

(b) *Buildings.*

(1) *Unfinished building.*

*Where a building shall be commenced and not finished, the lien shall attach thereto to the extent of the work done or materials furnished.*

(2) *Building erected by tenant.*

*Where a building shall be erected by a tenant for life or years, or by an architect, builder or other person employed by the tenant, the lien shall only apply to the extent of the interest of the tenant.*

9-103. *Notice to owner where contract is with person other than owner.*

(a) *Generally.*

*If the contract for furnishing such work or materials, or both, shall have been made with an architect or builder or any other person except the owner of the land on which the building may be erected, or his agent the person so doing work or furnishing materials, or both, shall not be entitled to a lien unless, within ninety days after furnishing the same, he or his agent shall give notice in writing to such owner or agent, if resident within the city or county, of his intention to claim such lien.*

(b) *Property owned by husband and wife.*

*For the purposes of notice in this section where property is owned by husband and wife, either jointly or as tenants by the entireties, and said husband and wife are not separated or divorced, then said notice above referred to shall be sufficient as to delivery if received by either husband or wife.*

(c) *Notice to person whose name appears in assessment books.*

*Notice given to the person appearing as taxpayer in the assessment books of the county where the lot is situated shall constitute notice to all actual owners.*

(d) *Where impossible to give notice.*

*If such notice cannot be given on account of absence or other causes, the claimant or his agent may, in the presence of a competent witness and within ninety days, place said notice upon the door or other front part of said building and shall file a claim with the clerk of the circuit court for the county. Notice by posting according to this section shall be sufficient in all cases where the owner of the lot has died and his successors in title do not appear from the public records of the county.*

9-104. *Rights of owner on receipt of notice.*

*In all cases in which a contractor or builder of a building shall have purchased materials or contracted for work and the party with whom such contract was made shall have given notice as required in § 9-103 to the owner of such building, it shall be lawful for the owner to retain from the cost of such building the amount which he may ascertain to be due to the party giving such notice;*