PRESSING, THRESHING, OR HULLING LIEN
Act 116 of 1911

AN ACT to establish a lien upon hay, grain, seed and other products for pressing, threshing or hulling the same, to provide the manner of enforcing such lien, and prescribing a penalty for the selling, secreting or otherwise disposing of property subject to such lien.

History: 1911, Act 116, Eff. Aug. 1, 1911;—Am. 1913, Act 92, Eff. Aug. 14, 1913.

The People of the State of Michigan enact:

570.331 Lien for threshing, pressing or hulling.

Sec. 1. Any owner, part owner or lessee of a hay press, threshing machine, huller or other similar machine who shall press, thresh, or hull any hay, grain, corn, beans, peas or other vegetable products for another, shall, upon the filing of the statement herein provided, have a lien for the value of such services, or in case there is an agreed price, then for such agreed price upon the hay, grain or other products so pressed, threshed or hulled; said lien to commence from the time of filing notice and making demand as hereinafter provided. Such lien shall not attach in any case where the hay, grain or other products which may have been pressed, threshed, hulled or husked, shall have passed into the hands of an innocent purchaser or dealer in the usual course of trade.

History: 1911, Act 116, Eff. Aug. 1, 1911;—Am. 1913, Act 92, Eff. Aug. 14, 1913;—CL 1915, 14872;—CL 1929, 5008;—CL 1948, 570.331.

570.332 Lien for threshing, pressing or hulling; statement of lien, contents, filing; waiver.

Sec. 2. Any person or persons entitled to a lien under this act shall, within 20 days after the pressing, threshing or hulling is completed, file in the office of the register of deeds of the county in which the hay, grain, seed or other products were grown, or pressing, threshing or hulling was done, a statement in writing verified by oath, stating the name of the person claiming the lien, the amount, quantity and kind of hay or grain, seed or other products pressed, threshed or hulled, the amount due claimant for said services as near as may be, over and above all legal set-offs, the name of the person for whom the pressing, threshing or hulling was done, and a description of the land upon which the hay, grain, seed or other products were grown or pressing, threshing, or hulling done; such description shall be deemed sufficient if it properly identifies the premises by the name of the owner or occupant, or other description which accurately and clearly identifies the location of the property upon which such lien is claimed: Provided, That such lien shall be deemed to have been waived by the person entitled thereto, unless such statement shall be filed within the period of 20 days as aforesaid.

History: 1911, Act 116, Eff. Aug. 1, 1911;—Am. 1913, Act 92, Eff. Aug. 14, 1913;—CL 1915, 14873;—CL 1929, 5009;—Am. 1939, Act 93, Eff. Sept. 29, 1939;—CL 1948, 570.332.

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570.333 Lien for threshing, pressing or hulling; duty of register of deeds, fees.

Sec. 3. The register of deeds, upon presentation of such statement and notice of lien, shall file the same in his office in the same manner as provided by law for the filing of chattel mortgages; and he shall be entitled to charge and receive from the person filing such statement and notice the same fee as provided by law for filing chattel mortgages.

History: 1911, Act 116, Eff. Aug. 1, 1911;—CL 1915, 14874;—CL 1929, 5010;—Am. 1939, Act 93, Eff. Sept. 29, 1939;—CL 1948, 570.333;—Am. 1958, Act 72, Eff. Sept. 13, 1958.

570.334 Lien for threshing, pressing or hulling; certified copy as evidence, effect.

Sec. 4. A copy of any such statement and notice of lien as aforesaid, certified by the register of deeds, shall be received in evidence in any proceeding taken to enforce the lien herein provided for, but only of the fact that such statement and notice of lien was received and filed according to the endorsement of the register of deeds thereon, and of no other fact.

History: 1911, Act 116, Eff. Aug. 1, 1911;—CL 1915, 14875;—CL 1929, 5011;—Am. 1939, Act 93, Eff. Sept. 29, 1939;—CL 1948, 570.334.

570.335 Suit for recovery of charges; commencement; jurisdiction.

Sec. 5. The person having such lien may commence a suit for the recovery of such charges in a court of competent jurisdiction against the person liable for the payment thereof.

History: 1911, Act 116, Eff. Aug. 1, 1911;—CL 1915, 14876;—CL 1929, 5012;—CL 1948, 570.335;—Am. 1991, Act 159, Imd.

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570.336 Suit for recovery of charges; proceedings in case of personal service.

Sec. 6. If such summons be returned personally served upon the defendant, the same proceedings shall be had, in all respects, as in other suits commenced by summons, in which there is a personal service of process, and judgment shall be rendered in such suit in like manner.

History: 1911, Act 116, Eff. Aug. 1, 1911;—CL 1915, 14877;—CL 1929, 5013;—CL 1948, 570.336.

570.337 Suit for recovery of charges; proceedings in case of no personal service.

Sec. 7. If the officer return upon such summons, that the defendant cannot be found within his county, the same proceedings shall be thereupon had, in all respects, as near as may be, as in suits commenced by attachment, in which there is not a personal service of a copy of the attachment upon the defendant, and judgment shall be rendered in such suit in like manner.

History: 1911, Act 116, Eff. Aug. 1, 1911;—CL 1915, 14878;—CL 1929, 5014;—CL 1948, 570.337.

570.338 Judgment; execution.

Sec. 8. If the plaintiff recover judgment in such suit, execution shall issue thereon in the same manner and with the like effect, as upon judgments rendered in suits commenced by attachment, and the property upon which the plaintiff holds such lien, or so much thereof as shall be sufficient to satisfy such execution, may be sold thereon in the same manner as if it had been seized and held upon an attachment in such suit: Provided, That the provisions of this act shall apply only to the parties to the contract.

History: 1911, Act 116, Eff. Aug. 1, 1911;—CL 1915, 14879;—CL 1929, 5015;—CL 1948, 570.338.

570.339 Violation of act; misdemeanor, penalty.

Sec. 9. Any person who shall thereafter upon demand, refuse to pay the amount due for such threshing or hulling, and who shall sell, secrete, or dispose of the property covered by or subject to such lien, without the written consent of the owner or owners of said lien, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding 100 dollars or imprisonment in the county jail not exceeding 90 days, or both such fine and imprisonment in the discretion of the court.

History: 1911, Act 116, Eff. Aug. 1, 1911;—CL 1915, 14880;—CL 1929, 5016;—CL 1948, 570.339.

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