

within ninety days after labor and materials were furnished; and

2. The Statement of Account that was filed in the Office of the Clerk of Court for Greenville County ("Clerk") was not in proper form. (This ground was raised after oral argument in a memorandum submitted by the plaintiff).

The defendant has responded that the defendant complied with the clear language of §29-5-90 by filing the Statement of Account in the Office of the Clerk within the ninety day time period and that the Statement of Account was in proper form.

The applicable portions of §29-5-90 require the Statement of Account to be filed in the "office of the register of mesne conveyances or clerk of court of the county in which the building or structure is situated". It is uncontroverted that the Statement of Account was filed within the required time period in the Office of the Clerk.

The function of this Court shall be to determine if the defendant complied with the referenced statute. The first rule of construction in interpretation of statutes is to determine the intention on the part of the legislature. Where the terms of a statute are clear and not ambiguous, there is no room for construction and the Court must apply statutes according to their literal meaning. Jones v. S. C. Highway Dept., 247 S. C. 132, 146 S.E.2d 166 (1976); See also, cases cited under key numbers 180 and 181(1), Statutes, South Carolina Digest.