

An. Code, 1924, sec. 36. 1912, sec. 36. 1904, sec. 36. 1888, sec. 36. 1838, ch. 205, sec. 21.

25. 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.

1939, ch. 250, sec. 36A.

26. In any suit to enforce a lien hereunder, the owner of the building and premises to which such lien may have attached, as aforesaid, may be allowed to pay into court the amount claimed by the lienor, and such additional amount, to cover interest and costs, as the court may direct, or he may file a written undertaking, with two or more sureties, to be approved by the court, or Clerk thereof, to the effect that he and they will pay the judgment that may be recovered and costs, which judgment shall be rendered against all the persons so undertaking. On the payment of said money into court, or the approval of such undertaking, the property shall be released from such lien, and any money so paid in shall be subject to the final decree of the court.

1939, ch. 250, sec. 36B.

27. Undertaking to discharge liens before suit.—Such an undertaking as mentioned in Section 26 may be offered before any suit brought in order to discharge the property from existing liens, and the same proceedings shall be had as above directed in relation to the undertaking to be given after the commencement of the suit, and said undertaking shall be to the effect that the owner and his said sureties will pay any judgment that may be rendered in any suit that may thereafter be brought for the enforcement of said lien.

An. Code, 1924, sec. 38. 1912, sec. 38. 1904, sec. 38. 1888, sec. 38. 1838, ch. 205, sec. 23. 1841, ch. 76, sec. 15. 1939, ch. 754, sec. 38.

28. The lien of every such debt for which a claim may have been filed according to the provisions of this article shall expire at the end of two years from the day on which it was filed, during which time the claimant may bring proceedings in equity to enforce the lien, and the owner of the property subject to the lien, or any other person interested therein, may bring proceedings in equity to compel the claimant to prove the validity of the lien or have it declared void; and in case the lien claimant or his assigns may be non-residents of the State of Maryland or may be persons

Application under latter portion of this section must be made "on the return of the writ," otherwise it will be too late. *Wilson v. Merryman*, 48 Md. 340.

This section applied. *McLaughlin v. Reinhart*, 54 Md. 81.

33. If sec. 19 is complied with, no bill of particulars can be demanded. If it is not complied with and proceedings are taken by *scire facias*, the proper practice is to move to quash writ. *Wilson v. Merryman*, 48 Md. 337. See also *Baker v. Winter*, 15 Md. 7.

Sec. 32 does not dispense with the forms of pleading. Pleas should notify the plaintiff of the grounds of defense. *Kees v. Kerney*, 5 Md. 422.

For a defective plea of set-off to a *sci. fa.* to enforce a mechanics' lien, see *Dilley v. Roman*, 17 Md. 341.

34. How judgment for the claimant should be entered. *Plummer v. Eckenrode*, 50 Md. 234.