

ORIGINAL SENATE
FILE NO. 5

ENROLLED ACT NO. 4, SENATE

FORTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING 1981
SPECIAL SESSION

the tax lien is filed, the county clerk shall promptly enter the same in an alphabetical federal tax lien index, showing on one (1) line the name and residence of the taxpayer named in the notice, the collector's serial number of the notice, the date and hour of filing, and the amount of tax with the interest, penalties and costs. He shall file and keep all original notices so filed in numerical order in a file or files and designated federal tax lien notices.

29-6-106. Entry of discharge certificate. When a certificate of discharge of any tax lien issued by the collector of internal revenue or other proper officer is filed in the office of the county clerk where the original notice of lien is filed, the county clerk shall enter the notice with date of filing in the federal tax lien index on the line where notice of the lien so discharged is entered, and permanently attach the original certificate of discharge to the original notice of lien.

29-6-107. Furnishing of index and files to county clerks. The federal tax lien index and file or files for the federal tax lien notices shall be furnished to the county clerk of each county in this state in the manner now provided by law for the furnishing of books in which deeds are recorded.

CHAPTER 7

LIENS FOR PERSONAL PROPERTY

ARTICLE 1

GENERALLY

29-7-101. Right to lien: exception.

(a) Any person is entitled to a lien on any goods, . chattels or animals for his reasonable charges for work or services performed or feed provided when he:

(i) Makes, alters, repairs, bestows work upon,

transports, stores or keeps the same; or

(ii) Feeds, herds, pastures or cares for any domestic or wild animal lawfully held in captivity.

(b) W.S. 29-7-101 through 29-7-106 shall not apply where a lien is provided by W.S. 34-21-1-718 and 29-7-801. A person engaging in self storage operations whereby members of the public rent space from the person to store goods and chattels and retain control over access to the goods and chattels is not a warehouseman under W.S. 34-21-702(a)(viii) and is entitled to a lien under this section.

29-7-102. Right of possession by lien claimant; termination; removal of lien property.

(a) A lien claimant may retain possession of the property to which the lien pertains until paid for the labor, services, materials and feed which entitle the lien claimant to assert the lien. However, the right of possession terminates six (6) months after the date upon which the charges become due and payable unless the lien claimant has commenced proceedings to foreclose the lien as provided by W.S. 29-7-101 through 29-7-106.

(b) If any person causes to be removed from the possession of a lien claimant any property or part thereof which is subject to the lien created by W.S. 29-7-101 through 29-7-106 from the place where the property was located when the lien is perfected, without the written consent of the owner and the holder of the lien or his agent, either originally or by transfer, the person so removing the property affected by the lien is guilty of a misdemeanor. On conviction he may be punished by a fine of not more than seven hundred fifty dollars (\$750.00).

(c) If a lien claimant desires to continue a lien without retaining possession, he may before voluntarily releasing possession file a lien statement in the office of the county clerk of the county where the property is located.

(d) if possession is terminated without the lien claimant's consent, he may perfect the lien by filing a lien statement on or before thirty (30) days after possession is terminated.

29-7-103. Lien statement.

(a) A lien statement under W.S. 29-7-101 through 29-7-106 shall provide in addition to the requirements of W. S. 29-1-301 (a) whether the lien claimant" was in possession of the property at the time the lien statement was filed or the owner consented to the filing of the lien; and

(b) A lien statement relating to a motor vehicle or other property, title to which is evidenced by a certificate of title, shall not be valid as to the motor vehicle or property unless the county clerk concurrently with the filing of the lien statement places on the certificate of title an appropriate notation showing the date, the amount of the lien and the name of title, he shall immediately endorse the same encumbrance data on the certificate copy on file in his office. If the certificate is issued in some other county or state the county clerk shall promptly transmit to the state or county officer who issued the certificate of title the same encumbrance data. The other county officer shall promptly place the data on the certificate copy on file in his office.

29-7-104. Termination of Lien

(a) A lien under W.S. 29-7-101 through 29-7-106 terminates:

(i) Upon a lienor's voluntary surrender of possession of the property, unless a lien statement has previously been filed as provided in W.S. 29-7-103:

(ii) One hundred eighty(180) days after the date upon which the work, services, materials and feed giving rise to the lien were performed or furnished unless a lien statement has previously been filed as provided by W.S. 29-7-103 and

(iii) One hundred eighty(180) days after a lien statement is filed as provided in W.S. 29-7-103, unless action to enforce and foreclose the lien has commenced.

(b) Upon termination of a lien, the lien claimant has no further right to possession of the property and no further interest therein.

29-7-105. Taking Possession Subject to Lien; Enforcement of Lien

(a) Subject to the termination of a lien as provided in W.S. 29-7-104, a lienor who has surrendered possession involuntarily has the right to repossess the property subject to the lien. In repressing a lienor may proceed without judicial process if this can be done without breach of the peace. A lienor may also replevy the property or use any other judicial action available.

(b) A lien arising under W.S. 29-7-101 through 29-7-106 may be enforced by public or private sale of the property in block or in parcels at a time or place and on terms which are commercially requested, to their

Last known address a notice to all persons known to claim an interest in the property. The notification shall include:

- (i) A statement of the amount due;
 - (ii) The nature of the proposed sale; and
 - (iii) The time and place of any public sale
- (c) Before any sale pursuant to this section any person claiming a right in the property may pay the amount necessary to satisfy the lien and the reasonable expense incurred under this section.
- (d) The lien claimant may buy at any public sale pursuant to this section
- (e) A purchaser in good faith of property sold to enforce a lien under W.S. 29-7-101 through 29-7-106 takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the lien claimant with the requirements of this section.
- (f) A lien claimant may satisfy his lien from the proceeds of any sale pursuant to this section but shall hold the balance, if any, for delivery on demand to the owner of the property or any person entitled thereto. The owner or any other person demanding delivery of the balance shall furnish to the lien claimant reasonable evidence of his right to take delivery.
- (g) The rights provided by W.S. 29-7-010 through 29-7-106 shall be in addition to all other rights allowed by law to a creditor against his debtor.
- (h) A lien under W.S. 29-7-101 through 29-7-106 may also be enforced in accordance with the procedure set forth in W.S. 34-21-719(b)
- (i) A lien claimant is liable for damages caused by failure to comply with this section
- (j) The fact a better price could be obtained by a sale at a different time or in a different method from that selected by the lien claimant is not sufficient to establish a sale as not made in a commercially reasonable manner.

29-7-106 Priority of Lien

- (a) A lien pursuant to W.S. 29-7-101 through 29-7-106 except as otherwise specifically provided therein shall be prior to all other liens, encumbrances and security interests if the property claimed is in possession of the lien claimant.
- (b) If the property is not in possession of the lien claimant, a lien under W.S. 29-7-101 through 29-7-106 shall be prior to all other liens, encumbrances and security interests, except for a subsequent lien claimant in possession under W.S. 29-7-101 through 29-7-106