

MEMORANDUM STATUTORY LIENS AND THE UCC

By formal opinion the Attorney General has held that this Office has authority to treat financing statements filed to perfect specific statutory liens as financing statements for agricultural liens under the Uniform Commercial Code. See Op. Att’y Gen. No. 08-006 (September 26, 2008).

Beginning November 1, 2008 any financing statement filed on or after November 1, 2003 to perfect statutory liens pursuant to Neb. Rev. Stat. § 52-202 (Artisan’s Lien), 52-501 (Thresher’s Lien), 52-701 (Veterinarian’s Lien), 52-901 (Petroleum Products Lien), 52-1101 (Fertilizer and Agricultural Chemical Liens), 52-1201 (Seed or Electrical Power and Energy Liens), Chapter 52, Article 14 (Agricultural Production Liens), 54-201 (Agister’s Lien), and 54-208 (Lien for Feed, feed ingredients) will be treated as agricultural liens which are provided for in Article 9 of the UCC. The provisions of Article 9 of the UCC apply to these liens just as any other agricultural lien created under the UCC, including the **five year lapse provision** of Uniform Commercial Code § 9-515 (a).

The status of statutory liens filed pursuant to Neb. Rev. Stat. §§ 52-202, 52-501, 52-701, 52-901, 52-1101, 52-1201, 54-201, Chapter 52, Article 14, 54-201 and 54-208, prior to July 1, 2001 are governed by the statutes in effect at the time of the filing of the financing statements related to those liens.

Under the circumstances stated above, to continue a lien, it will be necessary to file a UCC Financing Statement Amendment (form UCC3) within the **six month time frame** allowed by Uniform Commercial Code § 9-515 (d) for any filing on or after November 1, 2003.

If you have questions, please call (402) 471-4080 or e-mail to sos.ucc@nebraska.gov.