

Memorandum

IN THE SENATE

BY SENATOR BARR

SENATE BILL NO. 97

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act to amend Section 26-3-1 ACIA 1949, pertaining to liens on chattels for work, labor or material."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. Section 26-3-1 ACIA 1949 is hereby amended to read as follows:

Sec. 26-3-1. Persons entitled; Retention of possession; Sale; Notice of sale; Application of proceeds. Any person who shall make, alter, repair or bestow labor on any article of personal property at the request of the owner or lawful possessor thereof, shall have a lien on such property so made, altered or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed and material he has furnished and such person may hold and retain possession of the same until such just and reasonable charges shall be paid. If such just and reasonable charges be not paid within three months after such labor and materials, or labor or materials, shall have been performed or bestowed upon such article, then the person having such lien may proceed to sell such article at public auction and apply the proceeds of such sale; First, to the payment of the expenses of said sale; second, to the discharge of any lien, mortgage or other encumbrance which attached prior to the lien granted under this section and which had been duly recorded or filed in the manner provided by law

1 third) to the discharge of any lien, mortgage or other encum-
2 brance which attached prior to the lien granted in this section
3 and of which the person, firm or corporation furnishing the
4 material or performing the services had actual notice; fourth,
5 to the discharge of the lien provided for in this section; and
6 [THIRD] fifth, the balance, if any, to be paid to the owner
7 of such article. Such sale must be held in the precinct where
8 said article was left to be altered or repaired, and before any
9 such sale is made notice thereof must be given to the debtor and
10 any other known lienholder by registered letter directed to
11 [HIM] said debtor or lienholder at his last known place of
12 residence, if his residence is known, and also by posting notice
13 thereof in three public places in said precinct, one of which
14 shall be at or near the front door of the post office nearest
15 the place of sale, for ten days prior to the day of sale; such
16 notice shall contain a particular description of the article to
17 be sold, the name of the owner or reputed owner thereof, the
18 amount due on said lien, and the time and place of said sale.