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Statutory Agricultural Lien Rapid Finder Chart: *South Dakota*

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TYPE OF LIEN/CLAIMANT	LIEN CLAIMANT	ATTACHED PROPERTY	POSSESSION REQUIRED	FILING REQUIRED	DATE LIEN ATTACHES	EXPRESS STATUTORY PRIORITY
LIEN FOR COSTS OF CLEANING UP DISCHARGE OF LIVESTOCK OPERATION S.D. CODIFIED LAWS § 34A-2B-10	DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES	PROPERTY WHERE UNLAWFUL DISCHARGE OF MANURE, MATERIAL, OR WASTE OF A LIVESTOCK OPERATION OCCURS	NO	YES, NOTICE OF LIEN MUST BE FILED WITH THE REGISTER OF DEEDS IN THE COUNTY WHERE THE PROPERTY IS LOCATED	WHEN THE NOTICE IS FILED	SUPERIOR TO ALL OTHER CLAIMS OR LIENS ON THE PROPERTY EXCEPT THOSE PERFECTED BEFORE THE DEPARTMENT'S FILING OF THE LIEN NOTICE
LANDLORD'S INTEREST IN CROPS S.D. CODIFIED LAWS §§ 38-17-1 – 38-17-2	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 LOCATED	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 §§ 38-17-3 – 38-17-19	PERSON WHO SUPPLIES CROP SEEDS, AND OTHER KINDS OF CROP SEED COMMONLY RECOGNIZED WITHIN THIS STATE AS AGRICULTURAL SEED, AND COMBINATIONS OF SUCH SEED FOR PLANTING ON THE LANDS OF ANOTHER	CROPS PRODUCED FROM THE FURNISHED SEED	NO	YES, WITH THE REGISTER OF DEEDS IN THE COUNTY WHERE THE CROP IS OR WILL BE PLANTED WITH THE SPECIFIC DETAILS LISTED IN § 38-17-5	NOT SPECIFIED	PREFERENCE IN ORDER OF FILING AND PRIORITY OVER OTHER LIENS AND ENCUMBRANCES EXCEPT THRESHERS' OR PROCESSORS' LIEN
LIEN OF FEDERAL AGENCY FURNISHING SEED OR MONEY S.D. CODIFIED LAWS §§ 38-17-10 – 38-17-13; 38-17-19	FEDERAL AGENCY FURNISHING SEED OR MONEY TO PURCHASE SEED TO ANY PERSON IN SOUTH DAKOTA FOR THE PURPOSE OF SOWING OR PLANTING CROPS	CROP GROWN FROM SEED FURNISHED OR PURCHASED WITH LOAN MONEY	NO	YES, WITH THE REGISTER OF DEEDS IN THE COUNTY WHERE THE CROP IS OR WILL BE GROWN WITH THE SPECIFIC DETAILS LISTED IN § 38-17-11	NOT SPECIFIED	PREFERENCE IN ORDER OF FILING AND PRIOR TO ALL OTHER LIENS AND ENCUMBRANCES EXCEPT THRESHERS' OR PROCESSORS' LIEN



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THRESHERS' AND PROCESSORS' LIEN ON GRAIN S.D. CODIFIED LAWS §§ 38-17-14 – 38-17-19	ANY PERSON OWNING AND OPERATING FARM MACHINERY	ALL GRAIN THRESHED OR COMBINED, CORN SHELLED, HUSKED OR SHREDDED, SILAGE CUT, SEEDS HULLED, OR AGRICULTURAL PRODUCTS BALED, MOWED, GROUND, RAKED OR PULVERIZED	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 WEED AND PEST CONTROL S.D. CODIFIED LAWS §§ 38-22-17 – 38-22-21	SOUTH DAKOTA SECRETARY OF AGRICULTURE	REAL PROPERTY WHERE COSTS INCURRED FOR CONTROLLING OR SUPPRESSING NOXIOUS WEEDS AND PESTS	NO	NO, BUT THE SECRETARY OF AGRICULTURE MUST CERTIFY TO THE COUNTY AUDITOR THE EXPENSES FOR PROTECTIVE OPERATIONS	FIRST DAY OF NOVEMBER IN THE YEAR IN WHICH THE SECRETARY OF AGRICULTURE'S PROTECTIVE OPERATIONS ARE PERFORMED	IF NOT PAID ON OR BEFORE THE FIRST DAY OF NOVEMBER FOLLOWING THE PROTECTIVE OPERATIONS, THE LIEN WILL BE EQUAL TO AND COLLECTED AS OTHER TAXES ON THE REAL PROPERTY
ASSESSMENT FOR COSTS OF CONTROLLING PEST-INFESTED PLANTS S.D. CODIFIED LAWS § 38-24A-12.1	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE	REAL PROPERTY PROVIDED WITH PEST CONTROL SERVICES	NO	DEPARTMENT OF AGRICULTURE MUST CERTIFY ITEMIZED ACCOUNT OF EXPENSES INCURRED TO THE COUNTY AUDITOR OF THE COUNTY WHERE THE PROPERTY IS LOCATED	NOT SPECIFIED	NOT APPLICABLE UNLESS A TAX LIEN IS CREATED
LIEN FOR CARE OF ABUSED ANIMALS S.D. CODIFIED LAWS §§ 40-1-1 – 40-1-5	LAW ENFORCEMENT OFFICER, BOARD AGENT, OR AGENT OF A HUMANE SOCIETY WHO CARES FOR ABUSED ANIMALS	ANIMAL PROVIDED WITH CARE	YES, IMPLIED BY THE STATUTE	NO	NOT SPECIFIED	NONE
AGISTER'S LIEN S.D. CODIFIED LAWS §§ 40-27-1 – 40-27-3; 40-27-16	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



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VETERINARIAN'S VACCINATION LIEN S.D. CODIFIED LAWS §§ 40-27-12 – 40-27-16	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 IF FILED WITHIN TWENTY DAYS FROM THE DAY ON WHICH THE VACCINATION WAS GIVEN
LIEN ON TRESPASSING LIVESTOCK FOR DAMAGES S.D. CODIFIED LAWS §§ 40-28-4 – 40-28-18; 40-28-25	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
SHERIFF'S LIEN ON TRESPASSING LIVESTOCK S.D. CODIFIED LAWS §§ 40-28-11 – 40-28-15	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
MECHANIC'S AND MATERIALMEN'S LIENS S.D. CODIFIED LAWS §§ 44-9-1 – 44-9-53	PERSONS FURNISHING SKILL, LABOR, SERVICES, OR MATERIALS FOR IMPROVEMENT ON REAL PROPERTY	REAL PROPERTY IMPROVED UPON AND THE IMPROVEMENT, DEVELOPMENT, OR OPERATION UPON THE REAL PROPERTY	NO	LIEN STATEMENT MUST BE FILED WITH THE REGISTER OF DEEDS OF THE COUNTY IN WHICH THE IMPROVED PREMISES ARE LOCATED WITHIN ONE HUNDRED TWENTY DAYS AFTER DOING THE LAST WORK OR FURNISHING THE LAST ITEM OF SKILL, SERVICES, MATERIALS OR MACHINERY	WHEN FIRST ITEM OF MATERIAL OR LABOR IS FURNISHED UPON THE PREMISES BY THE LIEN CLAIMANT	PRIOR AND SUPERIOR TO ALL OTHER LIENS EXCEPT THOSE OF THE STATE OR UNITED STATES GOVERNMENTS SUBORDINATE TO EXISTING LIENS, MORTGAGES OR OTHER ENCUMBRANCES OF RECORD OR OF WHICH THE LIEN CLAIMANT HAS ACTUAL NOTICE WHEN THE LIEN IS CREATED



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MECHANIC'S, LABORER'S AND MATERIALMEN'S LIEN ON PERSONAL PROPERTY S.D. CODIFIED LAWS §§ 44-11-1 – 44-11-4	PERSON WHO PROVIDES SERVICES, SKILL, LABOR, MATERIALS, PARTS, ACCESSORIES, SUPPLIES OR FACILITIES FOR THE ALTERATION, REPAIR, REPLACEMENT OF PARTS, STORAGE, KEEPING, MAINTENANCE, OR PRESERVATION OF ANY PERSONAL PROPERTY; EXCEPT MOTOR VEHICLES	PERSONAL PROPERTY PROVIDED WITH SERVICES, SKILL, LABOR, MATERIALS, PARTS, ACCESSORIES, SUPPLIES 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, AND WITH THE OFFICE OF THE REGISTER OF DEEDS WITHIN ONE HUNDRED TWENTY DAYS OF THE LOSS OR SURRENDER OF POSSESSION	NOT SPECIFIED	SUBJECT TO LIENS, MORTGAGES, AND CONDITIONAL SALES CONTRACTS FILED BEFORE THE PROPERTY CAME INTO THE POSSESSION OF THE LIEN CLAIMANT SUBJECT TO RIGHT OF PURCHASER OR ENCUMBRANCER IN GOOD FAITH WHO DOES NOT HAVE NOTICE OF THE LIEN
LIEN FOR CARRIAGE OF PERSONAL PROPERTY S.D. CODIFIED LAWS § 44-11-9	PERSON WHO CARRIES PERSONAL PROPERTY FOR ANOTHER	PERSONAL PROPERTY PROVIDED WITH CARRIAGE SERVICES	YES	NO	NOT SPECIFIED	NONE
WAREHOUSE LIEN S.D. CODIFIED LAWS §§ 57A-7-209 – 57A-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 COMMERCIALY REASONABLE SALE	THE DATE OF THE WAREHOUSE RECEIPT OR STORAGE AGREEMENT	ENFORCABLE BY COMMERCIALY REASONABLE SALE
CARRIER'S LIEN S.D. CODIFIED LAWS §§ 57A-7-307 – 57A-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 COMMERCIALY REASONABLE SALE	AFTER THE DATE OF THE CARRIER'S RECEIPT OF THE GOODS FOR STORAGE OR TRANSPORTATION	ENFORCABLE BY COMMERCIALY REASONABLE SALE
LIEN FOR UNPAID WAGES OF EMPLOYEE S.D. CODIFIED LAWS § 60-11-18	DEPARTMENT OF LABOR AND REGULATION	PROPERTY OF EMPLOYER	NO	NOT SPECIFIED WHEN THERE IS NO CAUSE OF ACTION	NOT SPECIFIED	NONE

