

February 9, 1951.
Judiciary No. 1.

House File 385

By NYSTROM, CLARK of Marion, NIELSEN and BUTLER.

Passed House, Date

Vote: Ayes..... Nays.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to provide for the filing and enforcement of a lien upon farm crops for the value of fuel and lubricants furnished for the operation of farm machinery in the production of said crops.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Any person, firm or corporation who shall
2 furnish any fuel or lubricant for the operation of farm
3 machinery in the preparation or planting of soil for, or
4 the cultivating or harvesting of farm crops or in processing
5 the same upon the farm for market or use, shall have a first
6 lien for the value of such fuels and lubricants, on any or
7 all crops produced during the season for which such fuels
8 or lubricants were delivered or upon which any of the same
9 were used in aforesaid operations.

1 Sec. 2. Said lien shall be prior and superior to any
2 landlord's lien or mortgage lien upon said crops and shall
3 have precedence and dignity in the order of filing equivalent
4 to that of any lien provided for by chapter five hundred
5 seventy-one (571), Code 1950.

1 Sec. 3. In order to preserve said lien, the person
2 entitled thereto shall, at any time prior to the first day
3 of October of any year, file with the clerk of the district
4 court in and for the county in which said fuels and
5 lubricants were delivered or used, an itemized and verified
6 statement setting forth the quantity of fuel and lubricants
7 furnished since October first of the preceding year with
8 respect to which a lien is claimed, the value thereof, the
9 name of the person to whom such fuel and lubricants were
10 furnished and the place where said fuel and lubricants were
11 delivered or used; and the clerk of the district court
12 shall note the filing of said certified statement and in a
13 book kept by him for that purpose shall index the same
14 under the name of the person to whom such fuel and lubricants
15 were furnished.

1 Sec. 4. Proceedings for the enforcement of any such lien
2 shall be brought within thirty days after the first day of
3 October next following the filing of such certified statement
4 and shall not be brought thereafter.

1 Sec. 5. Said lien may be enforced as a chattel mortgage
2 lien under the provisions of chapter six hundred fifty-two
3 (652), Code 1950, except that the notice of sale need not
4 be published but in lieu thereof may be posted in three
5 public places in the county, one of which shall be the
6 bulletin board in the corridor of the court house, and one
7 of which shall be placed where said farm crops are located.

EXPLANATION OF H. F. 385

The purpose of this bill is to create in favor of the retailer of fuel and lubricants used in the operation of farm machinery in the production of crops, the same type of lien on the crops as that granted to threshermen and cornshellers in Chapter 571. It seems plain and clear that the same reasons support this measure.