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Statutory Agricultural Lien Rapid Finder Chart: *Montana*

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Statutory Agricultural Lien Rapid Finder Chart: Montana

| TYPE OF LIEN/CLAIMANT | LIEN CLAIMANT | ATTACHED PROPERTY | POSSESSION REQUIRED | FILING REQUIRED | DATE LIEN ATTACHES | EXPRESS STATUTORY PRIORITY |
|--|---|--|---|--|--|--|
| WAREHOUSE LIEN MONT. CODE ANN. §§ 30-7-209 – 30-7-210 | WAREHOUSE | GOODS COVERED BY WAREHOUSE RECEIPT, STORAGE AGREEMENT, OR ON PROCEEDS THEREOF | YES, LIEN IS LOST IF WAREHOUSE VOLUNTARILY DELIVERS OR UNJUSTIFIABLY REFUSES TO DELIVER | ENFORCABLE BY COMMERCIAL REASONABLE SALE | THE DATE OF THE WAREHOUSE RECEIPT OR STORAGE AGREEMENT | ENFORCABLE BY COMMERCIAL REASONABLE SALE |
| CARRIER'S LIEN MONT. CODE ANN. §§ 30-7-307 – 30-7-308 | CARRIER | GOODS COVERED BY A BILL OF LADING OR ON THE PROCEEDS THEREOF | YES, LIEN IS LOST IF CARRIER VOLUNTARILY DELIVERS OR UNJUSTIFIABLY REFUSES TO DELIVER | ENFORCABLE BY COMMERCIAL REASONABLE SALE | AFTER THE DATE OF THE CARRIER'S RECEIPT OF THE GOODS FOR STORAGE OR TRANSPORTATION | ENFORCABLE BY COMMERCIAL REASONABLE SALE |
| FARM LABORER'S LIEN MONT. CODE ANN. §§ 71-3-401 – 71-3-408 | FARM OR RANCH LABORER | CROPS GROWN, RAISED, OR HARVESTED WHEN THE LABOR WAS PERFORMED, UP TO \$1000 WORTH OF CROPS OR THE VALUE OF WAGES DUE FOR 60 DAYS WORK | NO | YES, WITH THE MONTANA SECRETARY OF STATE | NOT SPECIFIED | PRIORITY OVER ALL OTHER LIENS, CHATTEL MORTGAGES, AND ENCUMBRANCES, EXCEPT SEED GRAIN AND THRESHER'S LIENS |
| CONSTRUCTION LIEN MONT. CODE ANN. §§ 71-3-515 – 71-3-564 | PERSON FURNISHING SERVICES, MATERIALS, TOOLS, OR MACHINERY UNDER REAL ESTATE IMPROVEMENT CONTRACT | REAL PROPERTY FURNISHED SERVICES, MATERIALS, TOOLS, OR MACHINERY | NO | YES, A NOTICE OF THE RIGHT TO CLAIM A LIEN WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY WHERE THE IMPROVED REAL ESTATE IS LOCATED; MUST FILE NO LATER THAN 90 DAYS AFTER: (A) FINAL DATE OF FURNISHING SERVICES OR MATERIALS; OR (B) OWNER FILES A NOTICE OF COMPLETION PURSUANT TO MONT. CODE ANN. § 71-3-533 | DATE THE NOTICE OF THE RIGHT TO CLAIM A LIEN IS FILED | CONSTRUCTION LIENS HAVE EQUAL PRIORITY AMONG CONSTRUCTION LIEN CLAIMANTS, REGARDLESS OF THE DATE ON WHICH EACH LIEN CLAIMANT FIRST CONTRIBUTED OR WHICH CLAIMANT FIRST FILED NOTICE; CONSTRUCTION LIENS ATTACHING AT DIFFERENT TIMES HAVE PRIORITY IN THE ORDER OF ATTACHMENT SUBSEQUENT TO LIENS OR MORTGAGES THAT FILE PRIOR TO THE CONSTRUCTION LIEN |



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| LOGGER'S LIEN MONT. CODE ANN. §§ 71-3-601 – 71-3-616 | PERSON OR BUSINESS ENTITY WORKING ON OR ASSISTING IN OBTAINING TIMBER OR LUMBER | TIMBER OR LUMBER OWNED BY THE PERSON FOR WHOM SERVICES WERE PERFORMED AT THE TIME THE LIEN IS FILED, UP TO THE VALUE OF SERVICES PROVIDED 3 MONTHS BEFORE THE LIEN IS FILED | NO | YES, WITH THE CLERK OF THE COUNTY WHERE THE TIMBER WAS CUT OR MANUFACTURED | DATE THE LIEN IS FILED | SUPERIOR TO ALL OTHER LIENS EXCEPT OTHER LOGGER'S LIENS ARISING FROM CLAIMS FOR WORK ON SPECIFIED LOGS |
| STUMPAGE LIEN MONT. CODE ANN. §§ 71-3-601 – 71-3-616 | OWNER OF TIMBERLAND WHO ALLOWS ANOTHER PERSON ONTO THE LAND TO CUT TIMBER | TIMBER TAKEN FROM THE TIMBERLAND, UP TO THE VALUE OF THE PRIVILEGE EXERCISED IN THE 3 MONTHS BEFORE THE LIEN IS FILED | NO | YES, WITH THE CLERK OF THE COUNTY IN WHICH THE TIMBER WAS CUT | NOT SPECIFIED | SUBJECT TO LOGGER'S LIENS |
| SEED OR GRAIN LIEN MONT. CODE ANN. §§ 71-3-701 – 71-3-705 | PERSON OR BUSINESS ENTITY FURNISHING SEED OR GRAINS, OR THE FUNDS FOR SEED OR GRAIN, TO ANOTHER | CROPS AND SEED OR GRAIN THRESHED FROM THE CROPS | NO | YES, WITH THE MONTANA SECRETARY OF STATE | NOT SPECIFIED | SUPERIOR TO ALL OTHER LIENS AND ENCUMBRANCES |
| HAIL INSURANCE LIEN MONT. CODE ANN. §§ 71-3-711 – 71-3-713 | PERSON OR BUSINESS ENTITY FURNISHING HAIL INSURANCE | CROPS AND SEED OR GRAIN THRESHED FROM THE CROPS WHICH ARE PRODUCED ON THE LAND PROTECTED BY THE HAIL INSURANCE | NO | YES, WITH THE MONTANA SECRETARY OF STATE | NOT SPECIFIED | SUBJECT TO PRIOR AND SUBSEQUENTLY RECORDED SEED LIENS |
| THRESHER'S LIEN MONT. CODE ANN. §§ 71-3-801 – 71-3-810 | OWNER OR OPERATOR OF A MACHINE USED FOR HARVESTING CROPS | CROPS HARVESTED BY THE MACHINE | NO | YES, WITH THE MONTANA SECRETARY OF STATE | NOT SPECIFIED | PRIORITY OVER ANY MORTGAGE, ENCUMBRANCE, OR LIEN, EXCEPT FOR SEED LIENS |
| SPRAYING LIEN MONT. CODE ANN. §§ 71-3-901 – 71-3-909 | PERSON OR BUSINESS ENTITY PERFORMING SPRAYING OR DUSTING SERVICES | CROPS OR GRAIN SPRAYED OR DUSTED FOR PURPOSE OF PEST CONTROL OR FERTILIZATION | NO | YES, WITH THE MONTANA SECRETARY OF STATE | NOT SPECIFIED | PRIORITY OVER ALL MORTGAGES, ENCUMBRANCES, AND LIENS, EXCEPT SEED, HAIL INSURANCE, THRESHING, LABOR, AND WAREHOUSE LIENS |



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| AGISTER'S LIEN/LIEN FOR SERVICES MONT. CODE ANN. §§ 71-3-1201 – 71-3-1204 | PERSON WHO PROVIDES CARE OR FEED FOR LIVESTOCK PERSON WHO RENDERS SERVICES TO ARTICLE OF PERSONAL PROPERTY REPRODUCTIVE TECHNOLOGY BUSINESS | LIVESTOCK FED OR CARED FOR PERSONAL PROPERTY PROVIDED WITH SERVICES EMBRYOS OR SEMEN COLLECTED, PROCESSED, PACKAGED OR STORED | YES | NO | NOT SPECIFIED | SUBJECT TO PRIOR PERFECTED UCC SECURITY INTERESTS AND LIENS, IF NO NOTICE OF THE AGISTER'S LIEN IS GIVEN |
| LIEN ON LIVESTOCK TRESPASSING IN STATE GRAZING DISTRICT MONT. CODE ANN. §§ 76-16-311 – 76-16-318 | STATE GRAZING DISTRICT | LIVESTOCK TRESPASSING IN A STATE GRAZING DISTRICT | YES | NO | NOT SPECIFIED | NONE |
| AGRICULTURAL PRODUCER'S LIEN MONT. CODE ANN. § 80-4-420 | HOLDERS OF OUTSTANDING WAREHOUSE RECEIPTS, PURCHASE CONTRACTS, SCALE WEIGH TICKETS, OR OTHER EVIDENCE OF STORAGE OR SALE | AGRICULTURAL COMMODITIES ON THE PREMISES OF A PUBLIC WAREHOUSE OPERATOR OR COMMODITY DEALER | NO | NO | NOT SPECIFIED | PREFERRED TO ANY LIEN OR SECURITY INTEREST OF A CREDITOR OF THE WAREHOUSE OPERATOR OR COMMODITY DEALER WITHOUT REGARD TO FILING TIME |
| CROP LIEN FOR HAIL INSURANCE MONT. CODE ANN. §§ 80-2-207; 80-2-227 | MONTANA'S DEPARTMENT OF AGRICULTURE | CROPS GROWN BY PERSON OBTAINING HAIL INSURANCE OR HAS NOT PAID HAIL INSURANCE FEE | NO | YES, WITH THE MONTANA SECRETARY OF STATE | DATE THE LIEN IS FILED | PRIOR TO ALL OTHER LIENS EXCEPT FOR SEED LIENS PURSUANT TO MONT. CODE ANN. § 80-2-227 |
| LIEN FOR UNPAID HAIL INSURANCE FEE MONT. CODE ANN. § 80-2-225 | MONTANA'S DEPARTMENT OF AGRICULTURE | REAL ESTATE OF INSURED LANDOWNER | NO | NOT SPECIFIED | NOT SPECIFIED | NOT SPECIFIED |
| LIEN FOR UNPAID ASSESSMENT UNDER CROPLAND SPRAYING PROGRAM MONT. CODE ANN. § 80-7-505 | COUNTY TREASURER WITHIN THE BOUNDARIES OF PROGRAM | REAL PROPERTY OF THE CROPLAND OWNER WITHIN THE BOUNDARIES OF THE PROGRAM | NO | NO, BUT THE COUNTY TREASURER MUST MAIL A SPECIAL ASSESSMENT NOTICE TO THE LANDOWNER OR LAND OCCUPIER | THIRTY-TWO DAYS AFTER THE SPECIAL ASSESSMENT WAS MAILED OR THIRTY DAYS OF RECEIPT | NOT SPECIFIED |



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| LIEN FOR UNPAID COMMODITY ASSESSMENT MONT. CODE ANN. §§ 80-11-515 – 80-1-516 | MONTANA'S DEPARTMENT OF AGRICULTURE | ASSETS OF PURCHASER OR LENDER WHO FAILS TO PAY ASSESSMENT | NO | NOT SPECIFIED | SIXTY DAYS AFTER PURCHASER OR LENDER FILED COMMODITY TRANSACTION FORM WITH MONTANA'S DEPARTMENT OF AGRICULTURE | NONE |
| LIVESTOCK TREATMENT LIEN MONT. CODE ANN. § 81-2-109 | MONTANA DEPARTMENT OF LIVESTOCK | LIVESTOCK INVESTIGATED OR TREATED BY THE DEPARTMENT BECAUSE OF VIOLATION OF DISEASE CONTROL LAWS OR RULES | NO | NO | NOT SPECIFIED | NONE |
| LIEN FOR QUARANTINING ILLEGALLY ENTERED ANIMALS, SEMEN, OR BIOLOGICS MONT. CODE ANN. §§ 81-2-704 – 81-2-705 | MONTANA'S DEPARTMENT OF AGRICULTURE | ANIMALS, SEMEN, OR BIOLOGICS ILLEGALLY ENTERING THE STATE OF MONTANA | YES | IF FORECLOSING THE LIEN BY PUBLIC AUCTION, DEPARTMENT MUST POST NOTICE TEN DAYS PRIOR TO THE SALE AT THREE PUBLIC PLACES IN THE COUNTY IF FORECLOSING THE LIEN BY RECOVERING FROM THE ANIMAL OWNER, DEPARTMENT MUST FILE ACTION IN A COURT THAT HAS JURISDICTION | THE DATE OF THE DEPARTMENT TAKING POSSESSION OF THE ANIMAL, SEMEN, OR BIOLOGICS FOR QUARANTINE | NOT SPECIFIED |
| LIEN ON LIVESTOCK TRESPASSING IN A HERD DISTRICT MONT. CODE ANN. § 81-4-307 | LANDOWNER IN A MONTANA HERD DISTRICT | LIVESTOCK THAT CAUSE DAMAGE WHILE TRESPASSING | NO | NO | NOT SPECIFIED | NONE |
| LIEN ON HORSES TRESPASSING IN A HORSE HERD DISTRICT MONT. CODE ANN. §§ 81-4-326 – 81-4-327 | LANDOWNER IN A MONTANA HORSE HERD DISTRICT | HORSES THAT CAUSE DAMAGE WHILE TRESPASSING | YES | NO | NOT SPECIFIED | NONE SPECIFIED |



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|--|--|--|---------------------|--|---|---|
| LIEN FOR LICENSE FEE ON SHEEP ONE YEAR OF AGE OR OLDER MONT. CODE ANN. § 81-7-303 | COUNTY TREASURER IN THE COUNTY WHERE LICENSE FEE IS IMPOSED; BOARD OF COUNTY COMMISSIONERS | REAL AND PERSONAL PROPERTY OF THE LICENSEE | NO | MUST NAME THE LICENSEE UPON THE ASSESSMENT RECORD OF THE COUNTY BY THE DEPARTMENT OF REVENUE | THE REGULAR ASSESSMENT DATE OF EACH YEAR | NOT SPECIFIED |
| LIEN FOR LICENSE FEE ON CATTLE NINE MONTHS OF AGE OR OLDER MONT. CODE ANN. § 81-7-603 | COUNTY TREASURER IN THE COUNTY WHERE LICENSE FEE IS IMPOSED; BOARD OF COUNTY COMMISSIONERS | REAL AND PERSONAL PROPERTY OF THE LICENSEE | NO | MUST NAME THE LICENSEE UPON THE ASSESSMENT RECORD OF THE COUNTY BY THE DEPARTMENT OF REVENUE | THE REGULAR ASSESSMENT DATE OF EACH YEAR | NOT SPECIFIED |
| LIEN FOR IRRIGATION DISTRICT ASSESSMENT MONT. CODE ANN. §§ 85-7-2108 | STATE OF MONTANA | REAL PROPERTY WITHIN THE IRRIGATION DISTRICT | NO | NOT SPECIFIED | JANUARY 1 IN THE YEAR IN WHICH THE ASSESSMENT IS LEVIED | PRIOR LIEN TO OTHER LIENS ON THE REAL PROPERTY ASSESSED |

