

RIVER IMPROVEMENT COMPANIES (EXCERPT)
Act 149 of 1869

485.122 Lien; enforcement.

Sec. 22.

Any such corporation claiming any lien may bring an action of assumpsit against the owner of such property to determine and satisfy the amount of such lien or such corporation may waive its claim of lien and bring such action against such owner for the amount thereof. The proceedings in such actions shall be in accordance with the practice of the courts in which such action is commenced in actions of assumpsit. The property held under a claim of lien may be levied upon and sold to satisfy any judgment which may be rendered against such owner in such action, and the taxable costs in such case shall include the cost and expense of providing for the care and safety of such property. In cases where the claim of lien is waived under the provisions of this section the plaintiff shall have judgment if he shall establish on the trial such a state of facts as would have entitled him to a lien, and the judgment shall be collected as in ordinary cases in assumpsit: Provided, That such action shall be commenced within 60 days after such tolls shall become due.

History: 1869, Act 149, Imd. Eff. Apr. 5, 1869 ;-- CL 1871, 2737 ;-- Am. 1883, Act 132, Imd. Eff. May 31, 1883 ;-- How. 3866 ;-- CL 1897, 6742 ;-- CL 1915, 8843 ;-- CL 1929, 11778 ;-- CL 1948, 485.122