

§3701. Contract price; attachment

A person who, under express contract fixing the price to be paid by the other party to the contract, sells, erects or furnishes any monument, tablet, headstone, vault, posts, curbing or other monumental work has a lien on the monument, tablet, headstone, vault, posts, curbing or other monumental work to secure the payment of the contract price, which continues for 2 years after the completion, delivery or erection of the monument, tablet, headstone, vault, posts, curbing or other monumental work. The lien may be enforced by an action for damages with an attachment, which must be recorded within the 2-year period by the clerk of the town in which the property subject to the lien is then situated; or the lien may be enforced by complaint setting forth the names and residences of the parties to the contract, the contract price, the sum due, the description and location of the property on which the lien is claimed and such other facts as are necessary to make it appear that the plaintiff is entitled to an enforcement of the lien, and praying for judgment for title and possession of the property described. The complaint, before service of the complaint and within the 2-year period, must be recorded by the clerk of the town in which the property is situated and a certificate of the record indorsed. The sum alleged to be due must be considered to be the damage and, after the complaint has been recorded, an action may be commenced upon the complaint in any court of proper venue for a transitory action between the parties. Service must be made as in other actions. If the plaintiff prevails, the plaintiff recovers judgment for title and possession of the property on which the lien is claimed, and for the plaintiff's costs, and a possessory execution may issue. By virtue of the judgment, the judgment creditor, if unopposed, may take possession and remove the property described in the judgment creditor's execution; otherwise any officer qualified to serve civil process, having that execution, may take possession of the property and deliver the same to the judgment creditor, and shall make the officer's return on the execution accordingly. The lien may be discharged at any time before final judgment by tendering the plaintiff the amount of the debt and costs. [RR 2023, c. 2, Pt. C, §91 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. C, §91 (COR).

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