

IF NOTICE CANNOT BE GIVEN ON ACCOUNT OF ABSENCE OR OTHER CAUSES, THE CLAIMANT, OR HIS AGENT IN THE PRESENCE OF A COMPETENT WITNESS AND WITHIN 90 DAYS, MAY PLACE THE NOTICE ON THE DOOR OR OTHER FRONT PART OF THE BUILDING AND SHALL FILE A CLAIM WITH THE CLERK OF THE CIRCUIT COURT OF THE COUNTY. NOTICE BY POSTING ACCORDING TO THIS SECTION IS SUFFICIENT IN ALL CASES WHERE THE OWNER OF THE LOT HAS DIED AND HIS SUCCESSORS IN TITLE DO NOT APPEAR ON THE PUBLIC RECORDS OF THE COUNTY.

REVISOR'S NOTE: This section presently appears as Art. 21, §9-103 of the Code. Reference to "city" in subsection (a) is proposed for deletion in light of §1-101(b) which provides that "county" includes the City of Baltimore. The only other changes are in style.

9-104. RIGHTS OF OWNER ON RECEIPT OF NOTICE.

IF A CONTRACTOR OR BUILDER OF A BUILDING PURCHASES MATERIALS OR CONTRACTS FOR WORK, AND THE PARTY WITH WHOM THE CONTRACT IS MADE GIVES NOTICE TO THE OWNER OF THE BUILDING AS REQUIRED BY §9-103, THE OWNER MAY RETAIN FROM THE COST OF THE BUILDING THE AMOUNT WHICH HE ASCERTAINS TO BE DUE TO THE PARTY GIVING NOTICE. IF THE PARTY GIVING NOTICE AND THE CONTRACTOR OR BUILDER ATTACH A LIEN, THE CONTRACTOR OR BUILDER SHALL RECEIVE ONLY THE DIFFERENCE BETWEEN THE AMOUNT DUE HIM AND THAT DUE THE PERSON GIVING THE NOTICE.

REVISOR'S NOTE: This section presently appears as Art. 21, §9-104 of the Code. The only changes are in style.

9-105. FILING OF CLAIMS.

(A) CLAIM TO BE FILED.

ANY PERSON ENTITLED TO THE LIEN SHALL FILE A CLAIM OR STATEMENT OF HIS DEMAND IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE COUNTY, AND THE CLAIM OR STATEMENT SHALL BE REDELIVERED BY THE CLERK TO THE PARTY FILING THE SAME AFTER IT IS RECORDED.

(B) MECHANIC'S LIEN DOCKET.

(1) THE CLERK SHALL KEEP A DOCKET OR BOOK TO BE CALLED "THE MECHANICS' LIEN DOCKET," IN WHICH HE SHALL RECORD:

(i) ANY DESIGNATION OR DESCRIPTION OF THE LOT OR PIECE OF GROUND;