

MECHANICS LIENS, SALE OF ENCUMBERED PROPERTY
Act of May 7, 1925, P.L. 557, No. 300
AN ACT

Cl. 12

To provide for the sale of property against which a common law lien may exist for repairs and material; and the method of procedure thereon.

Compiler's Note: Section 10-102 of Act 1 of 1953 provided that Act 300 is repealed insofar as it is inconsistent with Act 1.

Section 1. Be it enacted, &c., That hereafter where any person, corporation, firm, or copartnership may have what is known as a "common law lien" for work done or material furnished about the repair of any personal property belonging to another person, corporation, firm, or copartnership, it shall be lawful for such person, corporation, firm, or copartnership having said common law lien, while such property is in the hands of the said person, corporation, firm, or copartnership contributing such work and material, to give notice in writing to the owner of the amount of indebtedness for which said common law lien is claimed for the labor and material that has entered into the repair, alteration, improvement, or otherwise, done upon the said property. If the said claim for said work or material is not paid within thirty days the said person, corporation, firm, or copartnership to which said money is due, may proceed to sell the said property, as hereinafter provided: Provided, however, That the owner of said property, if he disputes said bill, may issue a writ of replevin, as provided by law, within the said thirty days, and the said dispute shall be settled in said action of replevin.

Compiler's Note. Pennsylvania Rule of Civil Procedure No. 1088(1), adopted March 11, 1991, provided that section 1 shall not be deemed suspended or affected by the rules of civil procedure.

Section 2. The notice hereinbefore provided for shall contain an itemized statement setting forth the work and material furnished for the repair, alteration, or improvement of the said personal property, and shall be verified by oath of the claimant; and if said claim is not paid within said thirty days then the said claimant may sell the said property at public sale by giving ten days' notice thereof in the same manner as personal property is sold by sheriff or constable.

Section 3. After satisfying the lien and any costs that may accrue, any residue remaining shall on demand, within six months, be paid to the owner of the property; and if such residue is not demanded within six months from the date of the sale, the same shall be deposited by the person making the sale with the treasurer of the county, together with a statement of the claim and the costs of enforcing the same, a copy of the published notice, and of the amounts received for the goods at said sale. Said residue shall by the county treasurer be

credited to the general revenue fund of the county, subject to the right of the owner, or his personal representatives, to reclaim the same at any time within three years from the date of the deposit with the county treasurer.

Section 4. All sales of property made under this act shall be as conclusive to the title conveyed as if sold by a sheriff or constable.