

clearly or fully describe the premises intended to be conveyed, if the grantor therein is dead or a non-resident of the state, or is a corporation which has ceased to exist, or is an administrator, executor, guardian, trustee or other person authorized to convey and has been discharged from his trust and the person to whom it was made, his heirs, legal representatives or assigns have been in the quiet, undisturbed and peaceable possession of the premises intended to be conveyed from the date of such conveyance; but this section shall not prevent an action for the reformation of any conveyance, and if in any doubt, the court shall direct such action to be brought.

Approved June 16, 1943.

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CHAPTER 322.

AN ACT to repeal and recreate 289.15 and to amend 289.01 (2) (b), 289.02 (1) and 289.06 of the statutes, relating to mechanic liens.

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

SECTION 1. 289.01 (2) (b) of the statutes is amended to read:

289.01 (2) (b) Such lien shall be prior to any lien which originates subsequent to the visible commencement in place of the work of improvement, except as otherwise provided by sections 215.15, * * * 216.04 (7) and 235.70. The lien shall also be prior to any unrecorded mortgage given prior to the commencement of the improvement, but of which the lienor has no notice.

SECTION 2. 289.02 (1) 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 section 289.01, shall have the lien and remedy provided by this chapter, if *before or within* * * * 60 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 shall complain 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 section 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.

SECTION 3. 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 60 days in all cases provided for in section 289.02 and within 6 months in all cases provided for in section 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.*

SECTION 4. 289.15 of the statutes is repealed and recreated to read:

289.15 SATISFACTION OF JUDGMENT OR LIEN. Every lienor or the attorney who executed and filed a claim for lien on behalf of such lienor, who has received satisfaction or tender of such claim with the costs of any action brought thereon, shall, at the request of any person interested in the premises affected, and on payment of the costs of satisfying the same, execute and deliver the necessary satisfaction to such interested person; on filing such satisfaction with the clerk of the court he shall enter satisfaction of such claim on his lien docket. On failure to so execute and deliver such satisfaction or to satisfy such lien on the docket, the person so refusing shall be liable to pay to the person requiring such satisfaction a sum equal to one-half of the sum claimed in his claim for lien.

Approved June 16, 1943.