

6/7/88
Ch. 4, Sect. 5

Examination Guidelines

STATES WITH RECORDING STATUTES

<u>State</u>	<u>Statute</u>	<u>Verified</u>	<u>Days to File</u>	<u>Form Prescribed</u>	<u>Comments</u>
Alaska	34.35.185	Yes	***	Yes	
Arkansas	51.409	Yes	120-----		Lien lost if filed after BFP
Florida	329.51	Yes	90		
Georgia	67.2003	No	180	Yes	
Illinois	82:41	Yes	60	Yes	
Indiana	32-8-31-3	No	60		
Kansas	58-201	Yes	90		
Kentucky	376.270	Yes	180		
Maine	10:3801	Yes	30-----		Lien lost if filed after BFP
Minnesota	514.221	Yes	90-----		Lien lost if filed after BFP
* Missouri	430.020	no	30-----		Lien lost if filed after BFP
Nebraska	52-202	Yes	60-----		Lien lost if filed after BFP
New Jersey	2A:44-2	Yes	90		
New Mexico	92:48-3-29	Yes	90-----	Yes-----	Lien lost if filed after BFP
Nevada	108.310	Yes	120		
North Dakota	35-13.02	Yes	90		
Oklahoma	42:98	Yes	60-----		Lien lost if filed after BFP
Oregon	87.242	Yes	60		
South Carolina	29-15-100	Yes	90-----		Insurance Premiums
South Dakota	44-11-3	Yes	120-----		Lien lost if filed after BFP

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

DATE

5/12/88

ROUTE SLIP

TO: <small>NAME</small>	ROUTING SYMBOL
AAC-252, 254, 256	

<input type="checkbox"/> PER YOUR REQUEST	<input type="checkbox"/> FOR YOUR SIGNATURE
<input checked="" type="checkbox"/> FOR YOUR INFORMATION	<input type="checkbox"/> COMMENT
<input type="checkbox"/> PER OUR CONVERSATION	<input type="checkbox"/> TAKE APPROPRIATE ACTION
<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> PLEASE ANSWER
<input type="checkbox"/> DISCUSS WITH ME	<input type="checkbox"/> PREPARE REPLY FOR SIGNATURE
<input type="checkbox"/> FOR YOUR APPROVAL	OF _____

REMARKS:

The State of Missouri has passed legislation to allow for the recordation of artisan liens. Please add the following to the guidelines listing until the guidelines can be updated.

State: Missouri
 Statute: 430.020
 Verified: No
 Days to file: 30
 Comments: Lien lost if filed after BFP.

FROM: Agnes	TELEPHONE NO.	ROUTING SYMBOL AAC-251
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... makes, alters, repairs, bestows labor upon, transports, stores or keeps any goods or chattels, or who feeds, herds, pastures or cares for any domestic or wild animal, at the request of the owner or any person in possession thereof, has a lien on such goods, chattels or animal for his or its reasonable charges for the labor, services, materials and feed performed or provided.

Section 29-7-102, W.S.1977:

A lienor may retain possession of the property to which the lien pertains until paid for the labor, services, materials and feed which entitle the lienor to assert the lien; provided the right of possession shall terminate six (6) months after the date upon which the charges for the labor, services, materials and feed become due and payable unless the lienor has commenced proceedings to foreclose the lien as provided in this act [§§ 29-7-101 to 29-7-106] within such six (6) months. (Emphasis supplied.)

Section 29-7-103(a) and (b), W.S.1977:

(a) ~~A lienor, during the term of the lien, without retaining possession of the property, shall, with the written consent of the owner, before releasing possession, file a lien statement in the office of the county clerk of the county where the property is located.~~

(b) A lien statement shall set forth the name and address of the lienor, the name

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Cited 16 Avl

Rocky Mountain Turbines, Inc. v

and address of the owner of the property, a description of the property, the amount of the lien and the nature of the labor, services, feed and materials giving rise to the lien, ~~and shall contain a statement that the lienor was in possession of the property at the time the lien statement was filed. A lien statement shall be verified under oath by the lienor or his agent or attorney.~~ (Emphasis supplied.)

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Section 29-7-104, W.S.1977:

(a) A lien under this act [§§ 29-7-101 to 29-7-106] shall terminate:

(i) Upon a lienor's voluntary surrender of possession of the property, unless a lien statement has previously been filed as provided in section 3 [§ 29-7-103];

(ii) Six (6) months after the date upon which the charges for labor, services, materials and feed giving rise to the lien become due and payable, unless a lien statement has previously been filed as provided in section 3 or unless action to enforce and foreclose the lien has been commenced; and

(iii) Six (6) months after a lien statement has been filed as provided in section 3, unless action to enforce and foreclose the lien has been commenced.

(b) Upon termination of a lien, the lienor shall have no further right to possession of the property and no further interest therein. (Emphasis supplied.)

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The foregoing language is plain in that the lien established thereby is a possessory lien which terminates upon the "voluntary surrender of possession" unless "a lien statement has previously been filed." The common-law lien was similar:
The right to a common-law lien is based

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Sec. 34.35.185. Lien notice. (a) The lien claimant shall, before delivery of the chattel to the owner or his authorized agent, file a lien notice in the office of the recorder of the recording district where the chattel is situated and in which the labor, skill, and materials are expended on the chattel.

(b) The notice shall state the name of the claimant, the name of the owner, or reputed owner, a description of the chattel, sufficient for identification, upon which the claimant has expended labor, skill and material, the amount for which the lien is claimed, and the date upon which the expenditure was completed. The notice shall be verified by the oath of the claimant, or by some one in his behalf, who has personal knowledge of the facts, and may be substantially in the following form:

....., Claimant, v.
Defendant

Notice is hereby given that claims a lien upon (describe the property) for, and on account of labor, skill, and materials expended upon the (property); that the name of the owner, or reputed owner is,: that the labor, skill and materials were expended upon the property between the day of, and the day of, and the rendition of the labor, skill, and materials so expended by the claimant above named was closed on the day of; that the amount claimant demands for labor, skill, and materials so expended is \$.....; that no part of it has been paid except \$....., and there is now due and remaining unpaid on it, after deducting all just credits and offsets, the sum of \$....., in which amount he claims a lien upon the property.

State of Alaska }
..... Judicial District } ss.

..... Claimant
I,, being first duly sworn, on oath say that I am named in the foregoing claim; that I have heard the claim read, know the contents of it, and believe it is true.

..... Claimant
Subscribed and sworn to before me this day of

.....
Name of Officer taking oath

(§ 26-3-3 ACLA 1949)

Cited in Marine Constr. & Design Co. v. Vessel Tim, Sup. Ct. Op. No. 448 (File No. 821), 434 P.2d 683 (1967).