in such claim or lien.

[1933 c. 345 s. 2] (8556-4)

514.70 CLERK TO PROVIDE RECORD. The clerk of court shall endorse thereon the date and hour of filing and, at the expense of the county, shall provide a hospital lien book with proper index in which he shall enter the date and hour of such filing, the names and addresses of such hospital, the operators thereof and of such patient, the amount claimed and the names and addresses of those claimed to be liable for damages. He shall be paid \$1 as his fee for such filing.

[1933 c. 345 s. 3] (8556-5)

514.71 RELEASE. No release of such causes of action, or any of them, or of any judgment thereon shall be valid or effectual as against such lien unless such lienholder shall join therein, or execute a release of such lien, and the claimant, or assignee of such lien, may enforce such lien by action against the person, firm, or corporation liable for such damages, which action shall be commenced and tried in the county in which such lien shall be filed, unless ordered removed to another county by the court for cause. If the claimant shall prevail in such action, the court may allow reasonable attorneys' fees and disbursements. Such action shall be commenced within two years after the filing of such lien.

[1933 c. 345 s. 4] (8556-6)

514.72 APPLICATION. The provisions of sections 514.68 to 514.71 shall not apply to any moneys becoming due under the workmen's compensation act of this state.

[1933 c. 345 s. 5] (8556-7)

GENERAL PROVISIONS

514.73 LIENS ASSIGNABLE. All liens given by this chapter are assignable and may be asserted and enforced by the assignee, or by the personal representative of any holder thereof in case of his death.

[R. L. s. 3548] (8557)

514.74 INACCURACIES IN LIEN STATEMENT. In no case shall the liens given by this chapter be affected by any inaccuracy in the particulars of the lien statement; but, as against all persons except the owner of the property, the lien claimant shall be concluded by the dates therein given, showing the first and last items of his account. In no case shall a lien exist for a greater amount than the

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sum claimed in the lien statement, nor for any amount, if it be made to appear that the claimant has knowingly demanded in the statement more than is justly due.

[R. L. s. 3549] (8558)

514.75 PROMISSORY NOTE; EFFECT. The taking of a promissory note or other written obligation to pay any indebtedness for which a lien is given by this chapter shall not discharge such lien unless the obligation by its terms shall so provide, or the time for payment be thereby extended beyond the date fixed by law for enforcing the lien.

[R. L. s. 3550] (8559)

514.76 SATISFACTION; PENALTY FOR REFUSAL. Every lien claimed under any provision of this chapter shall be satisfied of record, at the expense of the claimant, upon payment or tender to him of the amount actually due thereon, or upon written demand made at any time after expiration of the time within which it may be asserted in an action or other proceeding to enforce the same, if it has not been so asserted. Refusal to cause satisfaction to be entered within ten days after such payment, tender, or demand shall render the party so refusing liable in a civil action, to any person interested, for \$25 as liquidated damages if the lien was claimed upon real estate; otherwise, \$10; and in either case for any further damages which the plaintiff may have suffered therefrom.

[R. L. s. 3551] (8560)

LAUNDERERS

514.77 LIENS FOR LAUNDERERS. Whenever any article of wearing apparel, bedding, linens, flatwork and household furnishings, shall be left with any person, firm, or corporation for the purpose of being repaired, altered, dyed, cleaned, pressed, or laundered, such person, firm, or corporation is authorized to retain possession of said wearing apparel or garment until the amount due on the same for repairing, altering, dyeing, cleaning, pressing, or laundering by contract shall be fully paid off and discharged. In case no amount is agreed upon by contract, then said person, firm, or corporation shall retain possession of such wearing apparel or garment until all reasonable, customary, and usual compensation shall be paid in full.

[1945 c. 601 s. 1]

514.78 NOTIFICATION OF OWNER; SALE. When possession of any of the articles of wearing apparel, bedding, linens, flatwork and household furnishings, embraced in section 514.77, has continued for 90 days after the charges accrue, and the charges so due have not been paid, it shall be the duty of the persons so holding said articles to notify the owner of these charges, by registered mail at his last known address. On the owner's failure to pay these charges within ten days after such notice has been given, the persons so holding said wearing apparel, bedding, linens, flatwork and household furnishings shall then be authorized to sell said wearing apparel, bedding, linens, flatwork and household furnishings. Said sale may be public or private and the proceeds of the same shall be applied toward the payment of the charges and any balance shall be paid over to the person entitled to the same. If the owner's residence is beyond the state, or is unknown, the person holding said wearing apparel, bedding, linens, flatwork and household furnishings shall not be required to give such notice before proceeding to sell.

[1945 c 601 s 2; 1947 c 309 s 1]

514.79 BALANCE OF PROCEEDS OF SALE; PAYMENT OF. If the persons who are legally entitled to receive the balance mentioned in sections 514.77 to 514.79 are not known or have removed from the state or county in which such repairing, altering, dyeing, cleaning, pressing and laundering was done, the person, firm, or corporation which held said property shall pay the balance resulting from any sale to the treasurer of the county in which said articles were held and take his receipt therefor. Whenever such balance shall remain in the possession of the county treasurer for a period of two years unclaimed by the party legally entitled to the same, such balance shall become a part of the general funds of the county in which the articles were sold.

[1945 c. 601 s. 3]

514.80 [Repealed, 1965 c 811 art 10 s 336.10-102]

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- 514.81 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.82 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.83 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.84 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.85 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.86 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.87 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.88 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.89 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.90 [Repealed, 1965 c 811 art 10 s 336.10-102]
- 514.91 [Repealed, 1965 c 811 art 10 s 336.10-102]

VETERINARIANS

514.92 LIEN; STATEMENT OF CLAIM; FORECLOSURE. Subdivision 1. Every duly licensed and registered veterinarian shall have a lien for all veterinary services over \$25 rendered upon any animal or animals at the request of the owner or lawful possessor of same, including but not limited to surgical procedures, vaccines, antisera, virus, antibiotics, or other veterinary treatment, from the date of filing such lien. Within 60 days from the day on which said treatment was completed, the claimant of such lien shall file in the appropriate filing office under the Uniform Commercial Code, Minnesota Statutes, Section 336.9-401, a verified lien statement setting forth the kind and number of animals treated, the price agreed upon for such treatment, which shall not exceed the reasonable value of such treatment, the name of the person for whom such treatment was done, the description of the animals treated, and if branded, the brand thereon, dates when the treatment was commenced and was completed, the name of the owner, or reputed owner, of such animals, the name and address of the veterinarian claiming the lien. Within one year after the date the last service was rendered, but not thereafter, the lien claimant may foreclose his lien in the manner prescribed for security interests under Article 9 of the Uniform Commercial Code.

Subd. 2. Minnesota Statutes, Section 514.74 shall apply to all liens created under subdivision 1.

[1967 c 855 s 1]

514.93 SUMMARY SALE OF UNCLAIMED ANIMALS; TIME OF SALE; NOTICE; DISPOSITION OF PROCEEDS; RECORD OF SALE. Any unclaimed animal held by a veterinarian for more than ten days after the completion of veterinary care and treatment requested by the owner or lawful possessor of said animal may be summarily sold by the veterinarian for the reasonable value of said animal upon compliance with the procedures set forth in this section. Written notice of the completion of care and treatment and written notice of the proposed sale of said animal shall be given to the owner or lawful possessor of said animal by certified mail. If the whereabouts of the owner or lawful possessor of the animal cannot be ascertained with reasonable diligence, a notice of the proposed sale shall be published in a legal newspaper circulated in the county where the animal is located at least ten days preceding the sale. The notice shall state the amount due and the date, place and time of sale. The proceeds of such sale shall first be used to reimburse the veterinarian for an amount equal to the reasonable value of the veterinary care and treatment plus any other care and board given said animal; the excess amount, if any, from such sale shall be paid to the owner or lawful possessor of said animal or to other persons legally entitled thereto. Any veterinarian making a sale hereunder shall make a record in writing verified by his oath, setting forth the kind and number of animals sold, the amount realized from any such sale, the amount claimed due by the veterinarian, the name of the former owner or lawful possessor requesting the care and treatment performed by the veterinarian on the animal or animals sold, the dates when the treatment was commenced and was completed, the date or dates when notice of the proposed sale was given the owner or lawful possessor of the animal or animals sold, the description of the animal or animals sold, and if branded, the brand thereon, the name and address of the veterinarian making the sale and the name and address of purchaser or purchasers of the animal or animals sold. The record so made shall be filed within five days of

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the sale in the office of the register of deeds of the county in which such sale is made.

[1967 c 855 s 2]

514.94 RIGHTS OF DETAINER, LIEN AND SALE OF ANIMALS. Nothing in sections 514.92 to 514.94 shall in any way alter or revoke a veterinarian's rights of detainer, lien and sale of animals under sections 514.18 to 514.22.

[1967 c 855 s 3]