

CHAPTER 68.

House Bill No. 151.

RELATING TO MECHANICS AND BUILDERS LIEN.

AN ACT to amend and re-enact Section 3805 of Wyoming Compiled Statutes, 1910, relating to mechanics ad builders liens, and prescribing what shall constitute a sufficient lien account and notice of lien.

Be It Enacted by the Legislature of the State of Wyoming:

Petition Shall Allege.

Section 1. That Section 3805 of Wyoming Compiled Statutes, 1910, be, and the same is, hereby amended and re-enacted so as to read as follows:

“The pleadings, practice, process and other proceedings in cases arising under this chapter shall be the same as in ordinary civil actions and civil proceedings in the courts of this state, except as herein otherwise provided. The petition among other things shall allege the facts necessary for securing a lien under this chapter and a description of the property to be charged therewith. Provided, however, that in any action begun by any laborer, material man, sub-contractor or other person, to enforce a lien under the provisions of this chapter, if the petition shall state and the evidence shall show that the work and labor was done and the materials furnished for the use and benefit of the party or parties designated in the petition, and for use in, upon or about the property therein described and against which the lien is sought to be enforced, and shall also state and show that the owner or proprietor of said property or his agent, had knowledge of the fact that said work and labor was being done and said materials were being furnished for use, in upon and about said property, then and in that case any and all defects in the statement of said lien account as filed or notice given as provided in this chapter shall be disregarded; provided, that said lien account as filed shall state the amount for which, the property against which, and the labor or materials for which, a lien is claimed, so as to enable the owner or his agent to identify the same; provided, further, that said notice shall be given and said lien account filed within the time limited by statute for so doing.

Lien Account as Evidence.

Sec. 2. In all cases arising under the provisions of this chapter, the lien account as filed shall be admitted in evidence and it shall be a question of fact for the jury, or for the court sitting as a jury, whether the said lien account as filed is sufficient to charge the owner of the property or his agent with knowledge of the amount for which, the property against which, and the work and labor done or materials furnished for which a lien is claimed. If the jury, or court sitting as a jury, shall find that said account as filed is sufficient so as to charge the owner or his agent with such knowledge, then said lien account shall be held in all respects sufficient and valid and enforceable.

Improper Charges Shall Not Invalidate.

Sec. 3. If any sub-contractor, material man, laborer or other person entitled to a lien under the provisions of this chapter, shall include in his lien account as filed, charges not properly belonging therein, or charges for which the law gives no lien, or charges entered therein by mistake, or charges arising under two separate contracts, such charges shall not invalidate the lien, but in his petition to enforce said lien, he may omit any or all such charges incorrectly entered or entered by mistake, and may proceed to enforce a lien for the balance.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 21st, 1911.