

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 750**  
Final Reading

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. Not later than May 31, 2014, the Secretary  
13 of State shall notify, by first-class mail, the lienholders of record  
14 of the liens described in this section that such a lien shall lose  
15 its perfection unless a continuation statement is filed with the  
16 Secretary of State as provided in this section.

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

19           52-203 A lien created under section 52-202 is in force  
20 from and after the date it is filed and is prior and paramount to all  
21 other liens upon such property except those previously filed against  
22 such property. Such lien shall be treated in all respects as an  
23 agricultural lien as provided in article 9, Uniform Commercial Code,  
24 and may be enforced in the manner and form provided for the  
25 enforcement of secured transactions as provided in article 9, Uniform

1 Commercial Code, except that such enforcement proceedings shall be  
2 instituted within one year after the filing of such lien. The lien is  
3 subject to the rights of purchasers of the property against which the  
4 lien is filed when the purchasers acquired the property prior to the  
5 filing of the lien without knowledge or notice of the rights of the  
6 persons performing the work or furnishing material. The fee for  
7 filing, amending, or releasing such lien shall be the same as set  
8 forth in section 9-525, Uniform Commercial Code. Effective January 1,  
9 2015, this section applies to a lien created under section 52-202  
10 regardless of when the lien was created.

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

13 52-204 ~~(1)~~—When a lien created under section 52-202 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 for whom the~~

1 ~~work was performed or material furnished for any losses caused to~~  
2 ~~such person by such failure and for reasonable attorney's fees and~~  
3 ~~court costs. any financing statement filed to perfect that lien shall~~  
4 ~~be terminated in the manner and form provided in article 9, Uniform~~  
5 ~~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 52-202 that is filed as an agricultural lien under article 9,~~  
15 ~~Uniform Commercial Code, on or after July 1, 2001.~~

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

18 52-501 (1)(a) The owner or operator of any threshing  
19 machine or combine used in threshing, combining, or hulling grain or  
20 seed, (b) the owner or operator of any mechanical cornpicker or  
21 mechanical cornhusker used in picking or husking corn, and (c) the  
22 owner or operator of any cornsheller used in shelling corn shall have  
23 and hold a lien upon such grain, seed, or corn which he or she shall  
24 thresh, combine, hull, pick, husk, or shell with such machine to  
25 secure the payment to him or her of the charges agreed upon by the

1 person for whom the threshing, combining, hulling, picking, husking,  
2 or shelling was done or, if no charges are agreed upon, for such  
3 charges as may be reasonable for such threshing, combining, hulling,  
4 picking, husking, or shelling.

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

25 (3) In the event the person for whom the threshing,

1 combining, hulling, picking, husking, or shelling was done desires to  
2 sell or deliver the grain, seed, or corn so threshed, combined,  
3 hulled, picked, husked, or shelled to a grain elevator or to any  
4 other person, such person desiring to sell or deliver the grain,  
5 seed, or corn shall notify the consignee or purchaser that the  
6 threshing, combining, hulling, picking, husking, or shelling bill has  
7 not been paid, and the lien created under this section on such grain,  
8 seed, or corn shall shift to the purchase price thereof in the hands  
9 of the purchaser or consignee. In the event the grain, seed, or corn  
10 is sold or consigned with the consent or knowledge of the person  
11 entitled to a lien created under this section within thirty days  
12 after the date of such threshing, combining, hulling, picking,  
13 husking, or shelling, such lien shall not attach to the grain, seed,  
14 or corn or to the purchase price thereof unless the person entitled  
15 to the lien notifies the purchaser in writing of the lien.

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

24 (5) Effective January 1, 2015, this section applies to a  
25 lien created under this section regardless of when the lien was

1 created.

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

4           52-504 (1) ~~When a lien created under section 52-501 is~~  
5 ~~satisfied, the lienholder shall file in the office where the lien is~~  
6 ~~filed a termination statement to the effect that he or she no longer~~  
7 ~~claims an interest under the lien, which shall be identified by file~~  
8 ~~number. A termination statement signed by a person other than the~~  
9 ~~lienholder of record shall be accompanied by a separate written~~  
10 ~~statement of assignment signed by the lienholder of record complying~~  
11 ~~with subsection (b) of section 9-514, Uniform Commercial Code,~~  
12 ~~including payment of the required fee, or reflect that the person~~  
13 ~~signing the termination statement is a successor of the lienholder of~~  
14 ~~record. If the affected lienholder fails to file such a termination~~  
15 ~~statement within thirty days after such lienholder no longer claims~~  
16 ~~an interest, he or she shall be liable to the person for whom the~~  
17 ~~threshing, combining, hulling, picking, husking, or shelling was done~~  
18 ~~for any losses caused to such person by such failure and for~~  
19 ~~reasonable attorney's fees and court costs. any financing statement~~  
20 ~~filed to perfect that lien shall be terminated in the manner and form~~  
21 ~~provided in article 9, Uniform Commercial Code.~~

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

1 ~~lienholder stamped to show the time of receipt.~~

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

4 ~~(4) This section does not apply to a lien created under~~  
5 ~~section 52-501 that is filed as an agricultural lien under article 9,~~  
6 ~~Uniform Commercial Code, on or after July 1, 2001.~~

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

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



1 number of the veterinarian claiming the lien, (2) the name and  
2 address and the social security number or federal tax identification  
3 number, if known, of the person to whom the services and medicines or  
4 biologics were furnished, (3) a correct description of the livestock  
5 to be charged with the lien, and (4) the amount of the services and  
6 any medicines or biologics furnished. The failure to include the  
7 social security number or federal tax identification number shall not  
8 render any filing unperfected. At the time the lien is filed, the  
9 lienholder shall send a copy to the person to whom the services and  
10 medicines or biologics were furnished. The fee for filing, amending,  
11 or releasing such lien shall be the same as set forth in section  
12 9-525, Uniform Commercial Code. Effective January 1, 2015, this  
13 section applies to a lien created under this section regardless of  
14 when the lien was created.

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

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

1 ~~signing the termination statement is a successor of the lienholder of~~  
2 ~~record. If the affected lienholder fails to file such a termination~~  
3 ~~statement within thirty days after such lienholder no longer claims~~  
4 ~~an interest, he or she shall be liable to the person to whom the~~  
5 ~~services and medicines or biologics were furnished for any losses~~  
6 ~~caused to such person by such failure and for reasonable attorney's~~  
7 ~~fees and court costs. any financing statement filed to perfect that~~  
8 ~~lien shall be terminated in the manner and form provided in article~~  
9 ~~9, Uniform Commercial Code.~~

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

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

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

20 ~~Sec. 8. Section 52-903, Reissue Revised Statutes of~~  
21 ~~Nebraska, is amended to read:~~

22 ~~52-903 From and after the date of the filing of the lien~~  
23 ~~as provided in section 52-902, the person claiming the lien shall~~  
24 ~~have a lien upon the crops produced and owned by the person to whom~~  
25 ~~the fuel or lubricant was furnished to the amount of the purchase~~

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

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

23           52-905 ~~(1)~~—When a lien created under section 52-901 is  
24 satisfied, ~~the lienholder shall file in the office where the lien is~~  
25 ~~filed a termination statement to the effect that he or she no longer~~

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

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

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

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

25 ~~Sec. 10. Section 52-1103, Reissue Revised Statutes of~~

1 Nebraska, is amended to read:

2           52-1103 In order to be valid against subsequent  
3 lienholders, any lien created under section 52-1101 shall be filed  
4 within sixty days after the last date upon which the product,  
5 machinery, or equipment was furnished or work or labor was performed  
6 under the contract, but in no event shall it have priority over prior  
7 lienholders unless prior lienholders have agreed to the contract in  
8 writing. Such lien shall attach as of the date of filing. Such lien  
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. Effective January  
13 1, 2015, this section applies to a lien created under section 52-1101  
14 regardless of when the lien was created.

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

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

1 ~~signing the termination statement is a successor of the lienholder of~~  
2 ~~record. If the affected lienholder fails to file such a termination~~  
3 ~~statement within thirty days after such lienholder no longer claims~~  
4 ~~an interest, he or she shall be liable to the person to whom the~~  
5 ~~product, machinery, or equipment was furnished or for whom the work~~  
6 ~~or labor was performed for any losses caused to such person by such~~  
7 ~~failure and for reasonable attorney's fees and court costs. any~~  
8 ~~financing statement filed to perfect that lien shall be terminated in~~  
9 ~~the manner and form provided in article 9, Uniform Commercial Code.~~

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

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

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

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

22 52-1203 A lien created under section 52-1201 shall attach  
23 on the date of filing and time thereof if shown. Such lien shall be  
24 treated in all respects as an agricultural lien as provided in  
25 article 9, Uniform Commercial Code, and may be enforced in the manner

1 and form provided for the enforcement of secured transactions as  
2 provided in article 9, Uniform Commercial Code. Effective January 1,  
3 2015, this section applies to a lien created under section 52-1201  
4 regardless of when the lien was created.

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

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

25           ~~(2) On presentation to the filing officer of such a~~

1 ~~termination statement, he or she shall note it in the index. If the~~  
2 ~~filing officer has received the termination statement in duplicate,~~  
3 ~~he or she shall return one copy of the termination statement to the~~  
4 ~~lienholder stamped to show the time of receipt.~~

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

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

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

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

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

24 (3) An agricultural production input lien shall be  
25 treated in all respects as an agricultural lien as provided in



1 article 9, Uniform Commercial Code, and may be enforced in the manner  
2 and form provided for the enforcement of secured transactions as  
3 provided in article 9, Uniform Commercial Code. For purposes of  
4 enforcement of the lien, the lienholder is the secured party and the  
5 person to whom the agricultural production input was furnished is the  
6 debtor, and each has the respective rights and duties of a secured  
7 party and a debtor under article 9, Uniform Commercial Code.

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

11 (5) Effective January 1, 2015, this section applies to a  
12 lien created under this section regardless of when the lien was  
13 created.

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

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

1 ~~record. If the affected lienholder fails to file such a termination~~  
2 ~~statement within thirty days after such lienholder no longer claims~~  
3 ~~an interest, he or she shall be liable to the person to whom the~~  
4 ~~agricultural production input was furnished for any losses caused to~~  
5 ~~such person by such failure and for reasonable attorney's fees and~~  
6 ~~court costs. any financing statement filed to perfect that lien shall~~  
7 ~~be terminated in the manner and form provided in article 9, Uniform~~  
8 ~~Commercial Code.~~

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

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

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

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

21 54-201 (1) When any person, firm, corporation,  
22 partnership, or limited liability company not provided for in  
23 subsection (2) of this section procures, contracts with, or hires any  
24 other person, firm, corporation, partnership, or limited liability  
25 company to feed and take care of any kind of livestock, the person,

1 firm, corporation, partnership, or limited liability company so  
2 procured, contracted with, or hired shall have a first, paramount,  
3 and prior lien upon such livestock for the feed and care furnished  
4 for the contract price agreed upon or, in case no price has been  
5 agreed upon, for the reasonable value of such feed and care, as long  
6 as the holders of any prior liens shall have agreed in writing to the  
7 contract for the feed and care of the livestock involved. A lien  
8 created under this subsection shall be treated in all respects as an  
9 agricultural lien as provided in article 9, Uniform Commercial Code,  
10 and may be enforced in the manner and form provided for the  
11 enforcement of secured transactions as provided in article 9, Uniform  
12 Commercial Code. A lien created under this subsection shall be  
13 perfected as provided in article 9, Uniform Commercial Code. Any  
14 financing statement filed to perfect such lien shall be filed prior  
15 to removal of such livestock from the premises of the person, firm,  
16 corporation, partnership, or limited liability company entitled to a  
17 lien and shall contain or have attached thereto (a) the name and  
18 address and the social security number or federal tax identification  
19 number of the person, firm, corporation, partnership, or limited  
20 liability company claiming the lien, (b) the name and address and the  
21 social security number or federal tax identification number, if  
22 known, of the person, firm, corporation, partnership, or limited  
23 liability company for whom the feeding and care were furnished, (c) a  
24 description of the livestock fed and furnished care, and (d) the  
25 amount justly due for the feeding and care. The failure to include

1 the social security number or federal tax identification number shall  
2 not render any filing unperfected. At the time the lien is filed, the  
3 lienholder shall send a copy to the person, firm, corporation,  
4 partnership, or limited liability company for whom the feeding and  
5 care were furnished. The fee for filing, amending, or releasing such  
6 lien shall be the same as set forth in section 9-525, Uniform  
7 Commercial Code.

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

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

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

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

24 54-208 When any person, firm, partnership, limited  
25 liability company, or corporation contracts or agrees with another

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

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

20 (1) The name and address and the social security number  
21 or federal tax identification number of the person, firm,  
22 partnership, limited liability company, or corporation claiming the  
23 lien;

24 (2) The name and address and the social security number  
25 or federal tax identification number, if known, of the person, firm,

1 partnership, limited liability company, or corporation for whom such  
2 feed or feed ingredients were delivered;

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

5 (4) The place where such livestock are located;

6 (5) A reasonable description of such livestock including  
7 the number and type of such livestock; and

8 (6) The last date on which such feed or feed ingredients  
9 were delivered.

10 The failure to include the social security number or  
11 federal tax identification number shall not render any filing  
12 unperfected. At the time the lien is filed, the lienholder shall send  
13 a copy to the person, firm, partnership, limited liability company,  
14 or corporation for whom the feed or feed ingredients were delivered.

15 Such lien shall attach and have priority as of the date  
16 of the filing if filed in the manner provided in this section. Such  
17 lien shall be treated in all respects as an agricultural lien as  
18 provided in article 9, Uniform Commercial Code, and may be enforced  
19 in the manner and form provided for the enforcement of secured  
20 transactions as provided in article 9, Uniform Commercial Code.

21 The fee for filing, amending, or releasing such lien  
22 shall be the same as set forth in section 9-525, Uniform Commercial  
23 Code.

24 Effective January 1, 2015, this section applies to a lien  
25 created under this section regardless of when the lien was created.

1            Nothing in this section shall be construed to amend or  
2 repeal section 54-201 relating to agisters' liens.

3            Sec. 18. Section 54-209, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

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

25            ~~(2)~~—On presentation to the filing officer of such a



1 ~~termination statement, he or she shall note it in the index. If the~~  
2 ~~filing officer has received the termination statement in duplicate,~~  
3 ~~he or she shall return one copy of the termination statement to the~~  
4 ~~lienholder stamped to show the time of receipt.~~

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

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

10 Sec. 19. Original sections 52-203, 52-204, 52-501,  
11 52-504, 52-701, 52-702, 52-903, 52-905, 52-1103, 52-1104, 52-1203,  
12 52-1205, 52-1407, 52-1409, 54-201, 54-208, and 54-209, Reissue  
13 Revised Statutes of Nebraska, are repealed.

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