

And the filing of such bond shall operate as a stay of execution under said lien until the amount thereof shall have been judicially determined; and in any such suit against the owner of said aircraft by such lien claimant after filing of such bond, if any defendant is returned non est, service may be secured by publication as in the case of a suit against a non-resident, provided, however, that suit be instituted within six months from the presentation of said bond, otherwise the bond is to be null and void.

1937, ch. 247, sec. 53.

70. Any corporation, firm, individual, association or person who may have a lien under this sub-title on any aircraft or part thereof for repairs, rebuilding or storage, or having furnished for or on account of said aircraft and parts, accessories or tires may, if the account is due and unpaid for a period of thirty days and if the lienor still retains possession of the same, sell said aircraft or part thereof at public sale at some place which shall be convenient and accessible to the public at any time between the hours of 10 o'clock A. M. and 6 o'clock P. M., provided the time, place and terms of said sale, together with a full detailed description of said aircraft or part thereof shall be inserted in one or more daily newspapers published in the city or county where said sale is to take place at least once each week for two successive weeks prior to said sale; and provided further, that a registered notice shall be mailed at least ten days prior to said sale to the owner of said aircraft or part thereof, if his address be known, or if it can be ascertained by the exercise of reasonable diligence, or by mailing said notice by registered mail to the person who gave the order for said repairs, storage, rebuilding, parts, accessories, or tires. If the address of neither of said persons is known, and by the exercise of reasonable diligence cannot be ascertained, then such notice shall be mailed to "General Delivery" at the Postoffice of the city or county where the business of said lienor is located. Any excess in the amount of the selling price of said aircraft or part thereof at said sale over and above the expenses thereof, including a reasonable attorney's fee and the amount of said lien, shall be remitted to the owner of said aircraft or part thereof.

1937, ch. 247, sec. 54.

71. The remedies for enforcing the aforesaid lien herein provided shall not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the custodian's claim as shall not be paid by the proceeds of the sale of the property.

1937, ch. 247, sec. 55.

72. Should the owner of the aircraft or part thereof replevy the same and the defendant in such action move the court for a writ of *retorno habendo*, and if it shall appear to the court that the defendant's claim to the right of possession of such aircraft or part thereof is based on any lien or right to hold the property replevied as security for any sum of money claimed to be due as distinguished from a claim of ownership of the property replevied, the court shall refuse to order a return of the property replevied to the defendant until a judgment is given in the action, and in the trial of such replevin action it shall be the duty of the court, if the case is being tried without a jury, or the duty of the jury if the case is