

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Russ

SENATE BILL 516

"AN ACT TO PROVIDE FOR THE CREATION OF A LIEN FOR THE SALE OF LIVESTOCK FEED TO THE OWNERS OF LIVESTOCK; TO PROVIDE FOR THE FILING OF THE CONTRACT FOR SALE OF THE FEED; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. As used in this Act, the terms listed here shall have the following meanings:

(a) "Commercial Seller" includes every manufacturer, corporation, agent, broker, seller, feed store, grain warehouse, grain elevator, or other business establishment who is engaged in selling or offering for sale on the retail market any type of livestock feeds;

(b) "Livestock" includes, but is not limited to, all horses, mules, cattle, hogs, sheep, and any other similar domesticated, ungulate animal and their offspring;

(c) "Livestock Feed" includes, but is not limited to, all commercially produced and sold animal foods for livestock, except hay and straw, regardless of quantity; and

(d) "Owner" includes, but is not limited to, all persons, groups, associations, farms, partnerships, corporations, or similar entities, and their agents, who have title to, either legal or equitable, any livestock.

SECTION 2. Every commercial seller of livestock feed who shall furnish or supply any livestock feed to any owner of livestock under a written agreement or contract for sale shall, after complying with the requirements of this Act, have a lien on the livestock for which the feed was purchased in an amount equal to the money owing on the livestock feed and for all reasonable costs incurred in enforcing the lien, including reasonable attorney's

fees. The amount due and owing shall be specifically set out as due on the contract for sale of feed after taking into account any credits. The contracts for sale of feed shall show the name and address of the owner, the amount of livestock feed sold and delivered, the price of the feed, any amounts paid on account, the amounts due, and a description and location of the livestock for which the feed is intended and to which the lien should attach.

SECTION 3. Every commercial seller of livestock feed having a lien on livestock under the provisions of this Act may avail himself of such lien by filing, within 180 days after such livestock feed was delivered, the contract for sale of feed, or a copy of the contract certified by a Notary Public as true and correct, with the clerk of the circuit court of the county in which the livestock are located. The filed contract or copy shall be accompanied by an affidavit from the lienholder verifying the contract. The clerk of the circuit court shall file the contract and affidavit and shall make a notation in the financial statement records as well as indexing such in the debtor/creditor filings for which he shall charge a fee of three dollars (\$3.00), to be paid by the person filing such contract, which fee for filing may be included as a part of the costs of the enforcement of the lien.

SECTION 4. The lien provided in this Act may be enforced at any time for up to one hundred eighty (180) days after such contract is filed, by suit in chancery court of the county where the livestock are located. The cause of action shall proceed to judgement and final disposition as other matters of equitable cognizance and jurisdiction.

SECTION 5. The lien on livestock shall take precedence over and be superior to any mortgage or other obligation except purchase money mortgage properly perfected, attaching against said livestock that is permitted to remain in the possession of the owner. Provided, however, the lien shall not take precedence over bona fide purchasers for value of any livestock without notice, either actual or constructive.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

