

*claimant may bring proceedings in equity to enforce a 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 the expiration of such lien shall be stayed by the filing, within said two-year period, of any such proceeding in equity until the conclusion of such proceeding.*

**9-107. Priorities.**

*(a) Other mechanics' liens.*

*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.*

*(b) Liens other than mechanics' liens.*

*The lien hereby given shall be preferred to all mortgages, judgments, liens and encumbrances which attach upon the said building or the ground covered thereby subsequently to the commencement thereof; and all the mortgages and liens other than liens which have attached thereto prior to the commencement of the said building and which by the laws of this State are required to be recorded shall be postponed to said lien, unless recorded prior to the commencement of said building.*

**9-108. No waiver by taking credit or giving security.**

*No person having such lien shall be considered as waiving the same by granting a credit or receiving notes or other securities, unless the same be received as payment or the lien be expressly waived, but the sole effect thereof shall be to prevent the institution of any proceedings to enforce said lien until the expiration of the time agreed upon.*

**9-109. Right to institute personal action.**

*Nothing contained in this article shall be construed to affect the right of any person to whom any debt may be due for work done or materials furnished to maintain any personal action against the owner of the building or any other person liable therefor.*

**9-110. Remedial law.**

*This title shall be construed and have the same effect as laws which give general jurisdiction or are remedial in their nature; and such amendments shall, from time to time and at any time, be made in the proceedings, commencing with the claim or lien to be filed and extending to all subsequent proceedings, as may be necessary and proper; provided that the amount of the claim or lien filed shall not in any case be enlarged.*

**9-111. Machines, wharves, and bridges.**

*Every machine, wharf and bridge erected, constructed or repaired within this State shall be subject to a lien in like manner as buildings are made subject under the provisions of this title.*