

ENGROSSED HOUSE
BILL NO. 2712

By: Stites

(liens - amending 42 O.S., Section 177 - enforcement of
liens - effective date)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 42 O.S. 1991, Section 177, as amended by Section 21, Chapter 338, O.S.L. 1995 (42 O.S. Supp. 1997, Section 177), is amended to read as follows:

Section 177. A. If any lien shall be filed under the provisions of this chapter, and no action to foreclose such lien shall have been commenced, or if a lien claimant shall have set forth in the lien statement an incorrect legal description of the real property against which such lien is asserted, the owner of the land may file ~~his~~ a petition in the district court of the county in which said land is situated, making said lien ~~claimants defendants~~ claimant a defendant therein, and praying for an adjudication of said lien so claimed, and if such lien claimant shall fail to establish ~~his~~ said lien, the court may award all damages sustained by the owner of the land, may award a reasonable attorney fee and may tax against said claimant the whole, or such portion of the costs of such action as may be just.

B. Provided, that if no action to foreclose or adjudicate any lien filed under the provisions of this chapter shall be instituted within one (1) year from the filing of said lien, the lien is canceled by limitation of law. If a lien is canceled by limitation

of law, the owner of the land may file an affidavit attesting to the cancellation with the county clerk of the county in which the land is located. Upon receipt of the affidavit, the county clerk shall attach the affidavit to the original lien document in the lien docket file and enter a notation of the filing in the mechanics' lien journal. The affidavit shall be on a form prescribed by the Office of the Administrative Director of the Courts.

SECTION 2. This act shall become effective November 1, 1998.

Passed the House of Representatives the 3rd day of March, 1998.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1998.

President of the Senate