

TITLE 47
MINES AND MINING

CHAPTER 11

PROCEEDING BY LIENHOLDER UPON UNPATENTED MINING CLAIM TO PREVENT FORFEITURE

47-1101. ORDER FOR PERFORMANCE OF ASSESSMENT WORK. Whenever a judgment, attachment or mortgage creditor has a lien upon unpatented mining claims in this state and the annual assessment work required by the provisions of section 2324 of the Revised Statutes of the United States, as amended by act of congress of August 24, 1921, has not been performed upon such mining claims by the first day of June in any year, the judgment, attachment or mortgage creditor may apply to the court having jurisdiction for an order allowing such judgment, attachment or mortgage creditor to perform such annual assessment work upon such unpatented mining claims in order to prevent a forfeiture of such mining claims and to preserve the lien of the judgment, attachment or mortgage until the final issuance of sheriff's deed.

[(47-1101) 1911, ch. 174, sec. 1, p. 568; reen. C.L. 233:2; C.S., sec. 5554; am. 1923, ch. 8, sec. 1, p. 9; I.C.A., sec. 46-1001.]

47-1102. COST OF ASSESSMENT A LIEN. Upon the making of such order the judgment, attachment or mortgage creditor shall be authorized and empowered to incur all the expenses necessary in the performance of the annual assessment work upon such mining claims, and upon filing in the court in which such action is pending a verified statement of such expenses, the cost thereof shall be taxed in the action, suit or proceeding and become and be a lien upon said premises, and execution may issue therefor against said premises: provided, that no deficiency judgment shall be entered against the owner of said mining property for any portion of such expense if the proceeds of the sale thereof are insufficient to satisfy the same.

[(47-1102) 1911, ch. 174, sec. 2, p. 569; reen. C.L. 233:1; C.S., sec. 5555; I.C.A., sec. 46-1002.]