

IC 32-28-10

Chapter 10. Real Estate: Employees' Lien on Strip Mines

IC 32-28-10-1

"Strip mine" defined

Sec. 1. (a) As used in this chapter, "strip mine" means a tract of land on which the surface soil has been removed or is being removed or is proposed to be removed from the coal seam by one (1) group of operating machines or machinery and where mine run coal is being produced in the raw state ready for direct sale to a consumer or for transportation to a cleaning or preparation plant.

(b) The term includes the plant used for cleaning and preparing the coal for market.

As added by P.L.2-2002, SEC.13.

IC 32-28-10-2

Priority; notice of intention; enforcement of lien

Sec. 2. (a) A person employed and working in and about a strip mine has a lien on:

- (1) the strip mine;
- (2) all machinery and fixtures connected with the strip mine;
- and
- (3) everything used in and about the strip mine;

for labor performed within a two (2) month period preceding the lien. Except as provided in subdivision (b), this lien is superior to and has priority over all other liens. As against each other, these liens have priority in the order in which they accrued.

(b) A state tax lien is superior to and has priority over a lien described in subsection (a).

(c) A person desiring to acquire an employee lien as described in subsection (a) shall file within sixty (60) days after the time the payment became due in the recorder's office of the county where the mine is situated a notice of intention to hold a lien upon property for the amount of the claim. The person filing a lien shall state in the lien notice the amount of the claim and the name of the coal works, if known. If the person filing the lien does not know the name of the coal works, the person shall include in the notice any other designation describing the location of the mine. The recorder shall immediately record the notice in the location used for recording mechanic's liens. The recorder shall receive a fee in accordance with IC 36-2-7-10. If the mine is located in more than one (1) county, the notice of intention to hold a lien may be filed in any county where any part of the mine is located.

(d) Suits brought to enforce a lien created under this section must be brought within one (1) year after the date of filing notice of the lien in the recorder's office. All judgments rendered on the foreclosure of the liens must include:

- (1) the amount of the claim found to be due;

- (2) the interest on the claim from the time due; and
- (3) reasonable attorney's fees.

The judgment shall be collected without relief from valuation, appraisal, or state laws.

As added by P.L.2-2002, SEC.13.