

Article 8.

Perfecting, Recording, Enforcing and Discharging Liens.

§ 44-38. Claim of lien to be filed; place of filing.

All claims shall be filed in the office of the clerk of superior court in the county where the labor has been performed or the materials furnished, specifying in detail the materials furnished or the labor performed, and the time thereof. If the parties interested make a special contract for such labor performed, or if such material and labor are specified in writing, in such cases it shall be decided agreeably to the terms of the contract, provided the terms of such contract do not affect the lien for such labor performed or materials furnished. (1869-70, c. 206, s. 4; 1876-7, c. 53, s. 1; Code, s. 1784; Rev., s. 2026; C.S., s. 2469; 1971, c. 1185, s. 4.)

§ 44-38.1. Repealed by Session Laws 1967, c. 562, s. 7.

§§ 44-39 through 44-46. Repealed by Session Laws 1969, c. 1112, s. 4.

§ 44-47. Repealed by Session Laws 1971, c. 1185, s. 5.

§ 44-48. Discharge of liens.

All liens created by this Chapter may be discharged as follows:

- (1) By filing with the clerk a receipt or acknowledgment, signed by the claimant, that the lien has been paid or discharged.
- (2) By depositing with the clerk money equal to the amount of the claim, which money shall be held by said officer for the benefit of the claimant.
- (3) By an entry in the lien docket that the action on the part of the claimant to enforce the lien has been dismissed, or a judgment rendered against the claimant in such action.
- (4) By a failure of the claimant to commence an action for the enforcement of the lien within six months from the notice of lien filed. (1868-9, c. 117, s. 12; Code, s. 1793; Rev., s. 2033; C.S., s. 2479; 1971, c. 1185, s. 6.)