

In October of 1975, the defendant, James C. Dawkins, Inc. (hereinafter referred to as Dawkins) appeared on the property and commenced constructing a building. The four lien claimants furnished labor and/or materials for the project through agreements with Dawkins. No question has been raised as to the value of the services and materials, or as to the proper and timely filing of the liens.

Although all four claimants dealt independently and directly with Dawkins, they each contend that the leased lot is subject to a lien because Burns consented to these agreements. The premises are identically described in the four Complaints, as follows:

All that certain piece, parcel, or tract of land in the County of Greenville, State of South Carolina, on the southerly side of East North Street (Old Spartanburg Road), containing approximately 11,515 square feet as shown on plat entitled "Proposed for Lease to Mon's Delight, Inc.", prepared by Campbell & Clarkson, Surveyors, Inc., April 6, 1973, and having, according to said plat, the following metes and bounds, to wit:

BEGINNING at a new iron pin on the southerly side of East North Street, at corner of property designated as Yorktown Apartments, and running thence along the proposed right-of-way of East North Street, S. 80-54 W. 117.85 feet to a new iron pin; running thence S. 7-38 W. 118.13 feet to a new iron pin; running thence N. 88-30 E. 73.35 feet to an old iron pin; running thence along property designated as Yorktown Apartments, N. 23-42 E. 146.1 feet to the point of BEGINNING.

ALSO, an easement for the purpose of egress and ingress over that certain triangular lot shown on plat above mentioned, containing 700 square feet, and being described as follows:

BEGINNING at a new iron pin on the southerly side of East North Street, at corner of tract hereinabove described and running thence along said tract S. 7-38 W. 46.1 feet to a new iron pin; running thence N. 32-01 W. 47.9 feet to a new iron pin on the northerly side of East North Street; thence with the northerly side of said Street, N. 80-54 E. 31.9 feet to the point of BEGINNING.

Section 45-251 of the Code of Laws of South Carolina for 1962, as amended, (Section 29-5-10 of the Code of Laws of South Carolina 1976) provides:

"Any person to whom a debt is due for labor performed or furnished or for materials furnished and actually used in the erection, alteration or repair of any building or structure upon any real estate or the boring and equipping of wells, by virtue of an agreement with, or by consent of, the owner of such building or structure, or any person having authority from, or rightfully acting for, such owner in procuring or furnishing such labor or materials shall have a lien upon such building or structure and upon the interest of the