

September 17, 1965

R.S. 2A:44-140

LEGISLATIVE HISTORY OF R.S. 2A:44-140
(Amount due on liens)

L. 1918, Chapter 280 - S96
Introduced January 21 by Mr. Sturgess.
Not amended during passage.
No statement.

L. 1948, Chapter 371 - S37
Introduced August 16 by Mr. Hannold
Amended during passage.
No statement.

No reports or hearings on these bills could be located.

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SENATE, No. 37

STATE OF NEW JERSEY

INTRODUCED AUGUST 16, 1948

By Mr. HANNOLD

Referred to Committee on Law Revision

AN ACT concerning the "Municipal Mechanics' Lien Law," amending sections 2:60-194, 2:60-196, 2:60-197, 2:60-201, 2:60-204 to 2:60-206, inclusive, and repealing section 2:60-199, of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 2:60-194 of the Revised Statutes is amended to read as
2 follows:

3 2:60-194. Any claimant who has filed the notice mentioned and described
4 in sections 2:60-188 and 2:60-189 of this Title may enforce his claim against
5 the fund therein designated by a suit in the Superior Court [of Chancery]
6 and actions to determine or terminate said liens may be brought in said court
7 by the contractor, subcontractor or public agency.

1 2. Section 2:60-196 of the Revised Statutes is amended to read as
2 follows:

3 2:60-196. The claimant first bringing a suit for the enforcement of his
4 claim in the Superior Court [of Chancery] as provided by this article, shall
5 make parties to the suit all who have filed claims, the contractor, the sub-
6 contractor referred to in the claims, and the public agency with whom the
7 contract was made. If the public agency is not a corporation, then the county
8 or municipality under which it is constituted shall be made a party defendant.

1 3. Section 2:60-197 of the Revised Statutes is amended to read as
2 follows:

3 2:60-197. ~~Subpoena~~ Summons may be issued against all those made
4 parties pursuant to section 2:60-196 of this Title and served either actually
5 or by publication according to the practice of the Superior Court ~~[of Chan-~~
6 ~~cery]~~. The complainant shall serve with the ~~[subpoena]~~ summons, a notice
7 stating briefly the object of the suit so brought and whether or not a per-
8 sonal claim is made against the defendant so served.

1 4. Section 2:60-201 of the Revised Statutes is amended to read as
2 follows:

3 2:60-201. The Superior Court ~~[of Chancery]~~ shall determine the valid-
4 ity of the liens of the ~~[complainants]~~ plaintiffs and defendants and of all
5 other liens which may be filed within the time prescribed by this article and
6 the amount due from the public agency to the contractor under the contract
7 and from the contractor or subcontractor to the respective claimants and
8 shall ~~[make a decree]~~ enter judgment directing the public agency, out of
9 moneys due from it to the contractor, to pay to the several claimants the
10 sums found due to them respectively, with interest and costs upon claims
11 adjudged to be just and valid under this article. If the amount due from
12 the public agency to the contractor is not sufficient to make the payments in
13 full, distribution shall be made ratably without regard to the priority in fil-
14 ing claims, and in either case the claims of the subcontractors shall be
15 chargeable with the amounts paid to the claimants under them for labor
16 performed and materials furnished in the execution of the subcontract. A
17 laborer shall have a lien prior to other liens upon filing notice under this
18 article at any time before payments are due and made.

1 5. Section 2:60-204 of the Revised Statutes is amended to read as
2 follows:

3 2:60-204. The public agency may at any time during the progress of the
4 suit pay into the Superior Court ~~[of Chancery]~~ the amount which it admits
5 to be due the principal contractor upon the contract. The contractor or

6 claimants shall not be thereby precluded from requesting **[a decree]** judg-
7 ment for a further sum subject to costs in case of failure to sustain the
8 contention.

1 6. Section 2:60-205 of the Revised Statutes is amended to read as
2 follows:

3 2:60-205. Costs shall be awarded against the **[complainants]** plaintiffs
4 or defendants in the discretion of the court.

1 7. Section 2:60-206 of the Revised Statutes is amended to read as
2 follows:

3 2:60-206. The lien created by the provisions of this article may be dis-
4 charged by:

5 a. Filing in the office of the clerk of the county in which the building is
6 situate, a certificate of the claimant or his successor in interest, duly ac-
7 knowledged or proved, stating that the lien is discharged;

8 b. The lapse of sixty days since the completion of the work to be per-
9 formed or the acceptance of the same by resolution of the public agency
10 without the commencement of suit to enforce the lien claim or the filing of
11 answer, within the time fixed by law or such further time as may be granted
12 by the Superior Court **[of Chancery]**, asserting such lien in a suit brought
13 by another claimant;

14 c. Satisfaction of a **[decree]** judgment rendered in an action to enforce
15 the lien or claim; or

16 d. The final **[decree]** judgment of the Superior Court **[of Chancery]** in
17 an action to enforce the lien to which the claimant was a party.

1 8. Section 2:60-199 of the Revised Statutes is repealed.

1 9. This act shall take effect September fifteenth, one thousand nine hun-
2 dred and forty-eight.

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8 or municipality under which it is constituted shall be made a party defendant.

1 3. Section 2:60-197 of the Revised Statutes is amended to read as
2 follows:

3 2:60-197. Summons may be issued against all those made parties pur-
4 suant to section 2:60-196 of this Title and served either actually or by pub-
5 lication according to the Rules regulating the practice in the Superior Court.
6 The plaintiff shall serve a copy of the complaint with the summons, which
7 shall state whether or not a personal claim is made against the defendant so
8 served.

1 4. Section 2:60-201 of the Revised Statutes is amended to read as
2 follows:

3 2:60-201. The Superior Court shall determine the validity of the liens of
4 the plaintiffs and defendants and of all other liens which may be filed within
5 the time prescribed by this article and the amount due from the public agency
6 to the contractor under the contract and from the contractor or subcontractor
7 to the respective claimants and shall enter judgment directing the public
8 agency, out of moneys due from it to the contractor, to pay to the several
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