

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5807. Enforcement.

After demand and refusal of the amount due or upon neglect to pay same upon demand, the lien may be enforced by action filed in the court of the senatorial district in which the property is situated. The demand may be included in the application and notice and when so included it shall not be necessary to make separate demand upon any other person. The lien claimant, in addition to setting forth a claim in the nature of assumpsit, may pray for any incidental relief according to the usual practice of courts of law and equity and according to this section in enlargement thereof. The owner or the owner's assigns on whose property the lien has attached may file a third party action against a licensed contractor whom the owner has paid for improvements, and counter-claim against any lien claimant. All proceedings concerning the same improvement shall, unless good reason otherwise appears, be consolidated for trial and the court may order publication of notice of the pendency of the action. Any person having or claiming an interest in any such proceeding or in the property, including other claimants, lienors, encumbrances, sureties and indemnitors may be joined as parties, may be interpleaded or may be permitted to intervene, under such orders as the court may enter. Interlocutory and final decrees for the foreclosure of the liens, for deficiency judgments, and relief against the parties liable therefor, and fixing the priority of mechanics liens as a group and other parties having liens or mortgages against, or interests in, the property shall be made and entered as near as may be done in accordance with the practice on foreclosure of mortgages as provided by law in the Commonwealth of the Northern Mariana Islands. If the property or proceeds realized upon the foreclosure sale are insufficient to satisfy all mechanics' liens and mortgages filed against the same, the property or proceeds shall be divided pro rata among the liens according to the principal amounts of the liens, without regard to the order or priority in which the respective applications and notices have been filed or the respective actions or interventions commenced.

Source: PL 10-65, § 8.