

LC 0843/01

1 considered as an acceptance of the building, improvement, or
2 other structure.

3 (b) The cessation from labor for ~~thirty~~ (30) days upon
4 any building, improvement or structure, or the alteration,
5 addition to or repair thereof."

-End-

Approved by Committee on Judiciary

1 INTRODUCTION BY H BILL NO. 456
2 Meloy (By REQUEST)

3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE NOTICE TO BE
4 GIVEN AN OWNER OF PROPERTY BEFORE A LIEN MAY BE FILED
5 THEREON; AMENDING SECTION 45-502, R.C.M. 1947."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

7 Section 1. Section 45-502, R.C.M. 1947, is amended to
8 read as follows:

9 "45-502. How lien perfected. (1) Every person wishing
10 to avail himself of the benefits of this chapter must file
11 with the county clerk of the county in which the property or
12 premises mentioned in the preceding section is situated, and
13 within ninety days after the material or machinery aforesaid
14 has been furnished, or the work or labor performed, a just
15 and true account of the amount due him, after allowing all
16 credits, and containing a correct description of the
17 property to be charged with such lien, verified by
18 affidavit, but any error or mistake in the account or
19 description does not affect the validity of the lien, if the
20 property can be identified by the description; which paper
21 containing the account, description, and affidavit is deemed
22 the lien, and when there is an open account between the
23 parties for labor, material, or machinery, such lien may be

1 filed within ninety days after the date of the last item in
2 such account, and include all items and charges contained
3 therein, for material or machinery furnished for, or work
4 performed on, the property on which the lien is claimed. The
5 lien claimant shall serve a copy of the lien upon the owner
6 of the property to be charged with the lien by depositing a
7 copy thereof in the United States mail postpaid and
8 addressed to the owner at his last known address and shall
9 attach a certificate of such service to the lien filed with
10 the county clerk and recorder showing the date when such
11 service was made. The county clerk and recorder may not file
12 the lien unless such certification is attached thereto.

13 (2) The time within which to perfect the lien by
14 filing of the notice of lien is shortened if the provisions
15 of section 3 [45-502.1] of this act complied with and a
16 notice of completion is timely filed, in which event such
17 notice of lien must be filed within ~~sixty~~ (60) days
18 immediately following the first publication of the notice of
19 completion.

20 (3) The following acts ~~of~~ or events constitute
21 "completion of any work or improvement" for the purpose of
22 filing a notice of completion:

23 (a) The written acceptance by the owner, his agent or
24 his representative of the building, improvement or
25 structure. The filing of a notice of completion shall not be

1 considered as an acceptance of the building, improvement, or
2 other structure.

3 (b) The cessation from labor for ~~thirty~~ (30) days upon
4 any building, improvement or structure, or the alteration,
5 addition to or repair thereof."

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