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**Statutory Agricultural Lien
Rapid Finder Chart**

State of South Dakota

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Rapid Finder Chart: Non-UCC Statutory Agricultural Liens

STATE OF SOUTH DAKOTA

| TYPE OF LIEN / CLAIMANT | LIEN CLAIMANT | ATTACHED PROPERTY | POSSESSION REQUIRED | FILING REQUIRED | DATE LIEN ATTACHES | EXPRESS STATUTORY PRIORITY |
|---|--|--|-----------------------------|--|----------------------------|---|
| LANDLORD'S INTEREST IN CROPS. S.D. CODIFIED LAWS ANN. §§ 38-17-1 TO 38-17-2 (2008). | LANDLORD WHO CONTRACTS TO RESERVE TITLE IN CROPS GROWN ON LEASED LAND | CROPS GROWING OR TO BE GROWN ON LEASED LAND | NO | YES, LEASE CONTRACT MUST BE FILED WITH THE REGISTER OF DEEDS IN THE COUNTY WHERE THE LEASED LAND IS LCCATED | NOT SPECIFIED | UNLESS FILED, THE CONTRACT CANNOT BE ENFORCED AGAINST AN INNOCENT PURCHASER OR INNOCENT HOLDER OF PERFECTED UCC SECURITY INTEREST |
| SEED SUPPLIER'S LIEN ON CROPS. S.D. CODIFIED LAWS ANN. §§ 38-17-3 TO 38-17-19, (2008). | PERSON WHO SUPPLIES OATS, BARLEY, RYE, CORN, FLAX, SUDAN, MILO, MILLET, SOYBEANS, SUNFLOWERS, OR POTATOES FOR PLANTING ON THE LANDS OF ANOTHER | CROPS GROWN FROM THE FURNISHED SEED | NO | YES, WITH THE REGISTER OF DEEDS IN THE COUNTY WHERE THE CROP IS OR WILL BE PLANTED | NOT SPECIFIED | PREFERENCE IN ORDER OF FILING AND PRIORITY OVER OTHER LIENS AND ENCUMBRANCES EXCEPT THRESHER'S LIEN |
| LIEN OF FEDERAL AGENCY FURNISHING MONEY OR SEED. S.D. CODIFIED LAWS ANN. §§ 38-17-10 TO 38-17-13, 38-17-19 (2008). | FEDERAL AGENCY FURNISHING SEED OR MONEY TO PURCHASE SEED TO ANY PERSON IN SOUTH DAKOTA FOR THE PURPOSE OF PLANTING CROPS | CROP GROWN FROM SEED FURNISHED OR SEED PURCHASED WITH LOAN MONEY | NO | YES, WITH THE REGISTER OF DEEDS IN THE COUNTY WHERE THE CROP IS OR WILL BE GROWN | DATE OF FILING | PREFERENCE IN ORDER OF FILING AND PRIOR TO ALL OTHER LIENS AND ENCUMBRANCES EXCEPT THRESHER'S LIENS |
| THRESHER'S AND PROCESSORS' LIEN ON GRAIN. S.D. CODIFIED LAWS ANN. §§ 38-17-14 TO 38-17-19 (2008). | OWNER AND OPERATOR OF A THRESHER OR OTHER MACHINE FOR HARVESTING AND PROCESSING CROPS | CROPS HARVESTED OR PROCESSED WITH THE LIEN CLAIMANT'S MACHINERY | NO | YES, WITH THE REGISTER OF DEEDS IN THE COUNTY WHERE THE CROP WAS PRODUCED AND IN THE COUNTY WHERE THE PRODUCER RESIDES, IF THE PRODUCER IS A SOUTH DAKOTA RESIDENT | DATE SERVICES ARE PROVIDED | PRIOR TO ALL OTHER LIENS AND ENCUMBRANCES AND ENFORCEABLE AGAINST AN INNOCENT PURCHASER |
| LIEN FOR CARE OF ABUSED ANIMALS. S.D. CODIFIED LAWS ANN. §§ 40-1-1 TO 40-1-5 (2008). | LAW OFFICER OR AGENT OF A HUMANE SOCIETY WHO CARES FOR ABUSED ANIMALS | ANIMAL PROVIDED WITH CARE | YES, IMPLIED BY THE STATUTE | NO | NOT SPECIFIED | NONE |

| TYPE OF LIEN / CLAIMANT | LIEN CLAIMANT | ATTACHED PROPERTY | POSSESSION REQUIRED | FILING REQUIRED | DATE LIEN ATTACHES | EXPRESS STATUTORY PRIORITY |
|--|--|---|-----------------------------|---|---------------------|--|
| LIEN FOR CARE OF IMPOUNDED OR ABANDONED ANIMAL. S.D. CODIFIED LAWS ANN. §§ 40-1-1, 40-1-2.1, 40-1-5 TO 40-1-7 (2008). | PERSON WHO FINDS AND CARES FOR AN ABANDONED OR ILLEGALLY IMPOUNDED ANIMAL | ANIMAL PROVIDED WITH CARE | YES, IMPLIED BY THE STATUTE | NO | NOT SPECIFIED | NONE |
| LIEN ON INFECTED ANIMAL. S.D. CODIFIED LAWS ANN. §§ 40-5-2 TO 40-50-6 (2008). | PERSON ENTITLED TO JUDGEMENT FOR DAMAGES SUSTAINED BECAUSE OF A DISEASED ANIMAL BROUGHT INTO THE STATE IN VIOLATION OF STATE LAW | DISEASED ANIMAL | NO | NO | NOT SPECIFIED | NONE |
| LIEN ON DISEASED SHEEP. S.D. CODIFIED LAWS ANN. §§ 40-8-16 TO 40-8-17 (2008). | SOUTH DAKOTA ANIMAL INDUSTRY BOARD | SHEEP TREATED AT THE EXPENSE OF THE ANIMAL INDUSTRY BOARD FOR CONTROL OF SHEEP SCABIES OR MANGE | NO | NO | NOT SPECIFIED | SUPERIOR TO ALL OTHER LIENS EXCEPT TAX LIENS |
| AGISTER'S LIEN. S.D. CODIFIED LAWS ANN. §§ 40-27-1 TO 40-27-3, 40-27-16 (2008). | PERSON WHO WITH THE CONSENT OF THE OWNER PROVIDES AGISTER SERVICES AND SUPPLIES TO DOMESTICATED ANIMALS | DOMESTICATED ANIMALS PROVIDED WITH AGISTER SERVICES AND SUPPLIES | YES | NO | NOT SPECIFIED | A LIEN FOR SERVICES AND SUPPLIES WHICH ARE PROVIDED AFTER HOLDERS OF PRIOR LIENS ARE GIVEN NOTICE TAKES PRIORITY |
| VETERINARIAN'S VACCINATION LIEN. S.D. CODIFIED LAWS ANN. §§ 40-27-12 TO 40-27-16 (2008). | LICENSED AND REGISTERED VETERINARIAN WHO VACCINATES LIVESTOCK AGAINST SPECIFIED DISEASES | VACCINATED LIVESTOCK | NO | YES, WITH THE REGISTER OF DEEDS OF THE COUNTY IN WHICH THE OWNER OF THE LIVESTOCK RESIDES | DATE OF VACCINATION | PRIORITY OVER ALL OTHER CONVEYANCES OR ENCUMBRANCES ON THE LIVESTOCK |
| SHERIFF'S LIEN ON TRESPASSING LIVESTOCK. S.D. CODIFIED LAWS ANN. §§ 40-28-11 TO 40-28-15 (2008). | SHERIFF WHO TAKES POSSESSION OF TRESPASSING LIVESTOCK | LIVESTOCK CARED FOR AT THE SHERIFF'S EXPENSE | YES, IMPLIED BY THE STATUTE | NO | NOT SPECIFIED | SHERIFF HAS A RIGHT TO FIRST PAYMENT FROM A SALE TO ENFORCE THE LIEN |
| LIEN ON TRESPASSING LIVESTOCK FOR DAMAGES. S.D. CODIFIED LAWS ANN. §§ 40-28-4, TO 40-28-18; 40-28-25 (2008). | PERSON ENTITLED TO JUDGEMENT FOR DAMAGES CAUSED BY TRESPASSING LIVESTOCK | TRESPASSING LIVESTOCK | AUTHORIZED BUT NOT REQUIRED | NO | NOT SPECIFIED | SUBJECT TO SHERIFF'S LIEN ON TRESPASSING LIVESTOCK |

| TYPE OF LIEN / CLAIMANT | LIEN CLAIMANT | ATTACHED PROPERTY | POSSESSION REQUIRED | FILING REQUIRED | DATE LIEN ATTACHES | EXPRESS STATUTORY PRIORITY |
|---|---|--|-----------------------------|---|--------------------|--|
| MECHANIC'S, LABORER'S AND MATERIALMEN'S LIEN ON PERSONAL PROPERTY. S.D. CODIFIED LAWS ANN. §§ 44-11-1 TO 44-11-4 (2008). | PERSON WHO PROVIDES WORK, MATERIAL, OR FACILITIES TO PERSONAL PROPERTY WITH THE CONSENT OF THE OWNER OR LAWFUL POSSESSOR OF THE PROPERTY; EXCEPT MOTOR VEHICLES | PERSONAL PROPERTY PROVIDED WITH WORK, MATERIAL OR FACILITIES | AUTHORIZED BUT NOT REQUIRED | YES, IF POSSESSION IS LOST, WITH THE REGISTER OF DEEDS IN THE COUNTY WHERE THE PROPERTY IS LOCATED OR AS REQUIRED UNDER A FEDERAL LAW OR REGULATION | NOT SPECIFIED | SUBJECT TO LIENS, MORTGAGES, AND CONDITIONAL SALES CONTRACTS FILED BEFORE THE PROPERTY CAME INTO THE POSSESSION OF THE LIEN CLAIMANT |
| LIEN FOR CARRIAGE OF PERSONAL PROPERTY. S.D. CODIFIED LAWS ANN. § 44-11-9 (2008). | PERSON WHO CARRIES PERSONAL PROPERTY FOR ANOTHER | PERSONAL PROPERTY PROVIDED WITH CARRIAGE SERVICES | YES | NO | NOT SPECIFIED | NONE |

This material is based on work supported by the U.S. Department of Agriculture under Agreement No. 59-8201-9-115. Any opinions, findings, conclusions, or recommendations expressed in this article are those of the author and do not necessarily reflect the view of the U.S. Department of Agriculture.

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