

SUPREME COURT OF OKLAHOMA

Biantrav Contractor, LLC v. Condren

2020 OK 73 · No. 118945 · Decided September 21, 2020

SUMMARY

The Oklahoma Supreme Court assumed original jurisdiction and granted a writ of prohibition concerning the effectiveness of an amended mechanic's and materialman's lien. The Court held that an amended lien statement, including an amendment increasing the amount claimed, may be filed within the 90-day statutory period under 42 O.S. § 143 and is not prohibited by 42 O.S. § 172.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Chief Justice Gurich; Justice Winchester; Justice Edmondson; Justice Colbert; Justice Combs; Justice Kane; Justice Rowe; Justice Kauger
JURISDICTION	Oklahoma
DECIDED	September 21, 2020
DOCKET	118945
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Biantrav Contractor, LLC sought extraordinary relief in the Oklahoma Supreme Court, asking the court to prohibit enforcement of a district-court judgment holding its corrected and amended mechanics and materialmen's lien ineffective.
STANDARD OF REVIEW	Original-jurisdiction review; a writ may issue when the lower court's decision is based on an erroneous conclusion of law and a writ is the appropriate remedy.
PRECEDENTIAL VALUE	precedential
PARTIES	Biantrav Contractor, LLC v. Judge Sheila Condren, Sofidel America Corp., SMI USA LLC, Indexa USA, Inc.

TOPICS

- construction law
- statutory interpretation
- appellate procedure
- appellate jurisdiction
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Oklahoma lien law permits an amended lien statement, including an amendment increasing the amount claimed, when the amended statement is filed within the ninety-day statutory period.
2. Whether the Oklahoma Supreme Court should prohibit enforcement of the district court's judgment declaring Biantrav's corrected and amended lien ineffective.

HOLDINGS

1. An amended lien statement filed within the ninety-day period prescribed by 42 O.S. Supp. 2013, § 143 may amend the amount claimed and is not prohibited by 42 O.S. 2011, § 172.
2. A writ of prohibition was appropriate to prevent enforcement of the district court's judgment because that judgment rested on an erroneous legal conclusion concerning the effectiveness of the amended lien.

KEY QUOTATIONS

"The Court finds 42 Ohio St. 2011, § 172 does not prohibit the filing of an amended lien statement, including an amendment as to the amount claimed, when the amended lien statement is filed within the 90-day time period prescribed by 42 O.S. Supp. 2013, § 143." (¶ 7)

"Hence, a lien statement in a civil action commenced under Section 172 is treated just as any other pleading that may be amended "in furtherance of justice as pleadings may be in any matter."" (¶ 8)

FACTUAL BACKGROUND

Biantrav filed a mechanics and materialmen's lien through a subcontractor claim and later filed a corrected and amended lien statement that increased the amount claimed. The amended lien was filed within the ninety-day period prescribed for filing a subcontractor lien. The Rogers County District Court nevertheless found the corrected and amended lien ineffective.

PROCEDURAL HISTORY

The Rogers County District Court entered a July 14, 2020 Journal Entry of Judgment finding Biantrav's corrected and amended lien ineffective. Biantrav commenced an original proceeding in the Oklahoma Supreme Court. The Supreme Court assumed original jurisdiction and granted a writ of prohibition barring enforcement of the district-court judgment.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The respondent district judge, or any other assigned judge, was prohibited from enforcing the July 14, 2020 Journal Entry of Judgment finding Biantrav's corrected and amended mechanics and materialmen's lien ineffective.

CASES CITED

- Scott v. Peterson, 2005 OK 84, 126 P.3d 1232
- Cannon v. Lane, 1993 OK 40, 867 P.2d 1235
- Davidson Oil Country Supply Co., Inc. v. Pioneer Oil & Gas Equip. Co., 1984 OK 65, 689 P.2d 1279
- El Reno Elec. Light & Tel. Co. v. Jennison, 1897 OK 64, 50 P. 144
- Whitfield v. Frensley Bros. Lbr. Co., 1930 OK 18, 283 P. 985