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Statutory Agricultural Lien Rapid Finder Chart: *Virginia*

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* The statutes are current through the 2020 Regular Session of the Virginia General Assembly



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

Statutory Agricultural Lien Rapid Finder Chart: Virginia

| TYPE OF LIEN/CLAIMANT | LIEN CLAIMANT | ATTACHED PROPERTY | POSSESSION REQUIRED | FILING REQUIRED | DATE LIEN ATTACHES | EXPRESS STATUTORY PRIORITY |
|--|---|--|-----------------------------|---|---|---|
| LIEN FOR PENALTIES FROM POLLUTING STATE WATERS VA. CODE ANN. § 3.2-407 | COMMONWEALTH OF VIRGINIA | THE ESTATE OF THE PERSON WHOSE AGRICULTURAL ACTIVITY POLLUTED STATE WATERS | NO | YES, THE COMMISSIONER OF AGRICULTURE TRANSMITS THE TRUE COPY OF ORDER DETAILING THE CIVIL PENALTY TO THE CLERK OF THE CIRCUIT COURT IN THE COUNTY WHERE THE PERSON OWNING THE PENALTY HOLDS AN ESTATE | NOT SPECIFIED | NO |
| VETERINARIAN'S LIEN VA. CODE ANN. § 3.2-6520 | VETERINARIAN OR BOARDING ESTABLISHMENT | ANIMAL LEFT WITH VETERINARIAN OR BOARDING HOUSE | YES, IMPLIED BY THE STATUTE | NO, BUT POSSESSOR MUST PROVIDE THE ANIMAL'S OWNER WITH FOURTEEN DAY NOTICE BEFORE SELLING THE ANIMAL TO SATISFY THE LIEN | NOT SPECIFIED | ENFORCEABLE AT PUBLIC OR PRIVATE SALE FOR FAIR COMPENSATION OF CARE PROVIDED |
| LIEN FOR CRUELLY TREATED ANIMAL VA. CODE ANN. §§ 3.2-6565; 3.2-6569 | ANIMAL CONTROL OFFICER, HUMANE INVESTIGATOR, OR STATE VETERINARIAN'S REPRESENTATIVE WHO SEIZED THE ANIMAL | ANIMAL THAT IS TAKEN INTO CUSTODY AND CARED FOR BY THE CUSTODIAL STATE AGENT | YES, IMPLIED BY THE STATUTE | REQUIRED FILING FOR HEARING TO DETERMINE WHETHER THE ANIMAL HAS BEEN ABANDONED, CRUELLY TREATED, OR HAS NOT BEEN PROVIDED ADEQUATE CARE, WITHIN TEN BUSINESS DAYS FROM DATE ANIMAL WAS SEIZED | NOT SPECIFIED | ENFORCEABLE BY REASONABLE SALE TO COVER COSTS OF THE SALE AND CARE PROVIDED TO THE ANIMAL |
| LANDLORD'S LIEN FOR RENT (AGRICULTURAL PROVISIONS) VA. CODE ANN. § 8.01-130.1 | LANDLORD WHO LEASES PREMISES FOR AGRICULTURAL OR FARMING PURPOSES | GOODS BROUGHT ONTO THE LEASED PREMISES BY THE TENANT | NO | NO | DATE GOODS ARE BROUGHT ONTO THE LEASED PREMISES | SUBJECT TO LIENS EXISTING AT THE TIME THE GOODS ARE BROUGHT ONTO THE LEASED PREMISES |



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| WAREHOUSEMAN LIEN VA. CODE ANN. §§ 8.7-209 – 8.7-210 | WAREHOUSEMAN | GOODS COVERED BY A WAREHOUSE RECEIPT OR STORAGE AGREEMENT OR 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 VA. CODE ANN. §§ 8.7-307 – 8.7-308 | 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 OF MUNICIPAL CORPORATION FOR ABATEMENT OF NUISANCES VA. CODE ANN. § 15.2-1115 | MUNICIPAL CORPORATION THAT INCURRED COSTS TO REMOVE NUISANCE, WHICH INCLUDES NOXIOUS WEEDS | PROPERTY WHERE NUISANCE WAS ABATED OR REMOVED | NO | NO | NOT SPECIFIED | PRIORITY EQUAL TO OTHER UNPAID LOCAL REAL ESTATE TAXES |
| LABORER, MATERIALMAN, OR CONTRACTOR LIEN VA. CODE ANN. §§ 43-3 – 43-4; 43-9; 43-16; 43-23 | ALL PERSONS PERFORMING LABOR OR FURNISHING MATERIALS FOR THE CONSTRUCTION, REMOVAL, REPAIR OR IMPROVEMENT OF ANY BUILDING OR STRUCTURE | THE BUILDING OR STRUCTURE, AND THE LAND THAT WAS FURNISHED WITH LABOR OR MATERIALS | NO | YES, MUST FILE A MEMORANDUM OF LIEN WITH THE CLERK'S OFFICE IN THE COUNTY OR CITY WHERE THE BUILDING OR STRUCTURE IS LOCATED; MUST FILED THIS MEMORANDUM NO LATER THAN NINETY DAYS FROM THE LAST DAY OF THE MONTH IN WHICH LABOR OR MATERIALS WERE FURNISHED | WHEN CONTRACT HAS BEEN ENTERED INTO AND WORK IS DONE WHICH ADDS VALUE TO THE PROPERTY | SUBORDINATE TO LIENS OF A SUBCONTRACTOR LIENS FILED BY PERSONS PERFORMING MANUAL LABOR HAVE PRIORITY OVER MATERIALMEN TO THE EXTENT OF THE LABOR PERFORMED DURING THE THIRTY DAYS IMMEDIATELY PRECEDING THE DATE OF THE PERFORMANCE OF THE LAST LABOR |



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|---|--|--|--|--|---|--|
| SUBCONTRACTOR LIEN VA. CODE ANN. §§ 43-3; 43-7; 43-23 | SUBCONTRACTOR WHO PERFORMS LABOR OR SUPPLIES MATERIALS TO CONTRACTOR | THE BUILDING OR STRUCTURE, AND THE LAND THAT WAS FURNISHED WITH THE LABOR OR MATERIALS | NO | YES, MUST FILE A MEMORANDUM OF LIEN WITH THE CLERK'S OFFICE IN THE COUNTY OR CITY WHERE THE BUILDING OR STRUCTURE IS LOCATED; MUST FILED THIS MEMORANDUM NO LATER THAN NINETY DAYS FROM THE LAST DAY OF THE MONTH IN WHICH LABOR OR MATERIALS WERE FURNISHED | WHEN THE LABOR OR MATERIALS ARE FURNISHED | SUPERIOR TO LIEN OF GENERAL CONTRACTOR SUBORDINATE TO LIENS FILED BY PERSONS PERFORMING LABOR OR FURNISHING MATERIALS FOR THE SUBCONTRACTOR |
| LIENS OF LANDLORDS AND FARMERS FOR ADVANCES TO TENANTS AND LABORERS VA. CODE ANN. §§ 43-29 – 43-30 | AGRICULTURAL LANDLORDS WHO MAKE ADVANCES TO TENANTS AGRICULTURISTS WHO MAKE ADVANCES TO FARM LABORERS | CROPS OR LIVESTOCK GROWN OR FED ON THE RENTED PREMISES DURING THE YEAR IN WHICH ADVANCES ARE PROVIDED TO THE TENANT OR LABORER | NO | YES, WITH THE SHERIFF OF THE COUNTY IN WHICH THE LAND IS LOCATED, IF A LIEN STATEMENT IS REQUESTED BY THE SHERIFF OR OTHER INTERESTED PARTY | NOT SPECIFIED | PRIOR TO ALL OTHER LIENS ON THE CROPS OR LIVESTOCK |
| LIENS OF KEEPERS OF ANIMALS VA. CODE ANN. §§ 43-32; 43-34 | LIVERY STABLE KEEPERS OR PERSONS WHO PASTURE OR KEEP ANIMALS | ANIMALS, HARNESS AND VEHICLES | YES, IMPLIED BY THE STATUTE | NO | NOT SPECIFIED | NONE |
| MECHANIC'S LIEN VA. CODE ANN. §§ 43-33 – 43-34 | MECHANIC WHO ALTERS OR REPAIRS ANY ARTICLE OF PERSONAL PROPERTY AT THE OWNER'S REQUEST | THE PERSONAL PROPERTY ALTERED OR REPAIRED | NOT REQUIRED, BUT MECHANIC MAY RETAIN POSSESSION OF THE PERSONAL PROPERTY UNTIL THE CHARGES ARE PAID | NO | NOT SPECIFIED | NONE |
| LIEN ON OFFSPRING OF STALLION OR JACKASS VA. CODE ANN. §§ 43-41 – 43-42 | OWNER OF A STALLION OR JACKASS | OFFSPRING OF THE STALLION OR JACKASS | NO | YES, WITH THE CLERK OF THE CIRCUIT COURT OF THE COUNTY IN WHICH THE OFFSPRING WAS BORN | DATE THE LIEN IS FILED | NOT SPECIFIED |



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| <p>LIEN ON OFFSPRING OF BULL</p> <p>VA. CODE ANN. § 43-43</p> | <p>OWNER OF A BULL</p> | <p>THE GET OF THE BULL</p> | <p>NO</p> | <p>NOT REQUIRED, BUT IF THE OWNER OF THE BULL WANTS THE LIEN TO BE ENFORCEABLE AGAINST AN INNOCENT PURCHASER, MUST FILE WITH THE CLERK OF THE CIRCUIT COURT OF THE COUNTY IN WHICH THE OFFSPRING WAS BORN</p> | <p>DATE OF THE BIRTH OF THE BULL'S GET</p> | <p>NOT SPECIFIED</p> |
| <p>LIEN FOR FARM PRODUCTS CONSIGNED TO COMMISSION MERCHANTS</p> <p>VA. CODE ANN. § 43-62</p> | <p>CONSIGNOR OR OWNER OF FARM PRODUCTS CONSIGNED TO A COMMISSION MERCHANT FOR SALE</p> | <p>ESTATE OF THE COMMISSION MERCHANT UPON DEATH OR INSOLVENCY</p> | <p>NO</p> | <p>NO</p> | <p>NOT SPECIFIED</p> | <p>SUBJECT TO LIENS CREATED AGAINST THE ESTATE THAT ARE RECORDED PRIOR TO THE DEATH OR INSOLVENCY OF THE COMMISSION MERCHANT</p> |

