

HOUSE . . . . . No. 470.

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[Bill accompanying the petition of D. C. Delano and others for legislation relative to the filing of the statement of a lien on buildings and land. Joint Judiciary. Jan. 29.]

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Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Three.

AN ACT

To Define the time for Filing the Statement of a  
Lien on Buildings and Land.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows:*

1 SECTION 1. Section six of chapter one hun-  
2 dred and ninety-seven of the Revised Laws is  
3 hereby amended by adding at the end thereof the  
4 words: — No labor performed or furnished and no  
5 materials furnished under a contract, which has  
6 previously been substantially performed, shall  
7 revive the lien under said contract, or keep the  
8 same alive, so as to extend the time for filing said  
9 statement, — so as to read as follows: —

10 The lien shall be dissolved unless the person  
11 claiming it, within thirty days after he ceased to  
12 labor on or to furnish labor or materials for the

13 building or structure, files in the registry of deeds  
14 for the county or district in which it is situated a  
15 statement, signed and sworn to by him or a per-  
16 son in his behalf, giving a just and true account  
17 of the amount due him, with all just credits, a  
18 description of the property intended to be covered  
19 by the lien sufficiently accurate for identification  
20 and the name of the owner or owners of such  
21 property, if known. If a lien is claimed for labor  
22 only performed or furnished under an entire con-  
23 tract which includes both labor and materials at  
24 an entire price, the contract price, the number of  
25 days of labor performed or furnished and the  
26 value of the same shall also be stated. The  
27 statement shall not be invalid or insufficient  
28 solely by reason of an inaccuracy in stating or  
29 failing to state the contract price, the number of  
30 days of labor performed or furnished, and the  
31 value of the same, if it is shown that there was  
32 no intention to mislead and that the parties en-  
33 titled to notice of the statement were not in fact  
34 misled thereby. No labor performed or furnished  
35 and no materials furnished under a contract, which  
36 has previously been substantially performed, shall  
37 revive the lien under said contract, or keep the  
38 same alive, so as to extend the time for filing said  
39 statement.

1 SECTION 2. All acts or parts of acts incon-  
2 sistent herewith are hereby repealed.

1 SECTION 3. This act shall take effect upon its  
2 passage.