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**IDAPA 34
TITLE 05
CHAPTER 02**

34.05.02 - RULES GOVERNING LIENS IN CROPS, FOR SEED, AND FARM LABOR

000. LEGAL AUTHORITY AND REFERENCES.

- 01. Title 45, Chapter 3, Idaho Code.** (7-1-93)
- 02. Title 67, Chapter 52, Idaho Code.** (7-1-93)
- 03. IDAPA 34, Title 05, Chapter 01.** (7-1-93)
- 04. IDAPA 34, Title 05, Chapter 03.** (7-1-93)

001. -- 003. (RESERVED).

004. DEFINITIONS AND ABBREVIATIONS.

01. Incorporation By Reference. Where terms used in this rule are not defined herein, definitions and usage of terms from the references are applicable. (7-1-93)

02. Claimant. A provider of seed or a farm laborer who files a notice of claim of lien in the crop or crops which are produced from the seed or with the aid of the labor. A claimant may be an individual, corporation, partnership, or unincorporated association. (7-1-93)

03. Producer. A farm operator to whom a claimant has provided seed or farm labor used in the production of crops. A producer may be an individual, corporation, partnership, or unincorporated association. (7-1-93)

04. Farm Laborer. Anyone who provides farm labor used in the production of crops. When a business entity contracts for and provides such labor, e.g. aerial spraying or custom harvesting, the entity and not its individual employees shall be deemed to be the farm laborer. When individuals provide such labor directly to a producer, each individual is a farm laborer, whether or not they have been organized as a work crew or are members of a family which works as a unit. (7-1-93)

05. Family. A group of related persons living together as one economic unit, comprised of parents and children, including step-children. (7-1-93)

06. SOS. Secretary of State. (7-1-93)

07. Notice Of Claim Of Lien. A written notice on the public record of a claimant's lien in the crops of a producer. It must be filed on a form prescribed by the Secretary of State. (7-1-93)

005. -- 010. (RESERVED).

011. REQUIREMENTS FOR NOTICE OF CLAIM OF LIEN.

01. Form. A notice of claim of lien must be filed on a form prescribed and approved by the SOS. The form shall be designated "SL-1". (7-1-93)

02. Nature Of Lien. The nature of the lien (farm laborer's or seed) must be indicated. (7-1-93)

03. Producer. The producer's name or names must be entered completely and precisely. (7-1-93)

a. The names of individuals must be entered in order of last name (surname), first name, and middle name or initial, if any. (7-1-93)

- b.** Corporate names and assumed business names must be entered in full, without abbreviation. (7-1-93)
- 04. Address.** The address of the producer(s) must be entered, to include Zip Code, if known. (7-1-93)
- 05. Claimant.** The name and address of the claimant(s) must be entered, to include Zip Code, if known. (7-1-93)
- 06. Crop.** The crop or crops in which the lien is claimed must be identified either by entering the three (3) digit code listed in the form's instructions or by entering the name of the crop in narrative form. The assignment of codes to crops shall be done by the SOS as a matter of internal management. (7-1-93)
- 07. Crop Year.** If the crop year of the crop(s) is other than the calendar year in which the notice is filed, the crop year must be entered. (7-1-93)
- 08. County.** The county or counties in which the crop(s) subject to the lien are growing or to be grown must be identified either by entering the two (2) digit code listed in the form's instructions or by entering the county name in narrative form. The assignment of codes to counties shall be done by the SOS as a matter of internal management. (7-1-93)
- 09. Signature.** The notice of claim of lien shall be signed by or on behalf of the claimant(s) in any combination of the following ways, so long as all claimants are accounted for: (7-1-93)
- a.** The notice is signed by each individual, corporate or partnership claimant; corporations will sign by an officer and partnerships by a general partner. (7-1-93)
- b.** The notice is signed by an agent or attorney in fact for the claimant(s). (7-1-93)
- c.** If all or some of the claimants are members of the same family, any adult member of the family may sign as agent for all the members of the family. (7-1-93)
- d.** Any person who signs on behalf of any person other than himself or herself shall indicate the capacity in which he or she signs. (7-1-93)
- 10. Certification.** Signature constitutes certification of the truth of the claim. (7-1-93)
- 11. Supplement.** If there is insufficient space on the form SL-1 for all producer and claimant information, the excess will be entered on a supplement form designated "SL-2". (7-1-93)
- 012. DURATION, EXTENSION AND RELEASE OF CLAIM OF LIEN.**
- 01. Duration Of Farm Labor Lien.** A notice of claim of lien for farm labor is effective for six (6) months from the date of filing. It may not be extended. (7-1-93)
- 02. Duration Of Seed Lien.** A notice of claim of lien for seed is effective for sixteen (16) months from the date of filing. It may be extended one (1) time for an additional six (6) months, provided: (7-1-93)
- a.** That the crop subject to the lien is not harvested within ten (10) months after the date of filing; and (7-1-93)
- b.** That the notice of extension is filed within sixty (60) days prior to the lapse of the original sixteen (16) month effective period. (7-1-93)
- 03. Release.** When a lien has been satisfied by payment of the amount due to the claimant(s), the claimant(s) must within thirty (30) days thereafter file with the SOS a notice of release of lien, unless the period of effectiveness of the notice of claim of lien would lapse earlier than the end of thirty (30) days. (7-1-93)

04. Notice Of Extension Or Release. A notice of extension or release of claim of lien will be filed on a form prescribed and approved by the SOS, and shall refer to the original notice of claim of lien by the SOS file number. The form prescribed for notice of extension or release shall be designated "SL-3". It shall be signed in the same manner as the notice of claim of lien, SL-1. (7-1-93)

05. Supplement. If there is insufficient space on the first page of the form SL-3 for all information, the excess shall be entered on an attached second page SL-3. (7-1-93)

013. (RESERVED).

014. REGISTRATION AND SUBSCRIPTION FOR LIST OF LIENS IN CROPS.

01. Registration And Subscription. Any person may register and subscribe for regular distribution of lists of all presently effective notices of claim of lien in crops which have been filed under this rule. (7-1-93)

02. Forms. The registration and subscription forms for the lists are the forms UCC-5F and UCC-6F, which are described in IDAPA 34.05.01, Section 015, "Rules Governing Farm Products Central Filing System," Office of the Secretary of State. (7-1-93)

03. Eligibility To Subscribe. Registration by filing a UCC-5F entitles the registrant to subscribe for the list of notices of claim of lien under this rule as well as the PML's described in IDAPA 34.05.01, Section 015, "Rules Governing Farm Products Central Filing System," Office of the Secretary of State. A person who is registered under IDAPA 34.05.01 to receive PML's need not re-register under this rule in order to subscribe to the list of notices of claim of lien. Each registrant will be assigned a permanent registration number by the SOS. (7-1-93)

04. Renewal. Registration is effective for a period of one (1) year. Renewal of registration may be filed at any time after ninety (90) days prior to expiration of a current registration period. The registrant must indicate his registration number on the renewal registration form. (7-1-93)

05. Change Of Name Or Address. Notice of registrant's change of name or address must be made in writing to the SOS. (7-1-93)

06. Subscription With Registration. Subscriptions for the list of notices of claim of lien may be made at the time of registration or at any time during the period for which the registrant is registered; provided that no subscription for a list of notices will run beyond the calendar quarter in which the registration period expires. Subscriptions made at the time of registration will be made on the UCC-5F. (7-1-93)

07. Other Subscriptions. Subscriptions made other than at the time of registration must be made on a form UCC-6F. The registrant must indicate his registration number on the subscription form. (7-1-93)

08. Coding. A subscription for the list of notices of claim of lien will be made by entering the number "30" in the "PML No." column or by entering "Seed and farm labor liens" in the "PML Grouping" column. (7-1-93)

09. Duration. A subscription may be annual or by calendar quarter or quarters, which quarter or quarters may be at a specified time in the future. (7-1-93)

10. Initial Distribution. If a subscription starts at any time other than the start of a calendar quarter, the registrant will receive the most recent complete compilation of the list of notices, the most recent cumulative supplement, and all subsequent lists for the period of the subscription. (7-1-93)

11. Medium. The registrant must choose the medium on which the list will be printed by entering either "M" for microfiche or "P" for paper. (7-1-93)

12. Copy Of Rules. At the time of registration, each registrant will be issued a copy of these rules. (7-1-93)

015. LIST OF NOTICES OF CLAIM OF LIEN (LIST).

01. Compilation And Distribution. The SOS shall compile and distribute to subscribers therefore, a list which shall include all presently effective notices of claim of lien for seed or farm labor. (7-1-93)

02. Separate Entries. There will be a separate entry on the list for each notice filed against each producer; e.g. each producer named on a notice will constitute a separate item on the list. (7-1-93)

03. Alphabetical Order. The list will be arranged alphabetically by producer name, using the surnames of individuals and the first word other than "the" in the names of producers other than individuals. (7-1-93)

04. Content. Each item on the list will include: (7-1-93)

a. The producer's name and address; (7-1-93)

b. The date and time of filing; (7-1-93)

c. The document number assigned by the SOS; (7-1-93)

d. The type of lien (seed or farm labor); (7-1-93)

e. The name and address of each claimant; (7-1-93)

f. The name of each crop in which a lien is claimed; (7-1-93)

g. For each crop, the county(ies) in which it is growing or to be grown; and (7-1-93)

h. If the crop year is other than the calendar year of filing, the crop year. (7-1-93)

05. Medium. Subscribers may request distribution on either paper or microfiche. (7-1-93)

06. Schedule. The list will be published or supplemented on a bi-weekly schedule to be established by the SOS. (7-1-93)

07. Supplementation. The list will be published in complete form at least on the first bi-weekly publication date in each calendar quarter and on such other bi-weekly publication dates as the SOS deems necessary. On the remaining bi-weekly publication dates, the SOS will publish a cumulative supplement relating to the most recent complete list. (7-1-93)

08. Cut-Off Time. In order to be included on a list, a notice of claim of lien must be received by the SOS no later than eight o'clock (8:00) a.m. on the business day prior to publication. (7-1-93)

09. Notice Of Schedule. At the beginning of each quarter, the SOS will distribute to each registrant a schedule of proposed publication dates for that calendar quarter. The SOS, may for good cause, deviate from the schedule, but every list will be marked with the actual date of publication. (7-1-93)

016. (RESERVED).

017. REQUEST FOR INFORMATION.

Requests for information on notices of claim of lien, both written and verbal, will comply with IDAPA 34.05.03, "Rule Governing Requests For Information -- Form UCC-4 -- Fees," Office of the Secretary of State. (7-1-93)

018. FEES.

01. Notice Of Claim Of Lien And Notice Of Extension. (7-1-93)

a. The fee is four dollars (\$4) if the form is typed or machine printed, and otherwise is eight dollars (\$8). (7-1-93)

- b.** The fee shall be paid at the time of filing. (7-1-93)
- 02. Notice of Extension.** (7-1-93)
- a.** The fee is four dollars (\$4) if the form is typed or machine printed, and otherwise is eight dollars (\$8). (7-1-93)
- b.** The fee shall be paid at the time of filing. (7-1-93)
- 03. Notice Of Release.** No fee charged. (7-1-93)
- 04. Registration And Subscription For List Of Notices.** (7-1-93)
- a.** If a person has not registered in the Farm Products Central Filing System, pursuant of IDAPA 34.05.01, Section 015, "Rules Governing Farm Products Central Filing System," Office of the Secretary of State, the annual registration fee is thirty dollars (\$30). (7-1-93)
- b.** The subscription fee for the list of notices of claim of lien is ninety dollars (\$90) per year or twenty-three dollars (\$23) per calendar quarter if on microfiche, and one thousand forty dollars (\$1,040) per year or two hundred sixty-one dollars (\$261) per calendar quarter if on paper. (7-1-93)
- c.** Fees are payable at the time of registration or subscription. (7-1-93)
- 05. Requests For Information.** The fees for requests for information on notices of claim of lien, both written and verbal, and for copies of notices of claim of lien reported on the certificate, are provided in IDAPA 34.05.03, "Rule Governing Requests For Information -- Form UCC-4 -- Fees," Office of the Secretary of State. (7-1-93)
- 019. -- 999. (RESERVED).**

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