

CHAPTER 18.

[H. B. 13.]

LABOR AND MATERIAL LIENS ON REAL ESTATE.

AN ACT creating and providing for the establishment and enforcement of liens on real estate for labor and materials furnished in planting lawns, trees, vines, plants, hedges and shrubs.

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

Liens provided.

SECTION 1. Every person who, at the request of the owner of any real property, or at the request of the duly authorized agent of such owner, performs any labor or furnishes any material, or both, in the planting of trees, vines, shrubs, plants, hedges or lawns for the improvement of such real property, shall have a lien for the agreed price thereof, or if no agreed price, then for the reasonable value of such work and materials, upon the real property upon which such improvements are placed, and such further amount of land belonging to such owner as is necessary to the convenient use and enjoyment of such improvement.

Agreed price or reasonable value.

Lien preferred.

SEC. 2. The lien created by this act shall be preferred to any lien, mortgage or other encumbrance which may attach subsequently to the time of commencement of the performance of the labor, or the furnishing of the materials for which such lien is given, 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 had no notice.

Claims, how filed.

SEC. 3. Any person or corporation claiming the benefit of this act must within forty (40) days after the completion of such labor or of the furnishing of

such materials, file for record with the County Auditor of the county in which such property is situated, a claim of lien which shall state as nearly as may be the time of the commencement and cessation of performing the labor, or the furnishing of the material, the name of such person performing the labor or furnishing the material, the name of the person by whom the laborer was employed or to whom the material was furnished, the legal description of the property to be charged with the lien, the name of the owner, or reputed owner of such property, and the amount for which the lien is claimed, and shall be signed by the claimant, or by some person in his behalf, and be verified by the oath of the claimant, or some person in his behalf, to the effect that the affiant believes the same to be just. In case the claim shall have been assigned, such claim of lien shall state the name of the assignee. In foreclosure suits, such claims of lien may be amended by order of the court, in so far as the interests of third parties shall not be affected by such amendment. Any number of claimants may join in the same claim for the purpose of filing the same and enforcing their liens, but in such case the amount claimed by each original lienor, respectively, shall be stated.

SEC. 4. The County Auditor of each county shall record all lien claims filed as provided in this act, in a book to be kept by him for that purpose, which record must be indexed as deeds and other conveyances are required by law to be indexed. Recording.

SEC. 5. Liens provided for by this act shall have the same priority and rank, the one with the other, and as between such lien and other encumbrances, as in the case of mechanics' and materialmen's liens. Priority.

SEC. 6. The liens provided for by this act for which claims have been filed may be foreclosed and enforced by a civil action in the court having juris- Enforcement
by civil
action.

Time limit. diction, in the same manner as mechanics' and materialmen's liens are now foreclosed and enforced. Any such foreclosure action shall be brought within eight calendar months after the filing of such claim of lien as provided herein, and in any such action, the court shall allow as part of the costs therein the money paid for making, filing and recording such claim of lien and a reasonable attorney's fee.

Passed the House January 27, 1943.

Passed the Senate February 17, 1943.

Approved by the Governor February 23, 1943.

CHAPTER 19.

[H. B. 22.]

SALE OF REAL AND PERSONAL PROPERTY OWNED BY COUNTIES.

AN ACT relating to counties and to the sale of real and personal property owned by counties, including sale of timber and reservations of mineral rights by counties and amending section 1, chapter LXXVI, Laws of 1891, being section 4007, Remington's Revised Statutes.

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

Amendments. SECTION 1. That section 1, chapter LXXVI, Laws of Washington, 1891, being section 4007, Remington's Revised Statutes, be and the same is hereby amended to read as follows:

Commissioners may sell. Section 1. Whenever it shall appear to the Board of County Commissioners of any county in this state that it is for the best interests of such county and the taxing districts and the people thereof that any part or parcel, or portion of such part or parcel, of the property, whether real, personal, or mixed, belonging to said county, including tax title land, should be sold, it shall be the duty of such board, and they are hereby authorized and empowered, to