

No. 206, A.]

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CHAPTER 191

AN ACT to amend 289.02 (1) and (2) and 289.06 of the statutes, relating to time limitation on claims for mechanics' liens.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 289.02 (1) and (2) of the statutes is amended to read:

289.02 (1) Every person, other than the contractor who furnishes labor or materials in any of the cases enumerated in s. 289.01, shall have the lien and remedy provided by this chapter, if before or within * * * 120 days after furnishing the first labor or materials he gives notice in writing to the owner either by personal service on the owner or his agent or by mailing a copy thereof addressed to such owner or his agent at his last known post-office address stating that he has been engaged to furnish labor or materials, describing the real estate upon which the same is to be furnished by legal description, mail address, or otherwise, so that the owner is not misled or deceived thereby, and further stating in effect that he is giving such notice pursuant to the Wisconsin mechanics' lien law and will claim a lien against such real estate in the event he is not paid by the contractor for such labor and materials. If the owner * * * complains of any insufficiency of such notice the burden of proof shall be upon him to show that he has been misled or deceived by such insufficiency. In case there is more than one owner, giving such notice in the manner herein provided to any such owner, or his agent, shall be sufficient. Every contractor and subcontractor, at the time he purchases or contracts for any materials to be used in any of the cases enumerated in s. 289.01, shall deliver to the materialman a description of the real estate upon which the materials are to be used and the name of the owner thereof and his agent, if any.

(2) Every person, other than the contractor, who furnishes any labor or materials in any of the cases enumerated in s. 289.01, to preserve his lien shall within * * * 120 days after the date of furnishing the last labor or the last materials file in the office of the clerk of the circuit court of the county in which said real estate is situated a copy of such notice and a claim for lien, setting forth that he has been employed by the contractor or a subcontractor to furnish, and has furnished, labor or materials, with a statement thereof, the amount owing therefor from such contractor or subcontractor, and that he claims the lien given by this chapter.

SECTION 2. 289.06 of the statutes is amended to read:

289.06 No lien shall exist and no action to enforce the same shall be maintained unless within * * * 120 days in all cases provided for in

s. 289.02 and within 6 months in all cases provided for in s. 289.01 from the date of furnishing the last labor or materials a claim for such lien shall be filed in the office of the clerk of the circuit court of the county in which the lands affected thereby lie and such action be brought and summons and complaint filed within 2 years from the date of filing such claim for lien. Such claim for lien may be so filed and docketed notwithstanding the death of the owner of the property affected thereby or the person with whom the original contract was made, with like effect as if he were then living.

Approved July 17, 1959.
