

1904, art. 63, sec. 35. 1888, art. 63, sec. 35. 1860, art. 61, sec. 35. 1838, ch. 205, sec. 20. 1886, ch. 228.

**35.** Every judgment rendered on a *scire facias* under this article may be enforced by execution or otherwise, as other judgments are; but after a *scire facias* has been issued and returned, the failure of the lienor to prosecute the same with effect shall entitle the defendant therein to his costs and a judgment discharging the lien claimed, unless the court for good cause shown shall permit the plaintiff in such *scire facias* to dismiss the same without prejudice to the further assertion of his lien; and in granting such permission, the court may impose such conditions on the plaintiff as it may deem proper; and whatever judgment may be entered on any *scire facias* shall be noted on the record of such claim in the clerk's office of said court.

Ibid. sec. 36. 1888, art. 63, sec. 36. 1860, art. 61, sec. 36. 1838, ch. 205, sec. 21.

**36.** If the proceeds of such building and ground shall not be sufficient to pay the full amount of all debts due as aforesaid for work done and materials furnished, after deducting therefrom any prior liens on the same, then such debts shall be averaged and the said creditors shall be paid in proportion to their respective demands.

As to prior liens, see sec. 15.

Ibid. sec. 37. 1888, art. 63, sec. 37. 1860, art. 61, sec. 37. 1838, ch. 205, sec. 22. 1886, ch. 228.

**37.** In any case in which a lien claim shall have been filed against any building and in which no proceedings towards enforcing the same are pending, the superior court of Baltimore city or the circuit court for the county, as the case may be, may, on the motion or petition of any person interested in the property affected, require the lien claimant to appear in court by a given day and proceed to the trial and final disposition of the issues involved in such claim in the same manner as if a *scire facias* had been issued and returned at his instance and under the same penalties as to defaults as are provided in section 35 of this article.

For a petition filed under this section, see *Miller v. Barroll*, 14 Md. 182.

Ibid. sec. 38. 1888, art. 63, sec. 38. 1860, art. 61, sec. 38. 1838, ch. 205, sec. 23. 1841, ch. 76, sec. 15.

**38.** The lien of every such debt for which a claim may have been filed as aforesaid shall expire at the end of five years from the day on which it was filed, unless the same shall be revived by *scire facias* in the manner provided by law in the case of judgments, in which case such lien shall continue in like manner for another period of five years and so on from one such period to another, unless such lien be satisfied or extinguished by a sale or otherwise according to law.

Under this section, the *sci. fa.* must issue within the five years; the lien compared with a judgment. *Blocher v. Worthington*, 10 Md. 4. And see *Lucas v. Taylor*, 105 Md. 112.

See sec. 46 and note.