



# The National Agricultural Law Center

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## Statutory Agricultural Lien Rapid Finder Chart: *West Virginia*

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# A National Agricultural Law Center Research Publication

## Statutory Agricultural Lien Rapid Finder Chart: West Virginia

TYPE OF LIEN/CLAIMANT	LIEN CLAIMANT	ATTACHED PROPERTY	POSSESSION REQUIRED	FILING REQUIRED	DATE LIEN ATTACHES	EXPRESS STATUTORY PRIORITY
<b>LIEN FOR CRUEL TREATMENT OF ANIMAL IN VEHICLE</b> <b>W. VA. CODE § 7-10-3</b>	OFFICER WHO TOOK POSSESSION OF AND CARED FOR ANIMALS	ANY CRUELLY TREATED ANIMAL AND THE VEHICLE AND ITS CONTENTS	NO IF PERSON DRIVING VEHICLE IS NOT OWNER, THEN OFFICER CARES FOR THE VEHICLE AND ANIMAL(S) UNTIL OWNER TAKES POSSESSION  YES IF OWNER IS DRIVER UNTIL OWNER IS EITHER ACQUITTED AFTER BEING TRIED FOR OFFENSE, OR, IF CONVICTED, POSTS BOND	NOT SPECIFIED	NOT SPECIFIED	NOT SPECIFIED
<b>LIEN FOR SELLING CONTAMINATED MEAT OR POULTRY PRODUCTS</b> <b>W. VA. CODE § 19-2B-11</b>	STATE OF WEST VIRGINIA	ALL REAL AND PERSONAL PROPERTY OF PERSON	NO	YES, WITH THE OFFICE OF THE COUNTY CLERK IN THE COUNTY WHERE THE VIOLATION OCCURRED	NOT SPECIFIED	NONE
<b>LIEN AGAINST UNLICENSED AUCTIONEER</b> <b>W. VA. CODE § 19-2C-8</b>	STATE OF WEST VIRGINIA	ALL REAL AND PERSONAL PROPERTY OF THE PERSON VIOLATING THE STATUTE	NO	YES, WITH THE COUNTY CLERK WHERE ATTACHED PROPERTY IS LOCATED	UPON PROPER ENTRY AND DOCKETING OF THE LIEN WITH THE COUNTY	NONE
<b>LIEN FOR UNPAID PENALTIES UNDER EGG MARKETING LAW</b> <b>W. VA. CODE § 19-10A-13</b>	STATE OF WEST VIRGINIA	ALL REAL AND PERSONAL PROPERTY OF THE PERSON VIOLATING THE STATUTE	NO	YES, WITH THE COUNTY CLERK WHERE ATTACHED PROPERTY IS LOCATED	UPON PROPER ENTRY AND DOCKETING OF THE LIEN WITH THE COUNTY	NONE
<b>LIEN FOR UNPAID PENALTIES UNDER LIVESTOCK DEALER'S LICENSING ACT</b> <b>W. VA. CODE § 19-10B-10</b>	STATE OF WEST VIRGINIA	PROPERTY OF THE PERSON IN VIOLATION OF THE STATUTE *	NO	YES, MUST BE PROPERLY RECORDED IN THE COUNTY WHERE THE PROPERTY IS SITUATED	UPON PROPER FILING/RECORDING OF THE LIEN WITH THE COUNTY	NONE



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LIEN FOR UNPAID PENALTIES UNDER MILK TRADE LAW W. VA. CODE § 19-11-12	STATE OF WEST VIRGINIA	ALL REAL AND PERSONAL PROPERTY OF THE PERSON VIOLATING THE STATUTE	NO	YES, WITH THE COUNTY CLERK WHERE THE PROPERTY IS LOCATED	UPON PROPER ENTRY AND DOCKETING OF THE LIEN WITH THE COUNTY	NONE
LIEN FOR UNPAID PENALTIES UNDER DAIRY PRODUCTS AND IMITATION DAIRY PRODUCTS LAW W. VA. CODE § 19-11A-13	STATE OF WEST VIRGINIA	ALL REAL AND PERSONAL PROPERTY OF THE PERSON VIOLATING THE STATUTE	NO	YES, WITH THE COUNTY CLERK WHERE THE PROPERTY IS LOCATED	UPON PROPER ENTRY AND DOCKETING OF THE LIEN WITH THE COUNTY	NONE
LIEN FOR UNPAID PENALTIES UNDER MILK AND MILK PRODUCTS LAWS W. VA. CODE § 19-11E-12	STATE OF WEST VIRGINIA	REAL AND PERSONAL PROPERTY OF THE PERSON VIOLATING THE STATUTE	NO	YES, WITH THE COUNTY CLERK WHERE THE PROPERTY IS LOCATED	UPON PROPER ENTRY AND DOCKETING OF THE LIEN WITH THE COUNTY	NONE
LIEN FOR UNPAID PENALTIES UNDER APIARY ACT W. VA. CODE § 19-13-11	STATE OF WEST VIRGINIA	PROPERTY OF THE PERSON VIOLATING THE STATUTE *	NO	YES, MUST BE PROPERLY RECORDED IN THE COUNTY WHERE THE PERSON'S PROPERTY IS LOCATED	UPON PROPER FILING/RECORDING OF THE LIEN WITH THE COUNTY	NONE
LIEN FOR UNPAID PENALTIES UNDER FEED LAW OF 1991 W. VA. CODE § 19-14-15	STATE OF WEST VIRGINIA	PROPERTY OF THE PERSON VIOLATING THE STATUTE *	NO	YES, MUST BE PROPERLY RECORDED IN THE COUNTY WHERE THE PERSON'S PROPERTY IS LOCATED	UPON PROPER FILING/RECORDING OF THE LIEN WITH THE COUNTY	NONE
LIEN FOR UNPAID PENALTIES UNDER SEED LAW W. VA. CODE § 19-16-8	STATE OF WEST VIRGINIA	PROPERTY OF THE PERSON VIOLATING THE STATUTE *	NO	YES, MUST BE PROPERLY RECORDED IN THE COUNTY WHERE THE PERSON'S PROPERTY IS LOCATED	UPON PROPER FILING/RECORDING OF THE LIEN WITH THE COUNTY	NONE
LIEN FOR UNPAID PENALTIES UNDER PESTICIDE CONTROL ACT OF 1990 W. VA. CODE § 19-16A-22	STATE OF WEST VIRGINIA	PROPERTY OF THE PERSON VIOLATING THE STATUTE *	NO	YES, MUST BE PROPERLY RECORDED IN THE COUNTY WHERE THE PERSON'S PROPERTY IS LOCATED	UPON PROPER FILING/RECORDING OF THE LIEN WITH THE COUNTY	NONE



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<b>LIEN FOR UNPAID TAX LEVY ON PROPERTY BY DRAINAGE DISTRICT</b> W. VA. CODE § 19-21-11	SECRETARY OF THE DRAINAGE DISTRICT	THE ASSESSED LAND AND OTHER PROPERTY LOCATED ON THE LAND	NO	NOT SPECIFIED	IMPLIEDLY, AFTER 60 DAYS OF NONPAYMENT OF THE ASSESSED TAX	NONE
<b>LOG BOOM CORPORATION LIEN</b> W. VA. CODE § 31-3-2	CORPORATION THAT ERECTS & OPERATES LOG BOOM OR SYSTEM OF LOG BOOMS	ALL SAWLOGS AND OTHER TIMBER AND LUMBER THUS BOOMED FOR THE PAYMENT OF ALL TOLLS FOR BOOMING	NO	NO	NOT SPECIFIED	NOT SPECIFIED
<b>LIEN FOR LOGS OBSTRUCTING STREAM</b> W. VA. CODE § 31-3-6	PERSON DRIVING OR FLOATING LOGS OR LUMBER ON STREAM UNREASONABLY DELAYED BY BOOM OPERATION	LOGS OR OTHER LUMBER BLOCKING STREAM BEING NAVIGATED BY OTHER LOG DRIVERS	NO	NO	NOT SPECIFIED	NOT SPECIFIED
<b>CONTRACTOR'S LIEN</b> W. VA. CODE §§ 38-2-1; 38-2-7 – 38-2-8; 38-2-17 – 38-2-18	PERSON, FIRM OR CORPORATION THAT BUILDS, ALTERS, REMOVES OR REPAIRS ANY BUILDING OR OTHER STRUCTURE OR OTHER IMPROVEMENT APPURTENANT TO ANY SUCH BUILDING OR OTHER STRUCTURE, OR ALTERS OR IMPROVES THE REAL PROPERTY ON WHICH THE BUILDING OR IMPROVEMENT STANDS  PERSON, FIRM OR CORPORATION WHO PROVIDES SERVICES PURSUANT TO A CONTRACT FOR BUILDINGS, STRUCTURES, IMPROVEMENTS APPURTENANT TO THEM, OR TO THE REAL ESTATE WHERE LOCATED	THE BUILDING, STRUCTURE OR IMPROVEMENT ON WHICH WORK WAS DONE OR FOR WHICH SERVICES WERE PROVIDED	NO	YES, WITH THE CLERK OF THE COUNTY WHERE THE PROPERTY IS SITUATED WITHIN 100 DAYS AFTER THE COMPLETION OF THE WORK AS REQUIRED BY W. VA. CODE § 38-2-8	ATTACHES, WHEN PERFECTED BY FILING, AS OF THE DATE WHEN LABOR, MATERIAL, MACHINERY OR OTHER NECESSARY EQUIPMENT BEGAN TO BE FURNISHED	PRIORITY OVER SUBSEQUENTLY FILED LIENS; SUBORDINATE TO OTHER LIENS AS DESCRIBED IN W. VA. CODE § 38-2-18



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<b>SUBCONTRACTOR LIEN</b> <b>W. VA. CODE §§ 38-2-2; 38-2-7 – 38-2-9; 38-2-17 – 38-2-18</b>	SUBCONTRACTOR WHO PROVIDES SERVICES LIKE THOSE PREVIOUSLY DESCRIBED HEREIN WHO CONTRACTS WITH A GENERAL CONTRACTOR	THE BUILDING, STRUCTURE OR IMPROVEMENT ON WHICH WORK WAS DONE OR FOR WHICH SERVICES WERE PROVIDED	NO	YES, NOTICE OF LIEN MUST BE FILED WITH THE CLERK OF THE COUNTY WHERE THE PROPERTY IS SITUATED WITHIN 100 DAYS AFTER THE COMPLETION OF THE WORK AS REQUIRED BY W. VA. CODE § 38-2-9	ATTACHES, WHEN PERFECTED BY FILING, AS OF THE DATE WHEN LABOR, MATERIAL, MACHINERY OR OTHER NECESSARY EQUIPMENT BEGAN TO BE FURNISHED	PRIORITY OVER SUBSEQUENTLY FILED LIENS AND OVER LIENS OF CONTRACTORS INDEBTED TO SUBCONTRACTOR
<b>MATERIALMEN'S LIEN</b> <b>W. VA. CODE §§ 38-2-3 – 38-2-4; 38-2-10 – 38-2-11; 38-2-17 – 38-2-18</b>	PERSON, FIRM OR CORPORATION WHICH FURNISHES SUPPLIES TO OWNER, CONTRACTOR, OR SUBCONTRACTOR	THE BUILDING, STRUCTURE OR OTHER IMPROVEMENT ON WHICH WORK WAS DONE OR FOR WHICH SERVICES WERE PROVIDED	NO	YES, NOTICE OF LIEN MUST BE FILED WITH THE CLERK OF THE COUNTY WHERE THE PROPERTY IS SITUATED WITHIN 100 DAYS AFTER THE SUPPLIES ARE FURNISHED OR THE WORK OR SERVICES PROVIDED ARE COMPLETED AS REQUIRED BY W. VA. CODE § 38-2-10 OR § 38-2-11	ATTACHES AS OF THE DATE WHEN LABOR, MATERIAL, MACHINERY OR OTHER NECESSARY EQUIPMENT BEGAN TO BE FURNISHED  IF SUPPLIES ARE FURNISHED TO A CONTRACTOR OR SUBCONTRACTOR, THEN A LIEN ATTACHES BY VIRTUE OF A CONTRACT BETWEEN THE PARTIES	PRIORITY OVER SUBSEQUENTLY FILED LIENS; SUPERSEDES LIENS FILED BY CONTRACTORS OR SUBCONTRACTORS INDEBTED TO MATERIALMAN PURSUANT TO CONTRACT BETWEEN THE PARTIES
<b>MECHANIC OR LABORER LIEN</b> <b>W. VA. CODE §§ 38-2-5 – 38-2-6; 38-2-7; 38-2-12 – 38-2-13; 38-2-17 – 38-2-18</b>	WORKMAN, ARTISAN, MECHANIC, LABORER OR OTHER PERSON WHO PERFORMS ANY WORK OR LABOR OR PROVIDES ANY SERVICE IN THE ERECTION, CONSTRUCTION, REPAIR OR REMOVAL OF ANY BUILDING OR OTHER STRUCTURE OR IMPROVEMENT APPURTENANT THERETO; OR ANY SUCH PERSON WHO ALTERS OR IMPROVES THE REAL PROPERTY WHERE ANY SUCH BUILDING, STRUCTURE, OR IMPROVEMENT IS LOCATED, OR TO WHICH SUCH BUILDING, STRUCTURE OR IMPROVEMENT HAS BEEN REMOVED	THE BUILDING, STRUCTURE OR OTHER IMPROVEMENT ON WHICH WORK WAS DONE OR FOR WHICH SERVICES WERE PROVIDED PURSUANT TO A CONTRACT BETWEEN THE WORKMAN, ETC. AND THE CONTRACTOR OR SUBCONTRACTOR, OR PURSUANT TO A GENERAL CONTRACT BETWEEN THE OWNER AND A GENERAL CONTRACTOR OR ANY SUBCONTRACTOR	NO	YES, NOTICE OF LIEN MUST BE FILED WITH THE CLERK OF THE COUNTY WHERE THE PROPERTY IS SITUATED WITHIN 100 DAYS AFTER THE SUPPLIES ARE FURNISHED OR THE WORK OR SERVICES PROVIDED ARE COMPLETED AS REQUIRED BY W. VA. CODE § 38-2-12 OR § 38-2-13	ATTACHES WHEN PERFECTED BY FILING NOTICE OF LIEN, AS OF THE DATE WHEN LABOR, MATERIAL, MACHINERY OR OTHER NECESSARY EQUIPMENT BEGAN TO BE FURNISHED	PRIORITY OVER SUBSEQUENTLY FILED LIENS; PRIORITY OVER LIENS OF CONTRACTORS AND SUBCONTRACTORS INDEBTED TO THE LIENHOLDER



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<b>LIEN OF BAILEE OF ANIMALS OR VEHICLES</b> W. VA. CODE §§ 38-11-1 – 38-11-2; 38-11-4; 38-11-11 – 38-11-16	PERSON WHO BOARDS, PASTURES, TRAINS, OR FEEDS ANIMALS OR WHO GARAGES OR STORES VEHICLES	ANIMALS AND VEHICLES PROVIDED WITH SERVICES	NO	NO	NOT SPECIFIED	PURCHASER WITHOUT ACTUAL NOTICE OF THE LIEN TAKES THE PROPERTY FREE OF THE LIEN
<b>LIEN OF HUMANE OFFICER</b> W. VA. CODE §§ 38-11-1 – 38-11-2; 38-11-6; 38-11-11 – 38-11-16	HUMANE OFFICER WHO INCURS EXPENSES BY PROVIDING THE ANIMAL WITH FOOD, SHELTER, AND CARE	NEGLECTED OR ABANDONED ANIMAL IN THE CUSTODY OF THE HUMANE OFFICER	YES	NO	NOT SPECIFIED	SUBORDINATE TO PRIOR PERFECTED SECURITY INTERESTS AND LIENS; NOT GOOD AGAINST A PURCHASER OF THE ANIMAL FOR VALUE WHO DOES NOT HAVE NOTICE OF THE LIEN
<b>IMPROVER'S STORER'S OR TRANSPORTER'S LIEN ON PERSONAL PROPERTY AND ANIMALS</b> W. VA. CODE §§ 38-11-1 – 38-11-3; 38-11-11 – 38-11-16	PERSONS WHO MAKE, ALTER, REPAIR, STORE, TRANSPORT, OR IN ANY WAY ENHANCE THE VALUE OF PERSONAL PROPERTY OR ANIMALS OF ANOTHER, INCLUDING PERSONS WHO BOARD, FEED, TRAIN, OR PASTURE ANIMALS	PERSONAL PROPERTY AND ANIMALS PROVIDED WITH SERVICES	YES	NO	NOT SPECIFIED	SUBORDINATE TO PRIOR PERFECTED SECURITY INTERESTS AND LIENS OF WHICH THE LIEN CLAIMANT HAS ACTUAL OR CONSTRUCTIVE NOTICE
<b>LIEN FOR SERVICE OF MALE ANIMAL</b> W. VA. CODE §§ 38-11-8; 38-11-11 – 38-11-16	OWNER OF A STALLION, JACK, OR BULL REGISTERED IN WEST VIRGINIA FOR SERVICE	OFFSPRING OF THE STALLION, JACK, OR BULL	NO	YES, WITH THE MAGISTRATE OF THE COUNTY WHERE THE OFFSPRING IS LOCATED IF THE LIEN IS NOT SATISFIED WITHIN SIX MONTHS FROM THE DATE THAT SERVICES WERE RENDERED	AT THE TIME SERVICES ARE RENDERED	NONE
<b>WAREHOUSE LIEN</b> W. VA. CODE §§ 46-7-209 – 46-7-210	WAREHOUSE	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
<b>CARRIER'S LIEN</b> W. VA. CODE §§ 46-7-307 – 46-7-308	CARRIER	GOODS COVERED BY A BILL OF LADING OR 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

