

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 750

Introduced by Harr, 8.

Read first time January 09, 2014

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to liens; to amend sections 52-203, 52-204,
2 52-501, 52-504, 52-701, 52-702, 52-903, 52-905, 52-1103,
3 52-1104, 52-1203, 52-1205, 52-1407, 52-1409, 54-201,
4 54-208, and 54-209, Reissue Revised Statutes of Nebraska;
5 to change provisions relating to lien perfection and
6 termination; to harmonize provisions; to repeal the
7 original sections; and to declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. A financing statement filed to perfect a lien
2 pursuant to sections 52-202, 52-501, 52-701, 52-901, 52-1101,
3 52-1201, 52-1401 to 52-1411, 54-201, or 54-208, which was properly
4 filed prior to November 1, 2003, shall lose its perfection unless a
5 continuation statement is filed with the Secretary of State after
6 June 30, 2014, and before January 1, 2015. Such continuation
7 statement shall include a statement that the original financing
8 statement is still effective. The filing of a continuation statement
9 shall preserve the priority of the original filing and shall be
10 effective for five years after the date of filing of the continuation
11 statement and may be subsequently continued as provided in article 9,
12 Uniform Commercial Code.

13 Sec. 2. Section 52-203, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 52-203 A lien created under section 52-202 is in force
16 from and after the date it is filed and is prior and paramount to all
17 other liens upon such property except those previously filed against
18 such property. Such lien shall be treated in all respects as an
19 agricultural lien as provided in article 9, Uniform Commercial Code,
20 and may be enforced in the manner and form provided for the
21 enforcement of secured transactions as provided in article 9, Uniform
22 Commercial Code, except that such enforcement proceedings shall be
23 instituted within one year after the filing of such lien. The lien is
24 subject to the rights of purchasers of the property against which the
25 lien is filed when the purchasers acquired the property prior to the

1 filing of the lien without knowledge or notice of the rights of the
2 persons performing the work or furnishing material. The fee for
3 filing, amending, or releasing such lien shall be the same as set
4 forth in section 9-525, Uniform Commercial Code. Effective January 1,
5 2015, this section applies to a lien created under section 52-202
6 regardless of when the lien was created.

7 Sec. 3. Section 52-204, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 52-204 ~~(1)~~—When a lien created under section 52-202 is
10 satisfied, the lienholder shall file in the office where the lien is
11 filed a termination statement to the effect that he or she no longer
12 claims an interest under the lien, which shall be identified by file
13 number. A termination statement signed by a person other than the
14 lienholder of record shall be accompanied by a separate written
15 statement of assignment signed by the lienholder of record complying
16 with subsection (b) of section 9-514, Uniform Commercial Code,
17 including payment of the required fee, or reflect that the person
18 signing the termination statement is a successor of the lienholder of
19 record. If the affected lienholder fails to file such a termination
20 statement within thirty days after such lienholder no longer claims
21 an interest, he or she shall be liable to the person for whom the
22 work was performed or material furnished for any losses caused to
23 such person by such failure and for reasonable attorney's fees and
24 court costs. any financing statement filed to perfect that lien shall
25 be terminated in the manner and form provided in article 9, Uniform

1 Commercial Code.

2 ~~(2) On presentation to the filing officer of such a~~
3 ~~termination statement, he or she shall note it in the index. If the~~
4 ~~filing officer has received the termination statement in duplicate,~~
5 ~~he or she shall return one copy of the termination statement to the~~
6 ~~lienholder stamped to show the time of receipt.~~

7 ~~(3) There is no fee for the filing of a termination~~
8 ~~statement.~~

9 ~~(4) This section does not apply to a lien created under~~
10 ~~section 52-202 that is filed as an agricultural lien under article 9,~~
11 ~~Uniform Commercial Code, on or after July 1, 2001.~~

12 Sec. 4. Section 52-501, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 52-501 (1)(a) The owner or operator of any threshing
15 machine or combine used in threshing, combining, or hulling grain or
16 seed, (b) the owner or operator of any mechanical cornpicker or
17 mechanical cornhusker used in picking or husking corn, and (c) the
18 owner or operator of any cornsheller used in shelling corn shall have
19 and hold a lien upon such grain, seed, or corn which he or she shall
20 thresh, combine, hull, pick, husk, or shell with such machine to
21 secure the payment to him or her of the charges agreed upon by the
22 person for whom the threshing, combining, hulling, picking, husking,
23 or shelling was done or, if no charges are agreed upon, for such
24 charges as may be reasonable for such threshing, combining, hulling,
25 picking, husking, or shelling.

1 (2) A lien created under this section shall be perfected
2 as provided in article 9, Uniform Commercial Code. Any financing
3 statement filed to perfect such lien shall contain or have attached
4 thereto (a) the name and address and the social security number or
5 federal tax identification number of the owner or operator claiming
6 the lien, (b) the name and address and the social security number or
7 federal tax identification number, if known, of the person for whom
8 the threshing, combining, hulling, picking, husking, or shelling was
9 done, (c) the amount due for such threshing, combining, hulling,
10 picking, husking, or shelling, (d) the amount of grain, seed, or corn
11 covered by the lien, (e) the place where the grain, seed, or corn is
12 located, and (f) the date on which the threshing, combining, hulling,
13 picking, husking, or shelling was done. Such financing statement
14 shall be filed within thirty days after the threshing, combining,
15 hulling, picking, husking, or shelling was done. The failure to
16 include the social security number or federal tax identification
17 number shall not render any filing unperfected. At the time the lien
18 is filed, the lienholder shall send a copy to the person for whom the
19 threshing, combining, hulling, picking, husking, or shelling was
20 done.

21 (3) In the event the person for whom the threshing,
22 combining, hulling, picking, husking, or shelling was done desires to
23 sell or deliver the grain, seed, or corn so threshed, combined,
24 hulled, picked, husked, or shelled to a grain elevator or to any
25 other person, such person desiring to sell or deliver the grain,

1 seed, or corn shall notify the consignee or purchaser that the
2 threshing, combining, hulling, picking, husking, or shelling bill has
3 not been paid, and the lien created under this section on such grain,
4 seed, or corn shall shift to the purchase price thereof in the hands
5 of the purchaser or consignee. In the event the grain, seed, or corn
6 is sold or consigned with the consent or knowledge of the person
7 entitled to a lien created under this section within thirty days
8 after the date of such threshing, combining, hulling, picking,
9 husking, or shelling, such lien shall not attach to the grain, seed,
10 or corn or to the purchase price thereof unless the person entitled
11 to the lien notifies the purchaser in writing of the lien.

12 (4) A lien created under this section shall be treated in
13 all respects as an agricultural lien as provided in article 9,
14 Uniform Commercial Code, and may be enforced in the manner and form
15 provided for the enforcement of secured transactions as provided in
16 article 9, Uniform Commercial Code, except that such enforcement
17 shall be instituted within thirty days after the filing of the lien.
18 The fee for filing, amending, or releasing such lien shall be the
19 same as set forth in section 9-525, Uniform Commercial Code.

20 (5) Effective January 1, 2015, this section applies to a
21 lien created under this section regardless of when the lien was
22 created.

23 Sec. 5. Section 52-504, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 52-504 ~~(1)~~—When a lien created under section 52-501 is

1 satisfied, the lienholder shall file in the office where the lien is
2 filed a termination statement to the effect that he or she no longer
3 claims an interest under the lien, which shall be identified by file
4 number. A termination statement signed by a person other than the
5 lienholder of record shall be accompanied by a separate written
6 statement of assignment signed by the lienholder of record complying
7 with subsection (b) of section 9-514, Uniform Commercial Code,
8 including payment of the required fee, or reflect that the person
9 signing the termination statement is a successor of the lienholder of
10 record. If the affected lienholder fails to file such a termination
11 statement within thirty days after such lienholder no longer claims
12 an interest, he or she shall be liable to the person for whom the
13 threshing, combining, hulling, picking, husking, or shelling was done
14 for any losses caused to such person by such failure and for
15 reasonable attorney's fees and court costs. any financing statement
16 filed to perfect that lien shall be terminated in the manner and form
17 provided in article 9, Uniform Commercial Code.

18 (2) On presentation to the filing officer of such a
19 termination statement, he or she shall note it in the index. If the
20 filing officer has received the termination statement in duplicate,
21 he or she shall return one copy of the termination statement to the
22 lienholder stamped to show the time of receipt.

23 (3) There is no fee for the filing of a termination
24 statement.

25 (4) This section does not apply to a lien created under

1 ~~section 52-501 that is filed as an agricultural lien under article 9,~~
2 ~~Uniform Commercial Code, on or after July 1, 2001.~~

3 Sec. 6. Section 52-701, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 52-701 Whenever any person procures, contracts with, or
6 hires any person licensed to practice veterinary medicine and surgery
7 to treat, relieve, or in any way take care of any kind of livestock,
8 such veterinarian shall have a first, paramount, and prior lien upon
9 such livestock so treated for the contract price agreed upon or, in
10 case no price has been agreed upon, for the reasonable value of the
11 services and any medicines or biologics furnished. A lien created
12 under this section shall be treated in all respects as an
13 agricultural lien as provided in article 9, Uniform Commercial Code,
14 and may be enforced in the manner and form provided for the
15 enforcement of secured transactions as provided in article 9, Uniform
16 Commercial Code. A lien created under this section shall be perfected
17 as provided in article 9, Uniform Commercial Code. Any financing
18 statement filed to perfect such lien shall be filed within ninety
19 days after the furnishing of the services and any medicines or
20 biologics and shall contain or have attached thereto (1) the name and
21 address and the social security number or federal tax identification
22 number of the veterinarian claiming the lien, (2) the name and
23 address and the social security number or federal tax identification
24 number, if known, of the person to whom the services and medicines or
25 biologics were furnished, (3) a correct description of the livestock

1 to be charged with the lien, and (4) the amount of the services and
2 any medicines or biologics furnished. The failure to include the
3 social security number or federal tax identification number shall not
4 render any filing unperfected. At the time the lien is filed, the
5 lienholder shall send a copy to the person to whom the services and
6 medicines or biologics were furnished. The fee for filing, amending,
7 or releasing such lien shall be the same as set forth in section
8 9-525, Uniform Commercial Code. Effective January 1, 2015, this
9 section applies to a lien created under this section regardless of
10 when the lien was created.

11 Sec. 7. Section 52-702, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 52-702 ~~(1)~~—When a lien created under section 52-701 is
14 satisfied, ~~the lienholder shall file in the office where the lien is~~
15 ~~filed a termination statement to the effect that he or she no longer~~
16 ~~claims an interest under the lien, which shall be identified by file~~
17 ~~number. A termination statement signed by a person other than the~~
18 ~~lienholder of record shall be accompanied by a separate written~~
19 ~~statement of assignment signed by the lienholder of record complying~~
20 ~~with subsection (b) of section 9-514, Uniform Commercial Code,~~
21 ~~including payment of the required fee, or reflect that the person~~
22 ~~signing the termination statement is a successor of the lienholder of~~
23 ~~record. If the affected lienholder fails to file such a termination~~
24 ~~statement within thirty days after such lienholder no longer claims~~
25 ~~an interest, he or she shall be liable to the person to whom the~~

1 ~~services and medicines or biologics were furnished for any losses~~
2 ~~caused to such person by such failure and for reasonable attorney's~~
3 ~~fees and court costs. any financing statement filed to perfect that~~
4 ~~lien shall be terminated in the manner and form provided in article~~
5 ~~9, Uniform Commercial Code.~~

6 ~~(2) On presentation to the filing officer of such a~~
7 ~~termination statement, he or she shall note it in the index. If the~~
8 ~~filing officer has received the termination statement in duplicate,~~
9 ~~he or she shall return one copy of the termination statement to the~~
10 ~~lienholder stamped to show the time of receipt.~~

11 ~~(3) There is no fee for the filing of a termination~~
12 ~~statement.~~

13 ~~(4) This section does not apply to a lien created under~~
14 ~~section 52-701 that is filed as an agricultural lien under article 9,~~
15 ~~Uniform Commercial Code, on or after July 1, 2001.~~

16 Sec. 8. Section 52-903, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 52-903 From and after the date of the filing of the lien
19 as provided in section 52-902, the person claiming the lien shall
20 have a lien upon the crops produced and owned by the person to whom
21 the fuel or lubricant was furnished to the amount of the purchase
22 price of such fuel or lubricant so furnished to such person. In the
23 event the person to whom such fuel or lubricant was furnished desires
24 to sell or deliver any portion of the crops so produced, such person
25 shall notify the purchaser or consignee that such fuel or lubricant

1 bill has not been paid. Such lien shall shift to the purchase price
2 thereof in the hands of such purchaser or consignee. In the event any
3 portion of such crops is sold or consigned with the consent or
4 knowledge of the person entitled to a lien thereon within six months
5 after the date such fuel or lubricant was furnished, such lien shall
6 not attach to any portion of such crops or to the purchase price
7 thereof unless the person entitled to such lien notifies the
8 purchaser in writing thereof. A lien created under section 52-901
9 shall be treated in all respects as an agricultural lien as provided
10 in article 9, Uniform Commercial Code, and may be enforced in the
11 manner and form provided for the enforcement of secured transactions
12 as provided in article 9, Uniform Commercial Code, except that such
13 enforcement proceedings shall be instituted within ninety days after
14 the filing of the lien. Effective January 1, 2015, this section
15 applies to a lien created under section 52-901 regardless of when the
16 lien was created.

17 Sec. 9. Section 52-905, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 52-905 ~~(1)~~—When a lien created under section 52-901 is
20 satisfied, ~~the lienholder shall file in the office where the lien is~~
21 ~~filed a termination statement to the effect that he or she no longer~~
22 ~~claims an interest under the lien, which shall be identified by file~~
23 ~~number. A termination statement signed by a person other than the~~
24 ~~lienholder of record shall be accompanied by a separate written~~
25 ~~statement of assignment signed by the lienholder of record complying~~

1 ~~with subsection (b) of section 9-514, Uniform Commercial Code,~~
2 ~~including payment of the required fee, or reflect that the person~~
3 ~~signing the termination statement is a successor of the lienholder of~~
4 ~~record. If the affected lienholder fails to file such a termination~~
5 ~~statement within thirty days after such lienholder no longer claims~~
6 ~~an interest, he or she shall be liable to the person to whom the fuel~~
7 ~~or lubricant was furnished for any losses caused to such person by~~
8 ~~such failure and for reasonable attorney's fees and court costs. any~~
9 ~~financing statement filed to perfect that lien shall be terminated in~~
10 ~~the manner and form provided in article 9, Uniform Commercial Code.~~

11 ~~(2) On presentation to the filing officer of such~~
12 ~~termination statement, he or she shall note it in the index. If the~~
13 ~~filing officer has received the termination statement in duplicate,~~
14 ~~he or she shall return one copy of the termination statement to the~~
15 ~~lienholder stamped to show the time of receipt.~~

16 ~~(3) There is no fee for the filing of a termination~~
17 ~~statement.~~

18 ~~(4) This section does not apply to a lien created under~~
19 ~~section 52-901 that is filed as an agricultural lien under article 9,~~
20 ~~Uniform Commercial Code, on or after July 1, 2001.~~

21 Sec. 10. Section 52-1103, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 52-1103 In order to be valid against subsequent
24 lienholders, any lien created under section 52-1101 shall be filed
25 within sixty days after the last date upon which the product,

1 machinery, or equipment was furnished or work or labor was performed
2 under the contract, but in no event shall it have priority over prior
3 lienholders unless prior lienholders have agreed to the contract in
4 writing. Such lien shall attach as of the date of filing. Such lien
5 shall be treated in all respects as an agricultural lien as provided
6 in article 9, Uniform Commercial Code, and may be enforced in the
7 manner and form provided for the enforcement of secured transactions
8 as provided in article 9, Uniform Commercial Code. Effective January
9 1, 2015, this section applies to a lien created under section 52-1101
10 regardless of when the lien was created.

11 Sec. 11. Section 52-1104, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 52-1104 ~~(1)~~—When a lien created under section 52-1101 is
14 satisfied, ~~the lienholder shall file in the office where the lien is~~
15 ~~filed a termination statement to the effect that he or she no longer~~
16 ~~claims an interest under the lien, which shall be identified by file~~
17 ~~number. A termination statement signed by a person other than the~~
18 ~~lienholder of record shall be accompanied by a separate written~~
19 ~~statement of assignment signed by the lienholder of record complying~~
20 ~~with subsection (b) of section 9-514, Uniform Commercial Code,~~
21 ~~including payment of the required fee, or reflect that the person~~
22 ~~signing the termination statement is a successor of the lienholder of~~
23 ~~record. If the affected lienholder fails to file such a termination~~
24 ~~statement within thirty days after such lienholder no longer claims~~
25 ~~an interest, he or she shall be liable to the person to whom the~~

1 ~~product, machinery, or equipment was furnished or for whom the work~~
2 ~~or labor was performed for any losses caused to such person by such~~
3 ~~failure and for reasonable attorney's fees and court costs. any~~
4 ~~financing statement filed to perfect that lien shall be terminated in~~
5 ~~the manner and form provided in article 9, Uniform Commercial Code.~~

6 ~~(2) On presentation to the filing officer of such a~~
7 ~~termination statement, he or she shall note it in the index. If the~~
8 ~~filing officer has received the termination statement in duplicate,~~
9 ~~he or she shall return one copy of the termination statement to the~~
10 ~~lienholder stamped to show the time of receipt.~~

11 ~~(3) There is no fee for the filing of a termination~~
12 ~~statement.~~

13 ~~(4) This section does not apply to a lien created under~~
14 ~~section 52-1101 filed as an agricultural lien under article 9,~~
15 ~~Uniform Commercial Code, on or after July 1, 2001.~~

16 Sec. 12. Section 52-1203, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 52-1203 A lien created under section 52-1201 shall attach
19 on the date of filing and time thereof if shown. Such lien shall be
20 treated in all respects as an agricultural lien as provided in
21 article 9, Uniform Commercial Code, and may be enforced in the manner
22 and form provided for the enforcement of secured transactions as
23 provided in article 9, Uniform Commercial Code. Effective January 1,
24 2015, this section applies to a lien created under section 52-1201
25 regardless of when the lien was created.

1 Sec. 13. Section 52-1205, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 52-1205 ~~(1)~~—When a lien created under section 52-1201 is
4 satisfied, the lienholder shall file in the office where the lien is
5 filed a termination statement to the effect that he or she no longer
6 claims an interest under the lien, which shall be identified by file
7 number. A termination statement signed by a person other than the
8 lienholder of record shall be accompanied by a separate written
9 statement of assignment signed by the lienholder of record complying
10 with subsection (b) of section 9-514, Uniform Commercial Code,
11 including payment of the required fee, or reflect that the person
12 signing the termination statement is a successor of the lienholder of
13 record. If the affected lienholder fails to file such a termination
14 statement within thirty days after such lienholder no longer claims
15 an interest, he or she shall be liable to the person to whom the seed
16 or electrical power or energy was furnished for any losses caused to
17 such person by such failure and for reasonable attorney's fees and
18 court costs. any financing statement filed to perfect that lien shall
19 be terminated in the manner and form provided in article 9, Uniform
20 Commercial Code.

21 ~~(2)~~ On presentation to the filing officer of such a
22 termination statement, he or she shall note it in the index. If the
23 filing officer has received the termination statement in duplicate,
24 he or she shall return one copy of the termination statement to the
25 lienholder stamped to show the time of receipt.

1 ~~(3) There is no fee for the filing of a termination~~
2 ~~statement.~~

3 ~~(4) This section does not apply to a lien created under~~
4 ~~section 52-1201 filed as an agricultural lien under article 9,~~
5 ~~Uniform Commercial Code, on or after July 1, 2001.~~

6 Sec. 14. Section 52-1407, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 52-1407 (1) An agricultural production input lien shall
9 be perfected as provided in article 9, Uniform Commercial Code. Any
10 financing statement filed to perfect such lien shall contain or have
11 attached thereto the information required in subsection (2) of
12 section 52-1402 and shall be filed within three months after the last
13 date that the agricultural production input was furnished. The
14 failure to include the social security number or federal tax
15 identification number shall not render any filing unperfected.
16 Perfection occurs as of the date such financing statement is filed.

17 (2) An agricultural production input lien that is not
18 perfected has the priority of an unperfected security interest under
19 section 9-322, Uniform Commercial Code.

20 (3) An agricultural production input lien shall be
21 treated in all respects as an agricultural lien as provided in
22 article 9, Uniform Commercial Code, and may be enforced in the manner
23 and form provided for the enforcement of secured transactions as
24 provided in article 9, Uniform Commercial Code. For purposes of
25 enforcement of the lien, the lienholder is the secured party and the

1 person to whom the agricultural production input was furnished is the
2 debtor, and each has the respective rights and duties of a secured
3 party and a debtor under article 9, Uniform Commercial Code.

4 (4) The fee for filing, amending, or releasing such lien
5 shall be the same as set forth in section 9-525, Uniform Commercial
6 Code.

7 (5) Effective January 1, 2015, this section applies to a
8 lien created under this section regardless of when the lien was
9 created.

10 Sec. 15. Section 52-1409, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 52-1409 ~~(1)~~—When an agricultural production input lien is
13 satisfied, the lienholder shall file in the office where the lien is
14 filed a termination statement to the effect that he or she no longer
15 claims an interest under the lien, which shall be identified by file
16 number. A termination statement signed by a person other than the
17 lienholder of record shall be accompanied by a separate written
18 statement of assignment signed by the lienholder of record complying
19 with subsection (b) of section 9-514, Uniform Commercial Code,
20 including payment of the required fee, or reflect that the person
21 signing the termination statement is a successor of the lienholder of
22 record. If the affected lienholder fails to file such a termination
23 statement within thirty days after such lienholder no longer claims
24 an interest, he or she shall be liable to the person to whom the
25 agricultural production input was furnished for any losses caused to

1 ~~such person by such failure and for reasonable attorney's fees and~~
2 ~~court costs. any financing statement filed to perfect that lien shall~~
3 ~~be terminated in the manner and form provided in article 9, Uniform~~
4 ~~Commercial Code.~~

5 ~~(2) On presentation to the filing officer of such a~~
6 ~~termination statement, he or she shall note it in the index. If the~~
7 ~~filing officer has received the termination statement in duplicate,~~
8 ~~he or she shall return one copy of the termination statement to the~~
9 ~~lienholder stamped to show the time of receipt.~~

10 ~~(3) There is no fee for the filing of a termination~~
11 ~~statement.~~

12 ~~(4) This section does not apply to an agricultural~~
13 ~~production input lien filed as an agricultural lien under article 9,~~
14 ~~Uniform Commercial Code, on or after July 1, 2001.~~

15 Sec. 16. Section 54-201, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 54-201 (1) When any person, firm, corporation,
18 partnership, or limited liability company not provided for in
19 subsection (2) of this section procures, contracts with, or hires any
20 other person, firm, corporation, partnership, or limited liability
21 company to feed and take care of any kind of livestock, the person,
22 firm, corporation, partnership, or limited liability company so
23 procured, contracted with, or hired shall have a first, paramount,
24 and prior lien upon such livestock for the feed and care furnished
25 for the contract price agreed upon or, in case no price has been

1 agreed upon, for the reasonable value of such feed and care, as long
2 as the holders of any prior liens shall have agreed in writing to the
3 contract for the feed and care of the livestock involved. A lien
4 created under this subsection shall be treated in all respects as an
5 agricultural lien as provided in article 9, Uniform Commercial Code,
6 and may be enforced in the manner and form provided for the
7 enforcement of secured transactions as provided in article 9, Uniform
8 Commercial Code. A lien created under this subsection shall be
9 perfected as provided in article 9, Uniform Commercial Code. Any
10 financing statement filed to perfect such lien shall be filed prior
11 to removal of such livestock from the premises of the person, firm,
12 corporation, partnership, or limited liability company entitled to a
13 lien and shall contain or have attached thereto (a) the name and
14 address and the social security number or federal tax identification
15 number of the person, firm, corporation, partnership, or limited
16 liability company claiming the lien, (b) the name and address and the
17 social security number or federal tax identification number, if
18 known, of the person, firm, corporation, partnership, or limited
19 liability company for whom the feeding and care were furnished, (c) a
20 description of the livestock fed and furnished care, and (d) the
21 amount justly due for the feeding and care. The failure to include
22 the social security number or federal tax identification number shall
23 not render any filing unperfected. At the time the lien is filed, the
24 lienholder shall send a copy to the person, firm, corporation,
25 partnership, or limited liability company for whom the feeding and

1 care were furnished. The fee for filing, amending, or releasing such
2 lien shall be the same as set forth in section 9-525, Uniform
3 Commercial Code.

4 (2) When any person, firm, corporation, partnership, or
5 limited liability company whose residence or principal place of
6 business is located outside the State of Nebraska procures, contracts
7 with, or hires any other person, firm, corporation, partnership, or
8 limited liability company within the State of Nebraska to feed and
9 take care of any kind of livestock, the person, firm, corporation,
10 partnership, or limited liability company so procured, contracted
11 with, or hired shall have a first, paramount, and prior lien upon
12 such livestock for the feed and care furnished for the contract price
13 agreed upon or, in case no price has been agreed upon, for the
14 reasonable value of such feed and care. A lien created under this
15 subsection shall be treated in all respects as an agricultural lien
16 as provided in article 9, Uniform Commercial Code, and may be
17 enforced in the manner and form provided for the enforcement of
18 secured transactions as provided in article 9, Uniform Commercial
19 Code. A lien created under this subsection shall be perfected as
20 provided in article 9, Uniform Commercial Code. Any financing
21 statement filed to perfect such lien shall be filed prior to removal
22 of such livestock from the premises of the person, firm, corporation,
23 partnership, or limited liability company entitled to a lien and
24 shall contain or have attached thereto (a) the name and address and
25 the social security number or federal tax identification number of

1 the person, firm, corporation, partnership, or limited liability
2 company claiming the lien, (b) the name and address and the social
3 security number or federal tax identification number, if known, of
4 the person, firm, corporation, partnership, or limited liability
5 company for whom the feeding and care were furnished, (c) a
6 description of the livestock fed and furnished care, and (d) the
7 amount justly due for the feeding and care. The failure to include
8 the social security number or federal tax identification number shall
9 not render any filing unperfected. At the time the lien is filed, the
10 lienholder shall send a copy to the person, firm, corporation,
11 partnership, or limited liability company for whom the feeding and
12 care were furnished. The fee for filing, amending, or releasing such
13 lien shall be the same as set forth in section 9-525, Uniform
14 Commercial Code.

15 (3) Effective January 1, 2015, this section applies to a
16 lien created under this section regardless of when the lien was
17 created.

18 Sec. 17. Section 54-208, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 54-208 When any person, firm, partnership, limited
21 liability company, or corporation contracts or agrees with another
22 person, firm, partnership, limited liability company, or corporation
23 to deliver any feed or feed ingredients for any kind of livestock,
24 the person, firm, partnership, limited liability company, or
25 corporation so contracted or agreed with shall have a lien upon such

1 livestock for the feed or feed ingredients and related costs incurred
2 in the delivery of such feed or feed ingredients for the agreed-upon
3 contract price or, in case no price has been agreed upon, for the
4 reasonable value of such feed or feed ingredients and related
5 delivery costs, which shall be a first, paramount, and prior lien if
6 the holders of any prior liens have agreed in writing to the contract
7 for the feed or feed ingredients and related delivery costs. The lien
8 may only be enforced against the person, firm, partnership, limited
9 liability company, or corporation who has contracted or agreed for
10 such feed or feed ingredients and related costs incurred in the
11 delivery of such feed or feed ingredients.

12 A lien created under this section shall be perfected as
13 provided in article 9, Uniform Commercial Code. Any financing
14 statement filed to perfect such lien shall contain or have attached
15 thereto:

16 (1) The name and address and the social security number
17 or federal tax identification number of the person, firm,
18 partnership, limited liability company, or corporation claiming the
19 lien;

20 (2) The name and address and the social security number
21 or federal tax identification number, if known, of the person, firm,
22 partnership, limited liability company, or corporation for whom such
23 feed or feed ingredients were delivered;

24 (3) The amount due for such feed or feed ingredients and
25 related delivery costs covered by the lien;

- 1 (4) The place where such livestock are located;
- 2 (5) A reasonable description of such livestock including
- 3 the number and type of such livestock; and
- 4 (6) The last date on which such feed or feed ingredients
- 5 were delivered.

6 The failure to include the social security number or

7 federal tax identification number shall not render any filing

8 unperfected. At the time the lien is filed, the lienholder shall send

9 a copy to the person, firm, partnership, limited liability company,

10 or corporation for whom the feed or feed ingredients were delivered.

11 Such lien shall attach and have priority as of the date

12 of the filing if filed in the manner provided in this section. Such

13 lien shall be treated in all respects as an agricultural lien as

14 provided in article 9, Uniform Commercial Code, and may be enforced

15 in the manner and form provided for the enforcement of secured

16 transactions as provided in article 9, Uniform Commercial Code.

17 The fee for filing, amending, or releasing such lien

18 shall be the same as set forth in section 9-525, Uniform Commercial

19 Code.

20 Effective January 1, 2015, this section applies to a lien

21 created under this section regardless of when the lien was created.

22 Nothing in this section shall be construed to amend or

23 repeal section 54-201 relating to agisters' liens.

24 Sec. 18. Section 54-209, Reissue Revised Statutes of

25 Nebraska, is amended to read:

1 54-209 (1) ~~When a lien created under section 54-201 or~~
2 54-208 is satisfied, the lienholder shall file in the office where
3 the lien is filed a termination statement to the effect that he or
4 she no longer claims an interest under the lien, which shall be
5 identified by file number. A termination statement signed by a person
6 other than the lienholder of record shall be accompanied by a
7 separate written statement of assignment signed by the lienholder of
8 record complying with subsection (b) of section 9-514, Uniform
9 Commercial Code, including payment of the required fee, or reflect
10 that the person signing the termination statement is a successor of
11 the lienholder of record. If the affected lienholder fails to file
12 such a termination statement within thirty days after such lienholder
13 no longer claims an interest, he or she shall be liable to the
14 person, firm, partnership, limited liability company, or corporation
15 for whom the feeding and care were furnished or the feed or feed
16 ingredients were delivered for any losses caused to such person,
17 firm, partnership, limited liability company, or corporation by such
18 failure and for reasonable attorney's fees and court costs. any
19 financing statement filed to perfect that lien shall be terminated in
20 the manner and form provided in article 9, Uniform Commercial Code.

21 (2) ~~On presentation to the filing officer of such a~~
22 termination statement, he or she shall note it in the index. If the
23 filing officer has received the termination statement in duplicate,
24 he or she shall return one copy of the termination statement to the
25 lienholder stamped to show the time of receipt.

1 ~~(3) There is no fee for the filing of a termination~~
2 ~~statement.~~

3 ~~(4) This section does not apply to a lien created under~~
4 ~~section 54-201 or 54-208 filed as an agricultural lien under article~~
5 ~~9, Uniform Commercial Code, on or after July 1, 2001.~~

6 Sec. 19. Original sections 52-203, 52-204, 52-501,
7 52-504, 52-701, 52-702, 52-903, 52-905, 52-1103, 52-1104, 52-1203,
8 52-1205, 52-1407, 52-1409, 54-201, 54-208, and 54-209, Reissue
9 Revised Statutes of Nebraska, are repealed.

10 Sec. 20. Since an emergency exists, this act takes effect
11 when passed and approved according to law.