

the recovery of said sum from the bonding company when judgment is obtained therefor.

SEC. 2. This act is necessary for the support of the state government and its existing institutions and shall take effect immediately. Emergency.

Passed the Senate February 19, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 68.

[S. B. 125.]

LIENS ON CHATTELS.

AN ACT relating to liens upon chattels, and amending sections 1154, 1155, 1156, 1157 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and adding a new section to be known as section 1157-a of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 1154 of Rem. & Bal. Code be amended to read as follows:

Section 1154. Every person, firm or corporation who shall have performed labor or furnished material in the construction or repair of any chattel at the request of its owner, shall have a lien upon such chattel for such labor performed or material furnished, notwithstanding the fact that such chattel be surrendered to the owner thereof: *Provided, however,* That no such lien shall continue, after the delivery of such chattel to its owner, as against the rights of third persons who, prior to the filing of the lien notice as hereinafter provided for, may have acquired the title to such chattel in good faith, for value and without actual notice of the lien.

Right to
lien.

SEC. 2. That section 1155 of Rem. & Bal. Code be amended to read as follows:

Section 1155. In order to make such lien effectual the lien claimant shall, within sixty days from the date of

Filing lien
notice.

delivery of such chattel to the owner, file in the office of the auditor of the county in which such chattel is kept, a lien notice, which notice shall state the name of the claimant, the name of the owner, a description of the chattel upon which the claimant has performed labor or furnished material, the amount for which a lien is claimed and the date upon which such expenditure of labor or material was completed, which notice shall be signed by the claimant or some one on his behalf, and may be in substantially the following form:

CHATTEL LIEN NOTICE.

Form of notice.

..... Claimant,)
 against
 Owner.)

Notice is hereby given that.....has and claims a lien upon (here insert description of chattel), owned by.....for the sum of.....dollars, for and on account of labor, skill and material expended upon said.....which was completed upon the.....day of....., 19....

 Claimant.

SEC. 3. That section 1156 of Rem. & Bal. Code be amended to read as follows:

Priority of lien.

Section 1156. The liens created by this chapter are preferred to any lien, mortgage or other encumbrance which may attach subsequently to the time of the commencement of the performance of the labor, or the furnishing of the materials for which the right of lien is given by this chapter, and are also preferred to any lien, mortgage or other encumbrance which may have attached previously to that time, and which was not filed or recorded so as to create constructive notice of the same prior to that time, and of which the lien claimant has no notice.

SEC. 4. That section 1157 of Rem. & Bal. Code be amended to read as follows:

Enforcement of lien

Section 1157. The lien herein provided for may be enforced against all persons having a junior or subsequent

interest in any such chattel, by notice and sale in the same manner that a chattel mortgage is foreclosed or by decree of any court in this state exercising original equity jurisdiction in the county wherein such chattel may be, in an action commenced within nine months after the filing of such lien notice, and if no such action shall be commenced within such time such lien shall cease.

SEC. 5. That there shall be added a new section to be known as section 1157-a to read as follows:

Section 1157-a. In every case originating in or removed to a court of competent jurisdiction, in which different liens are claimed against the same property, the court, in the judgment, must declare the rank of such lien or class of liens, which shall be in the following order:

1. All persons performing labor;
2. All persons furnishing material;

And the proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank; and personal judgment may be rendered in an action brought to foreclose a lien, against any party personally liable for any debt for which the lien is claimed, and if the lien be established, the judgment shall provide for the enforcement thereof upon the property liable as in case of foreclosure of mortgages; and the amount realized by such enforcement of the lien shall be credited upon the proper personal judgment, and the deficiency, if any, remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against the party liable therefor. The court may allow, as part of the costs of the action, the moneys paid for filing or recording the claim, and a reasonable attorney's fee in the action.

Passed the Senate February 19, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 10, 1917.

Priority of
labor over
material
liens.

Personal
judgment.

Deficiency.