

HOUSE BILL NO. 238

Introduced: 01/14/83

Referred to committee on Judiciary: 01/14/83

Hearing: 1/26/83

Died in Committee

1 *House* BILL NO. *238*
2 INTRODUCED BY *Vincent T. Hagan Metcalf Brand*
3 *Hagan*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT LIENS
5 ATTACHING TO A PRIVATE DWELLING FOR MATERIAL, MACHINERY, OR
6 FIXTURES SUPPLIED IN PERFORMANCE OF WORK ON THE DWELLING
7 MUST BE DECREASED IN THE AMOUNT THAT PAYMENT FOR THE
8 MATERIAL, MACHINERY, OR FIXTURES WAS MADE TO THE PERSON
9 PERFORMING THE WORK."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 Section 1. Exception. (1) A lien under this part that
13 attaches to a private dwelling for material, machinery, or
14 fixtures supplied in performance of work on the dwelling
15 must be decreased in the amount that payment for the
16 material, machinery, or fixtures was made to the person
17 performing the work.
18 (2) An affidavit of the owner of the dwelling
19 representing that full or partial payment has been so made
20 is prima facie evidence of the payment.
21 (3) For the purpose of this section, "private
22 dwelling" means a building in which the owner resides and
23 all facilities, fixtures, and accessories appurtenant
24 thereto.
25 Section 2. Codification instruction. Section 1 is

1 intended to be codified as an integral part of Title 71,
2 chapter 3, part 5, and the provisions of Title 71, chapter
3 3, part 5, apply to section 1.

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