

Chapter 60.24 RCW
LIEN FOR LABOR AND SERVICES ON TIMBER AND LUMBER

Sections

- 60.24.020 Liens on saw logs, spars, piles, cord wood, shingle bolts, or other timber.
- 60.24.030 Lien on lumber—"Lumber" defined.
- 60.24.033 Lien on real property for labor or services on timber and lumber.
- 60.24.035 Lien for stumpage.
- 60.24.038 Priority of lien.
- 60.24.040 Period covered by labor liens.
- 60.24.070 Period covered by stumpage lien.
- 60.24.075 Claims—Contents—Form.
- 60.24.080 Filing claim for stumpage lien.
- 60.24.100 Recording claims—Fees.
- 60.24.110 Limitation of action.
- 60.24.120 Venue—Procedure.
- 60.24.130 Sheriff as receiver—Deposit to recover possession—Costs.
- 60.24.140 Pleadings by defendant—Amendments—Hearing.
- 60.24.150 Enforcement against all or part of property.
- 60.24.160 Errors in claim, effect of.
- 60.24.170 Purchase of property subject to lien—Presumption of notice.
- 60.24.180 Joinder—Costs.
- 60.24.190 Judgment—Sale—Disposition of proceeds.
- 60.24.195 Sale of property subject to lien—When.
- 60.24.200 Damages for eloigning, injuring, destroying, or removing marks, etc.—Recovery.

Lien under this chapter extends to real property on which labor and services are performed: RCW 60.24.033.

RCW 60.24.020 Liens on saw logs, spars, piles, cord wood, shingle bolts, or other timber. Every person performing labor upon or who shall assist in obtaining or securing saw logs, spars, piles, cord wood, shingle bolts, or other timber, and the owner or owners of any tugboat or towboat, which shall tow or assist in towing, from one place to another within this state, any saw logs, spars, piles, cord wood, shingle bolts, or other timber, and the owner or owners of any team or any logging engine, which shall haul or assist in hauling from one place to another within this state, any saw logs, spars, piles, cord wood, shingle bolts, or other timber, and the owner or owners of any logging or other railroad over which saw logs, spars, piles, cord wood, shingle bolts, or other timber shall be transported and delivered, shall have a lien upon the same for the work or labor done upon, or in obtaining or securing, or for services rendered in towing, transporting, hauling, or driving, the particular saw logs, spars, cord wood, shingle bolts, or other timber in said claim of lien described whether such work, labor, or services was done, rendered, or performed at the instance of the owner of the same or his or her agent. Scalpers, and bull cooks, and cooks, flunkeys and waiters in lumber camps, shall be regarded as persons who assist in obtaining or securing the timber herein mentioned. [2012 c 117 s 135; 1923 c 10 s

1; 1907 c 9 s 1; 1895 c 88 s 1; 1893 c 132 s 1; RRS s 1162. Prior: Code 1881 s 1941; 1879 p 100 s 2; 1877 p 217 s 3; 1860 p 340 s 1.]

RCW 60.24.030 Lien on lumber—"Lumber" defined. Every person performing work or labor or assisting in manufacturing saw logs and other timber into lumber and shingles, has a lien upon such lumber while the same remains at the mill where it was manufactured, or in the possession or under the control of the manufacturer, whether such work or labor was done at the instance of the owner of such logs or his or her agent or any contractor or subcontractor of such owner. The term "lumber," as used in this chapter, shall be held and be construed to mean all logs or other timber sawed or split for use, including beams, joists, planks, boards, shingles, laths, staves, hoops, and every article of whatsoever nature or description manufactured from saw logs or other timber. [2012 c 117 s 136; 1893 c 132 s 2; 1893 c 10 s 1; RRS s 1163. Prior: Code 1881 s 1942; 1877 p 217 s 4. Formerly RCW 60.24.010, part.]

RCW 60.24.033 Lien on real property for labor or services on timber and lumber. The lot tract, parcel of land, or any other type of real property or real property improvements upon which the type of activities listed in RCW 60.24.020, 60.24.030, or 60.24.035 are to be performed, or so much property thereof as may be necessary to satisfy the lien and the judgment thereon, to be determined by the court on rendering judgment in a foreclosure of lien, shall also be subject to the lien to the extent of its interest of the persons who in their own behalf, or through any of their agents, caused any of the types of activities listed in RCW 60.24.020, 60.24.030, or 60.24.035. [1986 c 179 s 1. Formerly RCW 60.04.045.]

RCW 60.24.035 Lien for stumpage. Any person who shall permit another to go upon his or her timberland and cut thereon saw logs, spars, piles, or other timber, has a lien upon the same for the price agreed to be paid for such privilege, or for the price such privilege would be reasonably worth in case there was no express agreement fixing the price. [2012 c 117 s 137; 1893 c 132 s 3; RRS s 1164. Prior: Code 1881 s 1943; 1877 p 217 s 5. Formerly RCW 60.24.060.]

RCW 60.24.038 Priority of lien. The liens provided for in this chapter are preferred liens and are prior to any other liens, and no sale or transfer of any saw logs, spars, piles or other timber or manufactured lumber or shingles shall divest the lien thereon as herein provided, and as between liens provided for in this chapter those for work and labor shall be preferred: PROVIDED, That as between liens for work and labor claimed by several laborers on the same logs or lot of logs the claim or claims for work or labor done or performed on the identical logs proceeded against to the extent that said logs can be identified, shall be preferred as against the general claim of lien for work and labor recognized and provided for in this chapter. [1893 c 132 s 4; RRS s 1165. Prior: Code 1881 s 1944; 1877 p 217 s 6. Formerly RCW 60.24.090.]

RCW 60.24.040 Period covered by labor liens. The person rendering the service of [or] doing the work or labor named in RCW 60.24.020 and 60.24.030 is only entitled to the liens as provided herein for services, work or labor for the period of eight calendar months, or any part thereof next preceding the filing of the claim, as provided in *section 8 of this act. [1893 c 132 s 5; RRS s 1166. Prior: Code 1881 s 1945; 1877 p 217 s 7.]

***Reviser's note:** "section 8 of this act" is codified as RCW 60.24.080. Section 7 (codified as RCW 60.24.075) was probably intended.

RCW 60.24.070 Period covered by stumpage lien. The person granting the privilege mentioned in RCW 60.24.035 is only entitled to the lien as provided therein for saw logs, spars, piles and other timber cut during the eight months next preceding the filing of the claim, as herein provided in RCW 60.24.075. [1893 c 132 s 6; RRS s 1167. Prior: Code 1881 s 1946; 1877 p 217 s 8.]

RCW 60.24.075 Claims—Contents—Form. Every person, within sixty days after the close of the rendition of the services, or after the close of the work or labor mentioned in the preceding sections, claiming the benefit hereof, must file for record with the county auditor of the county in which such saw logs, spars, piles, and other timber were cut, or in which such lumber or shingles were manufactured, a claim containing a statement of his or her demand and the amount thereof, after deducting as nearly as possible all just credits and offsets, with the name of the person by whom he or she was employed, with a statement of the terms and conditions of his or her contract, if any, and in case there is no express contract, the claim shall state what such service, work, or labor is reasonably worth; and it shall also contain a description of the property to be charged with the lien sufficient for identification with reasonable certainty, which claim must be verified by the oath of himself or herself or some other person to the effect that the affiant believes the same to be true, which claim shall be substantially in the following form:

. Claimant, vs.

Notice is hereby given that of county, state of Washington, claims a lien upon a of, being about in quantity, which were cut or manufactured in county, state of Washington, are marked thus, and are now lying in, for labor performed upon and assistance rendered in said; that the name of the owner or reputed owner is; that employed said to perform such labor and render such assistance upon the following terms and conditions, to wit:

The said agreed to pay the said for such labor and assistance; that said contract has been faithfully performed and fully complied with on the part of said, who performed labor upon and assisted in said for the period of; that said labor and assistance were so performed and rendered upon said between the day of and the day

of; and the rendition of said service was closed on the day of, and sixty days have not elapsed since that time; that the amount of claimant's demand for said service is; that no part thereof has been paid except, and there is now due and remaining unpaid thereon, after deducting all just credits and offsets, the sum of, in which amount he or she claims a lien upon said The said also claims a lien on all said now owned by said of said county to secure payment for the work and labor performed in obtaining or securing the said logs, spars, piles, or other timber, lumber, or shingles herein described.

State of Washington, county of ss.
. being first duly sworn, on oath says that he or she is named in the foregoing claim, has heard the same read, knows the contents thereof, and believes the same to be true.

.....
Subscribed and sworn to before me this day of
.....

[2012 c 117 s 138; 1986 c 179 s 2; 1893 c 132 s 7; RRS s 1168. Prior: Code 1881 s 1947; 1879 p 100 s 4; 1877 p 217 s 9. Formerly RCW 60.24.050.]

RCW 60.24.080 Filing claim for stumpage lien. Every person mentioned in RCW 60.24.035 claiming the benefit thereof must file for record with the county auditor of the county in which such saw logs, spars, piles or other timber were cut, a claim in substance the same as provided in RCW 60.24.075, and verified as therein provided. [1893 c 132 s 8; RRS s 1169. Prior: Code 1881 s 1948; 1877 p 218 s 10.]

RCW 60.24.100 Recording claims—Fees. The county auditor must record any claim filed under this chapter in a book kept by him or her for that purpose, which record must be indexed, as deeds and other conveyances are required by law to be indexed, and for which he or she may receive the same fees as are allowed by law for recording deeds and other instruments. [2012 c 117 s 139; 1893 c 132 s 9; RRS s 1170. Prior: Code 1881 s 1949; 1877 p 218 s 11.]

RCW 60.24.110 Limitation of action. No lien provided for in this chapter binds any saw logs, spars, piles or other timber, or lumber and shingles, for a longer period than eight calendar months after the claim as herein provided has been filed, unless a civil action be commenced in a proper court, within that time, to enforce the same: PROVIDED, HOWEVER, That in case such civil action so commenced should for any cause other than the merits, be nonsuited or dismissed, then the lien shall continue for the term of one calendar month, if the said eight months have expired, to permit the commencement of another action thereon, which shall be as effective in prolonging the lien as if it had been entered during the term of eight months hereinbefore stated. [1893 c 132 s 10; RRS s 1171. Prior: Code 1881 s 1950; 1879 p 100 s 5; 1877 p 218 s 12.]

RCW 60.24.120 Venue—Procedure. The liens provided for in this chapter shall be enforced by a civil action in the superior court of the county wherein the lien was filed, and shall be governed by the laws regulating the proceedings in civil actions touching the mode and manner of trial, and the proceedings and laws to secure property so as to hold it for the satisfaction of any lien that be against it; except as hereinafter otherwise provided. [1893 c 132 s 11; RRS s 1172. Prior: Code 1881 s 1951; 1877 p 218 s 13.]

RCW 60.24.130 Sheriff as receiver—Deposit to recover possession—Costs. The sheriff of the county wherein the lien is filed shall be the receiver when one is appointed, and the superior court upon a showing made shall appoint such receiver without notice, who shall be allowed such fees as may seem just to the court, which fees shall be accounted for by such sheriff as other fees collected by him or her in his or her official capacity: PROVIDED, That at any time when any property is in the custody of such sheriff under the provisions of this chapter, and any person claiming any interest therein, may deposit with the clerk of the court in which such action is pending, a sum of money in an amount equal to the claim sued upon, together with one hundred dollars, to cover costs and interest, (unless the court shall make an order fixing a different amount to cover such costs and interest, then such an amount as the court shall fix to secure such costs and interest, which such action is being prosecuted) and shall have the right to demand and receive forthwith from such sheriff the possession and custody of such property: PROVIDED, That in no action brought under the provisions of this chapter shall costs be allowed to lienholders unless a demand has been made for payment of his or her lien claim before commencement of suit, unless the court shall find the claimants at time of bringing action had reasonable ground to believe that the owner or the person having control of the property upon which such lien is claimed was attempting to defraud such claimant, or prevent the collection of such lien. [2012 c 117 s 140; 1899 c 90 s 1; 1893 c 132 s 12; RRS s 1173.]

RCW 60.24.140 Pleadings by defendant—Amendments—Hearing. If the defendant or defendants appear in a suit to enforce any lien provided by this chapter, he, she, or they shall make their answer on the merits of the complaint, and any motion or demurrer against the said complaint must be filed with the answer; and no motion shall be allowed to make complaint more definite and certain, if it appear to the court that the defendant or defendants have or should have knowledge of the facts, or that it can be made more certain and definite by facts which will appear necessarily in the testimony; but the case, unless the court sustains the demurrer to the complaint, shall be heard on the merits as speedily as possible, and amendments of the pleadings, if necessary, shall be liberally allowed. [2012 c 117 s 141; 1893 c 132 s 13; RRS s 1174.]

RCW 60.24.150 Enforcement against all or part of property. Any person who shall bring a civil action to enforce the lien herein provided for, or any person having a lien as herein provided for, who shall be made a party to any such civil action, has the right to

demand that such lien be enforced against the whole or any part of the saw logs, spars, piles, or other timber or manufactured lumber or shingles upon which he or she has performed labor or which he or she has assisted in securing or obtaining, or which he or she has cut on his or her timberland during the eight months next preceding the filing of his or her lien, for all his or her labor upon or for all his or her assistance in obtaining or securing said logs, spars, piles, or other timber, or in manufacturing said lumber or shingles during the whole or any part of the eight months mentioned in *section seven (7) of this act, or for timber cut during the whole or any part of the eight months above mentioned. And where proceedings are commenced against any lot of saw logs, spars, piles, or other timber or lumber or shingles as herein provided, and some of the lienors claim liens against the specific logs, spars, piles, or other timber or lumber or shingles proceeded against, and others against the same generally, to secure their claims for work and labor, the priority of the liens shall be determined as hereinbefore provided. [2012 c 117 s 142; 1893 c 132 s 14; RRS s 1175. Prior: Code 1881 s 1952; 1877 p 218 s 14.]

***Reviser's note:** "section seven (7) of this act" is codified as RCW 60.24.075. Section 5 (codified as RCW 60.24.040) was probably intended.

RCW 60.24.160 Errors in claim, effect of. No mistake or error in the statement of the demand, or of the amount of credits and offsets allowed, or of the balance asserted to be due to claimant, nor in the description of the property against which the claim is filed, shall invalidate the lien, unless the court finds that such mistake or error in the statement of the demand, credits and offsets or of the balance due was made with intent to defraud, or the court shall find that an innocent third party without notice, direct or constructive, has, since the claim was filed, become the bona fide owner of the property liened upon, and that the notice of claim was so deficient that it did not put the party upon further inquiry, in any manner. [1893 c 132 s 15; RRS s 1176.]

RCW 60.24.170 Purchase of property subject to lien—Presumption of notice. It shall be conclusively presumed by the court that a party purchasing the property liened upon within thirty days given herein to claimants wherein to file their liens, is not an innocent third party, nor that he or she has become a bona fide owner of the property liened upon, unless it shall appear that he or she has paid full value for the said property, and has seen that the purchase money of the said property has been applied to the payment of such bona fide claims as are entitled to liens upon the said property under the provisions of this chapter, according to the priorities herein established. [2012 c 117 s 143; 1893 c 132 s 16; RRS s 1177.]

RCW 60.24.180 Joinder—Costs. Any number of persons claiming liens under this chapter may join in the affidavit in RCW 60.24.075 provided, and may join in the same action, and when separate actions are commenced the court may consolidate them. The court shall also allow as part of the costs the moneys paid for filing, making and

recording the claim, and a reasonable attorney's fee for each person claiming a lien. [1901 c 23 s 1; 1893 c 132 s 17; RRS s 1178. Prior: Code 1881 s 1691; 1877 p 219 s 15.]

RCW 60.24.190 Judgment—Sale—Disposition of proceeds. In each civil action, judgment must be rendered in favor of each person having a lien for the amount due to him or her, and the court or judge thereof shall order any property subject to the lien herein provided for to be sold by the sheriff of the proper county in the same manner that personal property is sold on execution, and the court or judge shall apportion the proceeds of such sale to the payment of each judgment, according to the priorities established in this chapter pro rata in its class according to the amount of such judgment. [2012 c 117 s 144; 1893 c 132 s 18; RRS s 1179. Prior: Code 1881 s 1954; 1877 p 219 s 16. FORMER PART OF SECTION: 1893 c 132 s 19; RRS s 1180 now codified as RCW 60.24.195.]

Sale of property on execution: Chapter 6.21 RCW.

RCW 60.24.195 Sale of property subject to lien—When. The court or judge may order any property subject to a lien as in this chapter provided to be sold by the sheriff as personal property is sold on execution either before or at the time judgment is rendered, as provided in RCW 60.24.190, and the proceeds of such sale must be paid into court to be applied as in RCW 60.24.190 directed. [1893 c 132 s 19; RRS s 1180. Prior: Code 1881 s 1955; 1877 p 219 s 17. Formerly RCW 60.24.190, part.]

Sale of property on execution: Chapter 6.21 RCW.

RCW 60.24.200 Damages for eloigning, injuring, destroying, or removing marks, etc.—Recovery. Any person who shall eloign, injure, or destroy, or who shall render difficult, uncertain, or impossible of identification any saw logs, spars, piles, shingles, or other timber upon which there is a lien as herein provided, without the express consent of the person entitled to such lien, shall be liable to the lienholder for the damages to the amount secured by his or her lien, and it being shown to the court in the civil action to enforce said lien, it shall be the duty of the court to enter a personal judgment for the amount in such action against the said person, provided he or she be a party to such action, or the damages may be recovered by a civil action against such person. [2012 c 117 s 145; 1893 c 132 s 20; RRS s 1181. Prior: Code 1881 s 1956; 1877 p 219 s 18.]