

# LIENS

## CHAPTER 298

### HOUSE BILL NO. 1304

(Representatives N. Johnson, Dietrich)  
(Senator Klein)

## LIEN AND SECURED TRANSACTION FILING FEES

AN ACT to amend and reenact sections 35-17-08, 35-30-06, 35-31-06, and 41-09-96 of the North Dakota Century Code, relating to certain lien and secured transaction filing fees.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 35-17-08 of the North Dakota Century Code is amended and reenacted as follows:

**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 ~~ten dollars~~. ~~The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid.~~ The fee for filing an amendment or assignment of an agister's lien is ten dollars 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 ~~is~~ has been satisfied, the lienholder is liable to the debtor for one hundred dollars.

**SECTION 2. AMENDMENT.** Section 35-30-06 of the North Dakota Century Code is amended and reenacted as follows:

**35-30-06. Fees - Penalty.** The fee for filing an agricultural processor's lien and related documents with the secretary of state or the county recorder is ~~ten dollars~~. ~~The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid.~~ The fee for filing an amendment or assignment of an agricultural processor's lien is ten dollars 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.

**SECTION 3. AMENDMENT.** Section 35-31-06 of the North Dakota Century Code is amended and reenacted as follows:

**35-31-06. Fees - Penalty.** The fee for filing an agricultural supplier's lien and related documents with the secretary of state or the county recorder is ~~ten dollars~~. ~~The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid.~~ The fee for filing an amendment or assignment of an agricultural supplier's lien is ten dollars 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.

**SECTION 4. AMENDMENT.** Section 41-09-96 of the North Dakota Century Code is amended and reenacted as follows:

**41-09-96. (9-525) Fees.**

1. The fee for filing and indexing an original statement under this title, fifteen dollars plus one dollar per additional page. When a nonstandard statement is presented for filing, an additional fee of five dollars must be paid. An additional fee may not be charged for the same statement to gain protection under the central notice system.
2. The fee for filing and indexing an amendment, ~~continuation, assignment, release~~ including continuations, assignments, releases, or ~~subordination~~ correction statements under this title, ten dollars plus one dollar per additional page. An additional fee may not be charged for the same document to gain protection under the central notice system.
3. A fee may not be charged for responding to a request for information from the filing office communicating whether there is on file any financing statement or verified statement naming a particular debtor.
4. The fee for a filing office providing information on specific filings on a particular debtor; ~~including listing up to four lines of collateral covered by each filing,~~ is seven dollars per debtor for the first five entries, plus two dollars for each additional five entries or fraction thereafter.
5. The fee for a filing office providing copies of each filing for a particular debtor is seven dollars per debtor plus two dollars per page for each page over three pages.
6. The fee for a filing office providing certified copies of filings on a particular debtor is seven dollars plus one dollar per page for attachments.
7. For furnishing copies only of a filed instrument, one dollar per printed page.
8. Any fees collected by the secretary of state pursuant to this chapter must be deposited in the general fund in the state treasury, except the fees collected under subsection 6 of section 41-09-94, must be deposited in the secretary of state's general services operating fund.

Approved April 10, 2007

Filed April 11, 2007

## CHAPTER 299

### HOUSE BILL NO. 1338

(Representatives DeKrey, Mueller, Uglen)  
(Senators Erbele, Taylor)

## AGRICULTURAL PROCESSOR'S AND SUPPLIER'S LIENS

AN ACT to amend and reenact sections 35-30-01 and 35-31-01 of the North Dakota Century Code, relating to agricultural processor's and supplier's liens.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 35-30-01 of the North Dakota Century Code is amended and reenacted as follows:

**35-30-01. Agricultural processor's lien authorized.** Any person who processes any crop or agricultural product is entitled to a lien upon the crop or product processed for the reasonable value of the services performed. A lien taken pursuant to this section upon anything other than the crop or product processed is void. As used in this chapter, the term "processor" includes persons threshing, combining, drying, or harvesting any crop or agricultural product. The Except as otherwise provided in this section, the agricultural processor's lien is effective from the date the processing is completed. An agricultural processor's lien filed as a security interest created by contract to secure money advanced or loaned for any purpose is not effective to secure a priority over liens filed under section 35-05-01. This chapter does not limit the sale, assignment, or transfer of an agricultural processor's lien. However, the priority of an effective agricultural processor's lien is not transferable. After sale, assignment, or transfer, the priority of an effective agricultural processor's lien is to be determined as of the date the lien was filed and in accordance with section 41-09-33.

**SECTION 2. AMENDMENT.** Section 35-31-01 of the North Dakota Century Code is amended and reenacted as follows:

**35-31-01. Agricultural supplier's lien authorized.** Any person who furnishes supplies used in the production of crops, agricultural products, or livestock is entitled to a lien upon the crops, products produced by the use of the supplies, and livestock and their products including milk. As used in this chapter, the term "supplies" includes seed, petroleum products, fertilizer, farm chemicals, insecticide, feed, hay, pasturage, veterinary services, or the furnishing of services in delivering or applying the supplies. An Except as otherwise provided in this section, an agricultural supplier's lien filed in accordance with section 35-31-02 is effective from the date the supplies are furnished or the services performed. An agricultural supplier's lien filed as a security interest created by contract to secure money advanced or loaned for any purposes is not effective to secure a priority over liens filed under section 35-05-01. This chapter does not limit the sale, assignment, or transfer of an agricultural supplier's lien. However, the priority of an effective agricultural supplier's lien is not transferable from the original lienholder. After sale,

assignment, or transfer, the priority of an effective agricultural supplier's lien is to be determined as of the date the lien was filed and in accordance with section 41-09-33.

Approved March 9, 2007

Filed March 12, 2007

## CHAPTER 300

### SENATE BILL NO. 2285

(Senator Krauter)

(Representatives Froelich, Kerzman, Mueller)

## AGRICULTURAL PROCESSOR'S LIEN NOTICES

AN ACT to amend and reenact section 35-30-02 of the North Dakota Century Code, relating to notification of debtor of agricultural processor's lien.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 35-30-02 of the North Dakota Century Code is amended and reenacted as follows:

#### **35-30-02. Procedure to obtain lien.**

1. To obtain an agricultural processor's lien, the person entitled to the lien, within ninety days after the processing is completed, shall file a verified statement in the office of the recorder in any county in this state or in the office of the secretary of state. The statement must contain the following information:
  - ~~1-~~ a. The name and address of the person for whom the processing was done.
  - ~~2-~~ b. The name and address of the processor.
  - ~~3-~~ c. A description of the crops or agricultural products and their amount, if known, subject to the lien together with a reasonable description, including the county as to the location where the crops or agricultural products were grown and the year the crop is to be harvested or was harvested.
  - ~~4-~~ d. The price agreed upon for processing, or if no price was agreed upon, the reasonable value of the processing.
  - ~~5-~~ e. 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 processing was done.
  - ~~6-~~ f. A description of the processing services and the first date the services were furnished.
2. The secretary of state and the office of the recorder in any county in this state with which a verified statement under subsection 1 is submitted for filing shall reject the statement unless proof of mailing of notification of the lien to the debtor's last-known address by registered or certified mail with return receipt requested is filed with the statement.

3. 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. Before a processor's lien is filed, a billing statement for the services performed must include notice to the agricultural producer that if the amount due to the agricultural processor is not satisfied a lien may be filed.

Approved April 26, 2007

Filed April 27, 2007