
From: "Robert Simon" <robert@rssimonlaw.com>
To: "Animal Law Section" <animal@lists.osbar.org>
Sent: 3/23/2009 2:29PM
Subject: [animal] Practice Desk re: agister's lien in Oregon

Dear Colleagues: Check our section web site for law links to helpful practice information.

In response to the question of the day about agister's liens:

In Oregon liens for services to animals are governed by ORS 87.226. Your client needs to follow the lien notice procedure within 75 days of providing the service (usually using a form 440 from the Oregon Secretary of State). The lien may be foreclosed by circuit court foreclosure or private sale upon petition to the court. The cost to foreclose usually runs \$1,500 in lawyer time in a rural county and \$2,500 in an urban county (for all the wrong reasons). Practice Tip: Each county has a list of the forms it will record and a lawyer will need to make sure that the clerk will record the form you if other than the 440.

The relevant laws are as follows:

ASL: (ORS Chapter 87.226) - Agricultural Services Lien

A person who performs labor, supplies materials or provides services on farmland, range, ranch, orchard or in that person's place of business to aid the growing or harvesting of crops or the raising of animals has a lien upon the crops or animals for the reasonable or agreed charges for labor, materials or services.

A person claiming a lien created by ORS 87.226 shall file a written notice of claim of lien with the Secretary of State not later than 75 days after the close of the furnishing of the labor, services or materials. The Secretary of State shall include a notice of claim of lien that is filed with the secretary under this subsection in the index maintained by the secretary for filing financing statements pursuant to ORS chapter 79.

EFS: (ORS Chapter 80.100 - 80.130) - Effective Financing Statement

Filings that are part of the Central Farm Product Filing System for the State of Oregon. It is essentially a record that gives notice that an effective financing statements (EFS) relative to Farm Products has been filed with the UCC office. Its major purpose is to alert buyers of farm products to the existence of any security interests on the crops or livestock they may be interested in purchasing. Registration to the monthly Master List gives each registrant (buyer/seller/commission merchant) a list of all EFS filings sort-able by names and or crops. The information on this list is essential for those needing to know who (if any) holds a security on a product of interest.

Check our section web site for more links on this topic.

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