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June 29, 2001

Schlumberger Oilfield Services
Attn: Jerej Crean
NAM-Oilfield Financial Center
100 Gillingham Lane (MD100/18)
Sugar Land, TX 77478

Re: Petroleum Equipment Suppliers Association
Credit Interchange Division Lien Law Committee

Dear Mr. Crean:

Per your request, enclosed is a statement summarizing the law applicable to oil and gas liens in the State of Michigan. A sample Claim of Oil and Gas Lien and photocopy of the relevant statute are attached.

We hope this is useful in informing members about the requirements for oil and gas lien filings in the State.

If we can be of further assistance in this matter, please advise.

Sincerely,

BIMBER & PUTNEY, P.C.



Frederick R. Bimber

FRB/rls
Enclosures

OIL AND GAS LIENS

Michigan statute provides the persons who provide goods or services for the construction, operation, improvement or repair of oil or gas wells or pipelines may obtain a lien on the oil and gas leasehold, well or pipeline for any unpaid amounts for the goods and services.

1. **WHO MAY RECORD A LIEN:** Every person, contractor, subcontractor, materialman or laborer who has supplied goods or services for the construction, operation, improvement or repair of an oil or gas well or pipeline, or his agent or attorney.

2. **PLACE TO RECORD LIEN:** Record lien with the Register of Deeds for the County or Counties the where the well or pipeline is located. (Refer to MCLA 570.254)

3. **RECORDING DEADLINE:** You may record a claim of lien any time after entering into the contract, but no later than six months after providing the last materials or service. (Refer to MCLA 570.254)

Note: The lien may be amended any time before a final judgment. (Refer to MCLA 570.254)

4. SERVICE OF LIEN:

WHO TO SERVE: Lien claimants who did not contract or deal directly with the owner, part owner or lessee of the well or other facility, must serve a copy of the claim of lien on the owner, part-owner, lessee, contractor or sub-contractor. If a person acquires a record interest in the property subject to lien after you provided the first materials or service you must also serve them.

TIME TO SERVE: Within thirty (30) days after recording lien.

HOW TO SERVE: You may serve a copy of the claim of lien personally or by registered mail at the last know address.

PROOF OF SERVICE: A copy of the served lien, together with an affidavit of the person that served the lien stating the time and manner of service is proof that the service was made.

ALTERNATE SERVICE: Only if the person who you must serve is unknown, you may post a copy of the lien in a conspicuous place on the lien premises. This posting must occur within the thirty (30) days of when the lien was recorded.

5. **DRAFTING THE LIEN:** The claim of lien must include the following information:

- A. The amount due minus any credits or setoffs;
- B. The date the materials or services were furnished;
- C. The name of the person or entity to whom the material or services were provided;
- D. The description of the property or leasehold charged with the lien; and
- E. The name of the owner, part-owner or lessee of the charged property or leasehold.

(Refer to MCLA 570.254)

See Appendix A Sample Lien

Note: The Register of Deeds requires that to record a document the document comply with the following rules:

- A. Use either 8 ½" x 11" or 8 ½" x 14" paper, of no less than 13 pound weight.
- B. The first page of the document must have at least a 2 ½" minimum top margin and at least ½" side and bottom margins.
- C. The second page and all later pages of the document must have top, side and bottom margins of at least ½".
- D. The name and address of the person who drafted the lien must be set forth in the document.
- E. The name of the person signing the document must be typed or printed legibly below his signature. The signature of the person signing must be witnessed by two witnesses, who must sign the document as witnesses. The names of the witnesses must be typed or printed legibly below their signature. The document must also be notarized. The notary public may also serve as one of the witnesses.
- F. Provide a recording fee equal to \$9.00 for the first page and an additional \$2.00 per page for each additional page of the same document.

6. **DURATION OF LIEN:** The lien will continue for one (1) year after the recording of the lien unless suit is commenced to foreclose the lien. (Refer to MCLA 570.256)

7. **PRIORITY OF LIEN:**

- A. Liens for materials or services provided that are recorded against the same property or leasehold share the same priority.
- B. Liens take priority over garnishments for contract debt regardless of the date of filing the lien.

- C. Liens are preferred to other titles, liens or encumbrances that may attach to the property after the commencement of the furnishing of the materials or labor.
- D. Liens for the material or labor furnished are subject to prior recorded titles, claims, liens, encumbrances, or mortgages. A lienholder may pay off a superior lien or mortgage and be subrogated to all of the rights of the prior holder of the lien or mortgage.

(Refer to MCLA 570.256)

8. **ASSIGNMENT OF LIEN:** A lien may be assigned and the assignee has the full power to enforce the lien. (Refer to MCL 570.260)

A sample claim of lien is attached as Appendix "A".

A copy of the Michigan Oil and Gas Lien Act, Michigan Compiled Laws Annotated (MCLA) 570.251 - 570.266 is attached as Appendix "B".

CLAIM OF OIL AND GAS LIEN

ABC Well Providers Inc, 1600 Geyser Road, Dallas, Texas, 90150, hereby gives notice pursuant to Public Act No. 146 of 1937 as amended, MCLA 570.251 et seq., that it claims a lien upon the property described below in the amount set forth below for work performed and equipment and materials supplied as set forth below.

The property upon which this lien is claimed is the oil and gas leasehold, oil and gas produced from such leasehold, oil well, gas well, lease for oil and gas purposes, oil or gas derrick, oil tanks, oil pipe lines, gas pipe lines, buildings, fixtures, appurtenances, oil and gas fixtures, and machinery, appliances and other things of value used in operations for oil and gas purposes upon or associated with the following described parcel:

SE ¼ of the NW ¼, Section 14, T17N, R9W, Octane Township, Carbon County, Michigan. This property encompasses the drilling unit of the Barnes 1-4A well, Clayton Field, Carbon County, Michigan.

The amount of this lien, over and above all set offs, is the total of the amounts set forth below:

\$ 32,560.00	plus interest from May 16, 2001
<u>101,280.00</u>	plus interest from June 19, 2001
\$133,840.00	total principal

This lien arises from work performed and equipment and materials supplied under contract with Samuel L. Smith as set forth on the attached invoices. Samuel L. Smith is an owner or part owner or a representative of or contractor to owner or part owner of XYZ Producers, Inc. The first such work, equipment, and materials were supplied on April 15, 2001 and the last such work, materials and equipment were supplied on May 7, 2001.

On information and belief, the subject lien property is wholly or partly the property of Samuel L. Smith and/or XYZ Producers, Inc. Other part owners or lessees of the lien property, if any, are not now known to ABC Well Providers, Inc.

LIEN FOR LABOR AND MATERIALS FOR OIL OR
GAS WELLS, PIPE LINES, OR EQUIPMENT

P.A.1937, No. 146, Imd. Eff. July 2, 1937

AN ACT to establish, protect and enforce by lien the rights of laborers, contractors, sub-contractors and material men and other persons furnishing labor, tools, or materials, or other things of value, for the drilling, boring, torpedoing, acidizing, completing, operating or repairing of any oil or gas well, or the constructing or repairing of any oil or gas pipe line, oil or gas derrick, or oil tank.

The People of the State of Michigan enact:

570.251. Lien for labor or material, oil or gas well, pipe line; extent; waiver by agreement; delivery of materials; additional liens, recording

Sec. 1. Any person, firm or corporation, who shall by any contract or contracts, express or implied or partly expressed and partly implied with the owner, part owner or lessee of any leasehold, for oil and gas purposes or of any gas pipe line or oil pipe line, or with one whom such owner, part owner or lessee has authorized or knowingly permitted to contract in his or their behalf for the drilling, boring, torpedoing, acidizing, completing, operating or repairing of any oil or gas well or for the constructing or repairing of any oil or gas derrick, oil tank, gas pipe line or oil pipe line, perform any labor or furnish any materials, machinery, tools, equipment, fuel, explosives, acid, or oil or gas well

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supplies or other things of value used in the drilling, torpedoing, acidizing, completing, operating or repairing of any oil or gas well, or who shall furnish any oil or gas well supplies, or other things of value or perform any labor in constructing or putting together any of the apparatus, fixtures or machinery used in the drilling, boring, torpedoing, acidizing, operating, completing or repairing of any oil or gas well, or who shall furnish any material, equipment, machinery, supplies or other things of value or perform any labor for constructing, operating or repairing any oil pipe line or gas pipe line, oil or gas derrick or oil tank, shall have a lien upon such leasehold, oil and gas produced from said leasehold, oil well, gas well, lease for oil and gas purposes, oil or gas derrick, oil tank, oil pipe line, gas pipe line, buildings, fixtures, appurtenances, and upon the material, tools, machinery and supplies or other things of value so furnished, and upon the oil and gas fixtures, machinery and appliances used in operations for oil and gas purposes upon the leasehold or premises for which said material and supplies were furnished or labor performed, for the amount due to him, it or them for such materials, machinery, tools, equipment, fuel, explosives, acid, or oil or gas well supplies, services or labor or other things of value and shall be entitled to interest at the legal rate from the date the same is due. These liens shall extend to a life estate, an estate for years, or any other estate or any right of redemption or other interest which such owner, part owner, or lessee may have in such leasehold at the time of making such contract or may subsequently acquire therein, and to an estate in fee when the owner or part owner thereof drills or develops said land for oil or gas purposes. Such liens shall follow the property and each and every part thereof and be enforceable against the said property wherever the same may be found and shall attach as of the date on which the first of such materials are furnished or labor performed under the contract. The taking of any note or additional security by any party entitled to such lien for the amount so due or any part thereof shall not be a waiver of any right of lien which such party may have by virtue of this act unless made a waiver by express agreement of the parties. Materials or other items for which such lien is given which are furnished by the same contractor to the same owner or to the successors or assigns of such owner for operations on same premises or leasehold, which are delivered on separate orders given at various times shall, for the purpose of this act be considered as having been furnished under a single contract: Provided, That not more than 3 months shall have elapsed between the date of delivery of any such item and the date of the last preceding delivery of materials therefor. There may be additional and successive contracts upon which additional liens may be recorded as herein provided. In no event shall it be necessary to fix or stipulate in any contract a time for the completion or a time for payment in order to obtain a lien under this act.

Historical and Statutory Notes

Source:

P.A.1937, No. 146, § 1, Imd. Eff. July 2, 1937.
C.L.1948, § 570.251.

P.A.1958, No. 67, § 1, Eff. Sept. 13, 1958.
C.L.1970, § 570.251.

Law Review Commentaries

Duress through civil litigation: II: Assertion of lien. John P. Dawson, 45 Mich.L.Rev. 688 (1947).
 Priorities, mechanics' liens. Edgar N. Durfee, 57 Mich.L.Rev. 473 (1959).

Nature and importance of legal possession. Joseph W. Bingham, 13 Mich.L.Rev. 535 (1915).

Library References

Mines and Minerals §112(1), 114.
 WESTLAW Topic No. 260.

C.J.S. Mines and Minerals §§ 260, 264 et seq.
 M.L.P. Mines and Minerals § 45.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

570.252. Contractors or sub-contractors

Sec. 2. Any person, firm or corporation who shall furnish any such material, machinery or supplies, as described in section 1 of this act,¹ to a contractor or a sub-contractor, or any person who shall perform such labor for a contractor or a sub-contractor, or who as an artisan or day laborer in the employ of such contractor or sub-contractor, shall perform any such labor, shall have a lien the same as provided in section 1 of this act, from the same time and in the same manner and to the same extent as the original contractor for the amount due for such material, machinery, tools, supplies or labor, as provided in section 1 of this act, and such lien shall be enforced in the same manner and within the same time as provided for the enforcement of the lien of such original contractor.

¹ Section 570.251.

Historical and Statutory Notes

Source:
 P.A.1937, No. 146, § 2, Imd. Eff. July 2, 1937. C.L.1948, § 570.252.
 C.L.1970, § 570.252.

Law Review Commentaries

Duress through civil litigation: II: Assertion of lien. John P. Dawson, 45 Mich.L.Rev. 688 (1947).

Library References

Mines and Minerals §112(1).
 WESTLAW Topic No. 260.
 C.J.S. Mines and Minerals § 260.

570.253. Owner or lessee may retain money to pay demands; statement of contractor; protection of owner

Sec. 3. The owner, part owner, or lessee may at any time retain from any monies due to the original contractor, an amount sufficient to pay all demands owing or unpaid to any sub-contractor, material man, or laborer who has filed and certified the notice in the manner and form as provided in section 2 of this act.¹ The original contractor shall, whenever any payment of money shall

come due from the owner, part owner, or lessee or whenever he desires to draw any money from the owner, part owner, or lessee on such contract, make out and give to the owner, part owner, or lessee, or his agent, a statement under oath, of the number and name of every sub-contractor or laborer in his employ, and of every person furnishing the materials, giving the amount if anything, which is due or to become due to them or any of them for work done or materials furnished, and the owner, part owner or lessee or his agent may retain out of any money then due or to become due to the contractor, an amount sufficient to pay all demands that are due or to become due to such sub-contractors, laborers, and material men, as shown by the contractor's statement, and pay the same to them according to their respective rights, and all payments so made shall, as between such owner, part owner, or lessee, and such contractor, be considered the same as if paid to such original contractor. Until the statement provided for in this section is made, in manner and form as herein provided, the contractor shall have no right of action or lien against the owner, part owner, or lessee on account of such contract, and any payments made by the owner, part owner, or lessee, before such statement is made, or without retaining sufficient money, if that amount be due or is to become due, to pay the sub-contractors, laborers, or material men, as shown by the statement, shall be considered illegal and made in violation of the rights of the persons intended to be benefited by this act, and the rights of such sub-contractors, laborers and material men to a lien shall not be affected thereby. If neither such owner, part owner, lessee, or his agent can be found within the county, then it shall not be necessary for the contractor to make and deliver such statement as a prerequisite to the institution of proceedings under this act, or other suit or proceeding. In order that the owner, part owner, or lessee may be protected, he may at any time during the progress of the work demand in writing of the contractor, the statement herein provided for, which shall be made by the contractor and given to the owner, part owner, or lessee, or his agent, and if such contractor fail to furnish such statement within 5 days after demand made, he shall be liable to such owner, part owner, or lessee, each time he so refuses or neglects to comply with such demand, in the sum of 100 dollars, and also for all actual damages occasioned by such neglect or refusal, to be recovered in an action on the case or in any other appropriate proceeding.

¹ Section 570.252.

Historical and Statutory Notes

Source: C.L.1948, § 570.253.
P.A.1937, No. 146, § 3, Imd. Eff. July 2, 1937. C.L.1970, § 570.253.

Library References

Mines and Minerals ¶117.
WESTLAW Topic No. 260.
C.J.S. Mines and Minerals § 269.

570.254**LIENS****570.254. Statement of lien, contents, verification; recording with register of deeds, fee**

Sec. 4. Every person, or his agent or attorney, whether contractor, sub-contractor, material man or laborer, who wishes to avail himself of the provisions of this statute, shall make and record in the office of the register of deeds, in the county or counties in which said leasehold, oil or gas well, pipe line, oil or gas derrick, oil tanks, materials, machinery or other property to be charged with the lien is situated, a just and true statement or account of the demand due him, over and above all legal setoffs, setting forth the time when such materials were furnished or labor performed, and for whom, and containing a sufficiently correct description of the premises, leasehold or property to be charged with the lien to identify the same, and the name of the owner, part owner or lessee thereof, if known. Such verified statement shall be recorded at any time after the contract is made and within 6 months from the date on which the last of the materials shall have been furnished or the last of the labor shall have been performed by the person claiming the lien and may be amended at any time before the final judgment or decree. Such verified statement of lien shall be recorded and indexed by the register of deeds in the same manner as provided by law for the recording of real estate mortgages, and such recording shall have the same effect as to notice as against subsequent purchasers or encumbrancers as the recording of a mortgage. The register of deeds shall receive as his fees for the recording and indexing of such liens and all subsequent papers affecting such liens, the same fees as are provided by law for recording a real estate mortgage.

Historical and Statutory Notes**Source:**

P.A.1937, No. 146, § 4, Imd. Eff. July 2, 1937.
C.L.1948, § 570.254.

P.A.1958, No. 67, § 1, Eff. Sept. 13, 1958.
C.L.1970, § 570.254.

Library References

Mines and Minerals ⇌114.
WESTLAW Topic No. 260.
C.J.S. Mines and Minerals § 264 et seq.

570.255. Service of copy on owner or lessee, proof, posting

Sec. 5. Every person recording such statement or account as provided in the preceding section, except those persons contracting or dealing directly with the owner, part owner or lessee of such premises, shall serve a copy of such statement within 30 days after the recording thereof, upon the owner, part owner, lessee, contractor or sub-contractor or his authorized agent, and upon any persons acquiring any interest in the property after the date of the furnishing of the first materials or the date when the first labor was performed, which said interest shall appear of record in the register of deeds' office for the county in which the lien claim is recorded, or sent to such owner, part owner, lessee, contractor, sub-contractor or other person having any interest in said property, by registered mail addressed to him at his last known address, within

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30 days next after the date of recording such statement, a copy of such statement, and the affidavit of the person so serving or mailing such copy as to the time and manner of service, shall be sufficient proof of the service thereof: Provided, That if the name or address of such owner, part owner, lessee, contractor, sub-contractor or other person having any interest in said property be unknown, in lieu of such service it shall be sufficient if a copy of such statement be posted in a conspicuous place on the premises charged with such lien within said 30 day period.

Historical and Statutory Notes

Source:

P.A.1937, No. 146, § 5, Imd. Eff. July 2, 1937.
C.L.1948, § 570.255.

P.A.1958, No. 67, § 1, Eff. Sept. 13, 1958.
C.L.1970, § 570.255.

Cross References

Certified mail included within term "registered mail", see § 8.11.

Library References

Mines and Minerals ⇐114.
WESTLAW Topic No. 260.
C.J.S. Mines and Minerals § 264 et seq.

570.256. Liens; duration, priority over other interests, subrogation

Sec. 6. The several liens herein provided for shall continue for 1 year after such statement or account is recorded in the office of the register of deeds and no longer unless proceedings are begun to enforce same as hereinafter provided, and such liens shall take priority as follows:

First: As between persons claiming liens under this statute, the several liens upon the same property attaching by reason of work, labor or materials furnished in carrying forward or completing the same oil or gas wells, oil or gas derrick, oil tanks, oil or gas pipe line, machinery, fixtures or appurtenances, shall be of equal rank and share pro rata in the proceeds of any sale of such property under any judgment or decree entered in a suit brought to enforce the same.

Second: They shall take priority to all garnishments for the contract debt made prior or subsequent to the commencement of the furnishing of the materials or performance of the labor without regard to the date of filing the claims for lien.

Third: They shall be preferred to all other titles, liens, or encumbrances which may attach to or upon such oil or gas wells, oil or gas derricks, oil tanks, oil or gas pipe lines, machinery, fixtures or appurtenances or upon the leasehold upon which they are situated, which shall either be given or recorded subsequent to the commencement of the furnishing of the materials or performance of the labor.

Fourth: The liens for such labor or materials furnished, including those for additions, repairs and betterments, shall attach to the leasehold estates, oil or gas wells, oil or gas derricks, oil tanks, oil or gas pipe lines, machinery,

fixtures, appurtenances or improvements for which they are furnished or done, subject to any prior recorded title, claim, lien, encumbrance, or mortgage to or upon the leasehold estate upon which such oil or gas wells, oil or gas derricks, oil tanks, oil or gas pipe lines, machinery, fixtures, appurtenances or improvements belong or are put. Any person holding a lien for such labor or materials furnished upon any leasehold estate subject to any prior recorded lien, encumbrance or mortgage may pay off any such prior lien, encumbrance or mortgage, and shall thereupon be subrogated to all of the rights of the prior holder of such lien, encumbrance or mortgage.

Historical and Statutory Notes

Source:

P.A.1937, No. 146, § 6, Imd. Eff. July 2, 1937.
C.L.1948, § 570.256.

P.A.1958, No. 67, § 1, Eff. Sept. 13, 1958.
C.L.1970, § 570.256.

Law Review Commentaries

Priorities, mechanics' liens. Edgar N. Durfee, 57 Mich.L.Rev. 473 (1959).

Library References

Mines and Minerals ¶116.
WESTLAW Topic No. 260.
C.J.S. Mines and Minerals § 268.

570.257. Proceedings to enforce lien; lis pendens, parties, cross bills, practice and procedure, sale, confirmation, costs

Sec. 7. Proceedings to enforce such lien shall be by bill in chancery, under oath, and notice of lis pendens recorded in the office of the register of deeds, shall have the effect to continue such lien pending such proceedings. And in such proceedings, the complainant shall make all persons having rights in said leasehold estate affected or to be affected by such liens so recorded in the office of the register of deeds, and all persons holding like liens so recorded, parties to such action. And all persons holding like liens or any other persons having rights in said leasehold estate, may make themselves parties thereto on motion to the court and notice to complainant and may file their intervening or cross bills or answers claiming the benefit of cross bills and notices of lis pendens therein. The practice and procedure in such suit shall be the same as in other cases in chancery and the court shall thereupon settle and determine the rights and liabilities of all of the parties in the matter, and make such decree as may be required to determine and enforce the rights and liabilities of the various parties. Upon final decree the court may order a sale of the leasehold estate, oil or gas well, oil or gas derrick, oil tank, oil or gas pipe lines, machinery, fixtures or appurtenances, together or separately, by a circuit court commissioner or receiver, or may order the property into the hands of a receiver to be leased or rented from time to time under the direction of the court until the liens shall be discharged, or make such other order or disposition of the premises as justice may require. If upon coming in and confirmation of the final report any portion of the liens shall still be unpaid, the court may enter

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personal decree for the same against the party or parties who may be personally liable therefor, and the execution shall issue for the same as upon other personal decrees rendered. The costs in all cases shall be subject to the discretion of the court and shall be paid out of the proceeds of the sale or by any parties to the suit as justice and equity may require.

Historical and Statutory Notes

Source:

P.A.1937, No. 146, § 7, Imd. Eff. July 2, 1937.
C.L.1948, § 570.257.

P.A.1958, No. 67, § 1, Eff. Sept. 13, 1958.
C.L.1970, § 570.257.

Cross References

Lis pendens, notice of, see § 600.2701 et seq.

Library References

Mines and Minerals ¶114.
WESTLAW Topic No. 260.
C.J.S. Mines and Minerals § 264 et seq.
Intervention, see M.C.R.P. Martin, Dean and
Webster, Rule 2.209.

Forms.

Motion to intervene, as of right under statute, see M.C.R.P. Dean, § 14.10.

570.258. Lien not to preclude any other remedy given by law

Sec. 8. The provisions of this act shall not preclude anyone entitled to a lien hereunder from pursuing any other remedy given by law for the collection of the indebtedness for which a lien is hereby given.

Historical and Statutory Notes

Source:

P.A.1937, No. 146, § 8, Imd. Eff. July 2, 1937.

C.L.1948, § 570.258.
C.L.1970, § 570.258.

570.259. Lien holder to execute discharge upon payment of debt; recording with register of deeds, fee; discharge by ex parte proceedings

Sec. 9. Upon the full payment of any indebtedness for which a claim for lien has been recorded under the provisions of this act, the party claiming such lien shall upon request of any person interested in the property affected by such lien, execute, acknowledge and cause to be recorded with the register of deeds of the county wherein such lien claim shall have been recorded, a full release and satisfaction of such lien. Such release or satisfaction shall be recorded and processed by the register of deeds in the same manner as provided by law for discharging a real estate mortgage. The fee of the register of deeds for recording such release shall be the same as is provided by law for recording a discharge of real estate mortgage: Provided also, That if no proceedings to enforce any lien or liens provided for in this act shall be made within the 1 year or said lien or liens have been paid, said lien or liens may be discharged of record by ex parte proceedings in the same manner as provided by law for the discharge of mortgages by ex parte proceedings.

570.259**LIENS****Historical and Statutory Notes****Source:**

P.A.1937, No. 146, § 9, Imd. Eff. July 2, 1937.
C.L.1948, § 570.259.

P.A.1958, No. 67, § 1, Eff. Sept. 13, 1958.
C.L.1970, § 570.259.

Cross References

Discharge of mortgage, see §§ 565.41 et seq., 565.131.

Library References

Mines and Minerals ⇄117.
WESTLAW Topic No. 260.
C.J.S. Mines and Minerals § 269.

570.260. Assignment or waiver of lien

Sec. 10. All liens or claims for liens which may arise or accrue under the terms of this act shall be assignable, and proceedings to enforce such liens, or claims for liens may be maintained by and in the name of the assignees, who shall have as full and ample power to enforce the same as if such proceedings were taken under the provisions of this act by and in the name of the lien claimants themselves.

Historical and Statutory Notes**Source:**

P.A.1937, No. 146, § 10, Imd. Eff. July 2, 1937.

C.L.1948, § 570.260.
C.L.1970, § 570.260.

Library References

Mines and Minerals ⇄112.
WESTLAW Topic No. 260.
C.J.S. Mines and Minerals §§ 261.262.

570.261. Notice by publication

Sec. 11. When any defendant resides out of the state, or is absent from the state, or concealed therein, or cannot be found by reason of his continued absence from his place of residence, or when it cannot be ascertained in what state or country the defendant resides, the complainant may cause notice to be given by publication in like manner, and upon same conditions as in ordinary suits in chancery.

Historical and Statutory Notes**Source:**

P.A.1937, No. 146, § 11, Imd. Eff. July 2, 1937.

C.L.1948, § 570.261.
C.L.1970, § 570.261.

570.262. Liberal construction

Sec. 12. This act is hereby declared to be a remedial statute and is to be construed liberally to secure the beneficial results, intents and purposes thereof, and a substantial compliance with its several provisions shall be sufficient for

the validity of the lien or liens hereinbefore provided for, and to give jurisdiction to the court to enforce the same.

Historical and Statutory Notes

Source: P.A.1937, No. 146, § 12, Imd. Eff. July 2, 1937. C.L.1948, § 570.262. C.L.1970, § 570.262.

Library References

Mines and Minerals ¶112(1).
WESTLAW Topic No. 260.
C.J.S. Mines and Minerals § 260.

570.263. Construction of terms

Sec. 13. For the purpose of this act the terms "owner, part owner or lessee" shall be construed to include all the interests, legal or equitable, which any person, firm, corporation, association, syndicate, trustee, co-partnership or joint adventurer may have in the leasehold, oil or gas runs, oil well, gas well, oil pipe line, gas pipe line, oil or gas derrick, oil tank, machinery, materials, tools, supplies, buildings and appurtenances upon which the improvements contemplated by this act are made.

Historical and Statutory Notes

Source: P.A.1937, No. 146, § 13, Imd. Eff. July 2, 1937. C.L.1948, § 570.263. C.L.1970, § 570.263.

Secs. 14, 15, P.A.1937, No. 146

Section 14 of P.A.1937, No. 146, which provided a severing clause, was repealed by P.A. 1945, No. 267, Imd. Eff. May 25, 1945.

Section 15 of P.A.1937, No. 146, which was a repeal section, was repealed by P.A.1945, No. 267, Imd. Eff. May 25, 1945.

570.266. Declaration of emergency

Sec. 16. An emergency is hereby declared by reason whereof it is necessary for the immediate preservation of the public peace, safety, convenience and welfare that this act take immediate effect.

Historical and Statutory Notes

Source: P.A.1937, No. 146, § 16, Imd. Eff. July 2, 1937. C.L.1948, § 570.266. C.L.1970, § 570.266.