

IC 32-33-9

Chapter 9. Mechanic's and Tradesman's Liens

IC 32-33-9-1

Sale of property to satisfy unpaid charges

Sec. 1. If a person entrusts to a mechanic or tradesman materials to construct, alter, or repair an article of value, the mechanic or tradesman, if the construction, alteration, or repair is completed and not taken away and the mechanic's or tradesman's fair and reasonable charges not paid, may, after sixty (60) days after the charges became due:

- (1) sell the article of value; or
- (2) if the article of value is susceptible of division, without injury, may sell as much of the article of value as is necessary to pay the charges.

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

IC 32-33-9-2

Notice of sale

Sec. 2. Before a sale under section 1 of this chapter, the mechanic or tradesman must give notice of the amount due and the time and place of the sale by mailing a certified or registered letter, return receipt requested, to the last known address of the entrusting person or owner at least thirty (30) days before the date of the sale.

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

IC 32-33-9-3

Proceeds of sale; disposition

Sec. 3. (a) The proceeds of a sale that takes place under section 1 of this chapter, after payment of charges for construction or repair and for giving notice by registered or certified mail, shall be:

- (1) returned to the entrusting person or owner if the identity and mailing address of the entrusting person or owner are known; or
- (2) deposited with the treasurer of the county in which the construction or repair work was performed.

(b) If the entrusting person or owner does not:

- (1) claim the article within the thirty (30) days before the date of the sale;
- (2) pay for the construction, alteration, or repair; and
- (3) provide reimbursement for the expenses of notification;

the mechanic or tradesman may proceed with the sale according to the terms of the notice.

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

IC 32-33-9-4

Application of law

Sec. 4. Except as provided in section 5 of this chapter, this chapter applies to all cases of personal property on which the bailee or keeper

has, by law, a lien for any feed or care by the bailee or keeper provided on the property. However, in cases where the person liable dies before the expiration of sixty (60) days after the charges accrued, the sale may not be made until at least sixty (60) days after the date of the person's death.

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

IC 32-33-9-5

Animals; perishable property; time for disposal of property

Sec. 5. For personal property described in section 4 of this chapter, if the property bailed or kept is:

- (1) horses;
- (2) cattle;
- (3) hogs;
- (4) other livestock; or
- (5) other property covered in this chapter that is of a perishable nature and will be greatly injured by delay;

the person to whom the charges may be due may, after the expiration of thirty (30) days after the charges become due, proceed to dispose of as much of the property as may be necessary, as provided in this chapter.

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

IC 32-33-9-6

Additional compensation taken from proceeds of sale

Sec. 6. Additional compensation for keeping and taking care of property referred to in section 5 of this chapter, if necessarily incurred, may be taken from the proceeds of sale under section 5 of this chapter as part of the charges.

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

IC 32-33-9-7

Forwarding and commission merchant

Sec. 7. A forwarding and commission merchant having a lien upon goods that may have remained in store for at least one (1) year may proceed to advertise and sell at public auction as much of the goods as may be necessary to pay the amount of the lien and expenses, according to the provisions of this chapter.

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

IC 32-33-9-8

Receipt for entrusted articles

Sec. 8. All mechanics, tradesmen, or bailees taking advantage of this chapter, at the time of the entrusting, must issue a receipt to the person entrusting the article to them. The receipt must conspicuously state, "All articles left on the premises after work is completed may be sold for charges."

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