

**38-10-107 Lien priority -- Proration of proceeds upon sale.**

- (1) Except as provided in this section, liens under this chapter shall be equal in priority without reference to the date of the filing of the lien.
- (2) Any lien perfected as provided by this chapter attaches to the interest covered by Section 38-10-102 in preference to any subsequent lien, security interest, or mortgage perfected upon an interest in real or personal property against which the lien is claimed.
- (3) The liens provided for in this chapter shall relate back to, and take effect as of the time of the commencement of work or the furnishing of materials or equipment which are conspicuously visible on the production unit, or as of the filing of the notice of lien, which ever first occurs.
- (4) If a sale is ordered by the court upon foreclosure of any lien provided by this chapter and the proceeds from the sale are insufficient to discharge in full all of the liens, the proceeds shall be prorated among the several lien claimants who have joined in the foreclosure according to the amounts of their respective judgments.

Enacted by Chapter 170, 1987 General Session