

MECHANICS' LIENS

CHAPTER 186.

[S. B. No. 98—Bronson.]

MECHANIC'S LIEN—LIMITATION.

AN ACT to Amend and Re-enact Section 6826 of the Compiled Laws of North Dakota for the Year 1913, Relating to Mechanics' Liens, the Time of Commencing Suit and Limitation Thereupon.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 6826 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 6826. REQUIRING SUIT TO BE COMMENCED; LIMITATIONS THEREON.] Upon the written demand of the owner, his agent or contractor, served on the person holding the lien, such suit shall be commenced 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. But no lien shall be valid or effective as such, nor shall the same be enforced in any case, and the clerk of the said district court shall cancel of record any such lien, unless the holder thereof shall assert the same either by complaint or answer within six years after the date of the last item of his claim as set forth in the recorded lien account, or within six years after the same becomes due, if such lien account shows that the same is not then due; *provided*, however, that all mechanics' liens or claims, that may be filed therefor and which have existed for the full term of six years prior to the taking effect of this Act, may be enforced and may be asserted either by complaint or answer at any time within one year after the taking effect thereof; *provided*, further, in case a summons and complaint or answer, asserting the validity of such lien, is not filed in the office of the Clerk of Court in which the lien is filed within the limitation herein provided, then the Clerk of Court shall upon request of any interested person cancel said lien of record.

§ 2. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved, March 9, 1915.