

CHAPTER 35-17 AGISTER'S LIEN

35-17-01. Agister's lien authorized.

Any person to whom any animal is entrusted by the owner thereof for the purpose of feeding, herding, pasturing, or ranching has a lien upon the animals for the amount that may be due for feeding, herding, pasturing, or ranching, and is authorized to retain possession of the animal until the amount is paid. This section does not apply to stolen stock.

35-17-02. Priority of agister's lien - Notice to holders of prior liens.

An agister's lien has priority over all other liens on the property for ten days after the receipt thereof, and thereafter has priority over all other liens on the property if the person to whom the property is entrusted as provided in this chapter, within such ten days, serves written notice upon the holders of prior liens that the property has been entrusted for one or more of the purposes mentioned in section 35-17-01, specifies which purpose, and the name of the person entrusting the property therefor. If the residence of the holder of the lien is unknown, or if the holder is not a resident of this state, the notice may be served by publication thereof in one issue of a newspaper published in the county in which the property is being kept.

35-17-03. Agister's lien by filing - Priority of lien.

In addition to sections 35-17-01 and 35-17-02, any person to whom any animal is entrusted by the owner for the purpose of feeding, herding, pasturing, or ranching, upon filing the statement prescribed in section 35-17-04, is entitled to a lien upon the animal for the amount that may be due for feeding, herding, pasturing, or ranching, effective from the date the person entitled to the lien comes into possession of the animal. A lien taken pursuant to this section upon anything other than the animal is void. An agister's lien has priority, as to the animals covered by the lien, over all other liens or encumbrances, except agricultural processors' or agricultural suppliers' liens. This section does not apply to stolen stock.

35-17-04. Procedure to obtain lien - Statement filed - Contents - Waiver.

Any person entitled to an agister's lien, within ninety days after taking possession of the animal, may file in the office of the recorder in any county in this state or in the office of the secretary of state, a statement signed by the filer containing the following information:

1. The number of and a description of the animals subject to the lien and the legal description as to the location of the animals.
2. The name and address of the person for whom the animals are kept.
3. The name and address of the lienholder.
4. The price agreed upon for keeping the animals and, if no price was agreed upon, the reasonable value of the services.
5. The social security number or, in the case of a debtor doing business other than as an individual, the internal revenue service taxpayer identification number of the person for whom the animals are kept.

The secretary of state shall prescribe one form that can be used to obtain a lien under this section or gain protection under the central notice system, or both. If the statement is not filed within ninety days as required by this section, the person entitled to the lien under section 35-17-03 waives the lien.

35-17-05. Information to be filed by a lienholder with the secretary of state.

Repealed by S.L. 1991, ch. 449, § 21.

35-17-06. Secretary of state to remove and destroy certain documents.

The secretary of state shall remove and destroy liens filed in the secretary of state's office pursuant to this chapter in the manner provided for in section 11-18-14 for the recorder.

35-17-07. Amendment of lien.

A lienholder may file an amendment to correct the social security or internal revenue service taxpayer identification number of the debtor, to correct the spelling of the debtor's or lienholder's name, or to correct or change the address of the debtor or lienholder. The secretary of state shall prescribe a form that may be used to amend or assign the agister's lien that has been filed pursuant to section 35-17-04. The amendment or assignment of a lien does not affect the priority of the lien.

35-17-08. Fees - Penalty.

The fee for filing an agister's lien and related documents with the secretary of state or the county recorder is the same as that provided for in section 41-09-96. If a lienholder fails to file a termination statement within sixty days after the lien has been satisfied, the lienholder is liable to the debtor for one hundred dollars.