

By Eugene Pettis

## Real Estate Viewpoints



Eugene

### A Lien Is A Legal Claim

A lien is a legal claim against real property, specially authorized by law in favor of certain creditors to secure payment of an indebtedness. It gives the lienor (the one entitled to the lien) a form of additional protection and security to assure that his debt will be paid, over and above an ordinary lawsuit. The lienor makes a written statement of his claim, signs it, has the signature acknowledged before a notary public, and then files it in the local land office. Only certain kinds of creditors are allowed to file a lien against real property and are permitted this kind of security for the payment of their debt. The principal liens allowed by the statutes of the various states are mechanic's liens, judgment liens, attachment liens and tax liens.

Once he has filed his lien, the lienor must take proper steps to make it enforceable. The practices vary from state to state. There is usually a time limit within which a lien must be filed. If the creditor fails to record his lien within the statutory time period, his lien may be removed. He then must recover his claim against the property owner in the same manner as all other creditors (by lawsuit, etc.) who are not entitled to a lien.

The importance of a lien is illustrated by the following example: A, a contractor, performs work on B's home in the fair value of \$5,000 (say, by building a new bathroom and kitchen). When A asks for payment, B informs him that he is heavily in debt and cannot afford to pay him. A files a mechanic's lien against B's house. Several weeks later, B files in bankruptcy alleging that his debts are greater than his assets and asking that the debts be discharged.

In the foregoing example, a general creditor of B (that is, one without a lien) would probably not recover anything on his claim. However, A's lien is still good and he may still compel the sale of B's home to recover the amount of his

#### First in a series

claim.

Very often statutes provide that legal action must be commenced by the lien creditor against the debtor within a certain period, usually one or two years, to compel the sale of the property and use the proceeds of the sale to pay the claim. If this is not done, the lien, even though properly filed and recorded, will fail (although certain states permit liens to be renewed from year to year).

In almost every state, workmen and suppliers who have not been paid for work or materials, which have benefitted the real property of the debtor, may file a mechanic's lien against such real property. In many states the mechanic's lien roughly resembles, in its legal aspects, a mortgage, and it may be foreclosed just as if it were a mortgage.

The reason for affording a lien to workmen, contractors, and suppliers of materials for the construction or improvement of a house is to protect them in their contribution to the increase in value of the real property. The policy of the courts and the legislatures has been to encourage the building and development of real property within the state.

Mechanic's lien laws differ from state to state, but the basic principles are much the same. Once a mechanic's lien has been properly filed and recorded, the owner cannot sell or mortgage his property in order to avoid payment. Any prospective buyer must take legal notice of the mechanic's lien affecting the property, and the property remains "burdened" with the lien. The form for a mechanic's lien is usually a simple one and may be readily filled out and filed. However, the foreclosure of a mechanic's lien is a complicated task that will require an attorney.

## "Here's Richard" Premieres Sunday

"Here's Richard," the new exercise variety show starring health and nutrition expert Richard Simmons, will premiere Sunday, October 3, on WSOC-TV, Channel 9.

Familiar to millions as the star of "The Richard Simmons Show," Richard will expand on the formula proven so successful with this new vehicle.

"Here's Richard" is a show within a show, offering a behind-the-scenes look at the variety programming format as the cameras wander backstage, catching his cast of characters off-guard: Meet Fern and Bernie, the consummate autograph hounds, long-married and long-arguing; Pops, the guard at the gate who, with his protegee Sal, decide who will and will not gain entry to the set; Trixie, the surly make-up and wardrobe lady, who greets her clients with "do it yourself - I'm on my break"; and Bobby Cham-

panion, a plaid-suited huckster agent, parading his artist roster of dubious talent before the producers. Characters familiar from "The Richard Simmons Show" will also be dropping in, and Richard will welcome Reverend Ponds, a robust man of the tablecloth who preaches on the evils of overeating; and the Weight Saint, ever-patient with his sometimes lazy flock.

"Here's Richard" will feature guest stars from all avenues of the entertainment field, and scheduled shows to date feature appearances by Sammy Davis Jr., Daniel J. Travanti, Sister Sledge, Dick Clark and Tony Geary. The exercise portion of the show has been expanded into a complete production - for instance, when Daniel J. Travanti guests on the program, the entire audience exercises along to the "Hill Street Blues" theme

attired in police helmets with billy clubs. The emphasis here is on high production values done with originality and tailored to the guest of the show.

"Mr. American Bandstand" Dick Clark joins Richard in the premiere show. Highlights include a spoof of Sonny & Cher (with Richard and Dick alternating roles), Richard singing as one of the Coasters, as they perform their

song, "Yakety Yak," a special exercise segment of the theme from American Bandstand with The Solid Gold Dancers, including the dances we all grew up to from the fifties and sixties, and comedy sketches featuring the many facets of the entertainment industry that Dick Clark is involved in.

"Here's Richard" premieres Sunday, October 3 on WSOC-TV, Channel 9.



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