

IC 32-33-12

Chapter 12. Mechanized Agricultural Services Lien

IC 32-33-12-1

Products and services subject to lien

Sec. 1. (a) The owner or operator of a machine or tool used in threshing or hulling grain or seeds or in the plowing, disking, or cultivating of land for the production of crops or in the combining, picking, or baling of crops has a lien upon the grain or seed threshed or hulled with the machine or upon the crops produced or prepared for market or storage by the plowing, disking, cultivating, combining, baling, or picking to secure payment to the owner or operator of the machine or tool by the owner of the crops produced or partially produced by the service, as may be agreed upon.

(b) If the charges for the services referred to in subsection (a) are not agreed upon, the amount of the lien must equal charges that are reasonable for the work.

(c) The owner or operator of the machine must file in the proper place specified in IC 26-1-9.1-501 a financing statement giving notice of the lien. The notice must designate the following:

- (1) The name of the person for whom the work was done.
- (2) The amount due for the service.
- (3) The particular crops covered by the lien.
- (4) The place where the crops are located.
- (5) The date on which the work was done.

(d) The notice required in subsection (c) must be filed not later than:

- (1) thirty (30) days after the completion of the work, if the work was plowing, disking, or cultivating; and
- (2) ten (10) days after the completion of the work if the work was combining, baling, or picking.

(e) If the party for whom the work was done desires to sell or deliver the crops, the party must notify the consignee or purchaser that the account for service of the machine has not been paid, and the lien given on the crops shifts from the crops to the purchase price of the crops in the hands of the purchaser or consignee specified.

(f) If the crops are sold or consigned with the consent and knowledge of the party entitled to a lien on the crops, the lien does not attach to the crops or to the purchase price of the crops unless:

- (1) the party entitled to the lien personally notifies the purchaser of the lien; and
- (2) the sale is made within the ten (10) day period immediately following the date of the performance of the work.

This lien may be enforced as other liens are enforced.

As added by P.L.2-2002, SEC.18.

IC 32-33-12-2

Necessity of notice

Sec. 2. A lien provided for in this chapter does not attach to crops in the hands of an innocent purchaser or dealer in the usual course of trade unless all of the notices provided for in section 1 of this chapter have been given.

As added by P.L.2-2002, SEC.18.