

1 buildings, altering, or repairing any fence or footwalk in or upon
2 said land, or any sidewalk in any street abutting such land, shall
3 have a lien upon the whole of said tract or piece of land, the
4 buildings and appurtenances in an amount inclusive of all sums owed
5 to the person at the time of the lien filing, including, without
6 limitation, applicable profit and overhead costs. If the title to
7 the land is not in the person with whom such contract was made, the
8 lien shall be allowed on the buildings and improvements on such land
9 separately from the real estate. Such liens shall be preferred to
10 all other liens or encumbrances which may attach to or upon such
11 land, buildings or improvements or either of them subsequent to the
12 commencement of such building, the furnishing or putting up of such
13 fixtures or machinery, the planting of such trees, vines, plants or
14 hedges, the building of such fence, footwalk or sidewalks, or the
15 making of any such repairs or improvements; and such lien shall
16 follow said property and each and every part thereof, and be
17 enforceable against the said property wherever the same may be
18 found, and compliance with the provisions of this act shall
19 constitute constructive notice of the claimant's lien to all
20 purchasers and encumbrancers of said property or any part thereof,
21 subsequent to the date of the furnishing of the first item of
22 material or the date of the performance of the first labor or the
23 first use of the rental equipment on said land.

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1 SECTION 2. AMENDATORY 42 O.S. 2011, Section 143, is
2 amended to read as follows:

3 Section 143. Any person who shall furnish any such material or
4 lease or rent equipment used on said land or perform such labor as a
5 subcontractor, or as an artisan or day laborer in the employ of the
6 contractor, may obtain a lien upon such land, or improvements, or
7 both, from the same time, in the same manner, and to the same extent
8 as the original contractor, for the amount due ~~him~~ for such
9 material, equipment and labor, as well as any applicable profit and
10 overhead costs due to the person; and any artisan or day laborer in
11 the employ of, and any person furnishing material or equipment used
12 on said land to, such subcontractor may obtain a lien upon such
13 land, or improvements, or both, for the same time, in the same
14 manner, and to the same extent as the subcontractor, for the amount
15 due ~~him~~ for such material, equipment used on said land and labor, as
16 well as any applicable profit and overhead costs due to the person,
17 by filing with the county clerk of the county in which the land is
18 situated, within ninety (90) days after the date upon which material
19 or equipment used on said land was last furnished or labor last
20 performed under such subcontract, a statement, verified by
21 affidavit, setting forth the amount due from the contractor to the
22 claimant, and the items thereof, as nearly as practicable, the name
23 of the owner, the name of the contractor, the name of the claimant,
24 and a legal description of the property upon which a lien is

1 claimed. Immediately upon the filing of such statement the county
2 clerk shall enter a record of the same against the tract index and
3 in the journal provided for in the preceding section, and in the
4 manner therein specified. Provided further, that the owner of any
5 land affected by such lien shall not thereby become liable to any
6 claimant for any greater amount than he contracted to pay the
7 original contractor. The risk of all payments made to the original
8 contractor shall be upon such owner until the expiration of the
9 ninety (90) days herein specified, and no owner shall be liable to
10 an action by such contractor until the expiration of said ninety
11 (90) days, and such owner may pay such subcontractor the amount due
12 him from such contractor for such labor, equipment used on said land
13 and material, and the amount so paid shall be held and deemed a
14 payment of said amount to the original contractor.

15 SECTION 3. This act shall become effective November 1, 2013.

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17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/20/2013 - DO
18 PASS, As Coauthored.

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