

FWAA UNIFORMED COMMERCIAL CODE (UCC) MATRIX

	Oregon	Washington	Idaho
Last Updated – Effective Until	25 March 2012 – (not specified)	2011 - 1 July 2013	1 July 2012 - 1 July 2013
Lien Claimant	<p>“A person who performs labor, supplies materials or provides services on farmland, range, ranch, orchard or in that person’s place of business to aid the growing or harvesting of crops or the raising of animals” (ORS 87.226).</p>	<p>Supplier has a lien upon all crops for which the supplies are used or applied for payment of the purchase price of the supplies and/or services performed (RCW 60.11.020).</p>	<p>‘Every person performing labor upon, or furnishing materials to be used in the... improve[ing] of any land, or who... renders any other professional service whatsoever for which he is legally authorized to perform in connection with any land or building development or improvement’ (ID Statutes 45:501); anyone who improves a lot at the request of the owner (ID Statutes 45:504).</p> <p>“Any person who performs farm labor on a farm in furtherance of production of a crop shall have a lien in the crop for the agreed or reasonable value of the labor” (Idaho Code § 45-303); “Any person who furnishes seed to a producer to be sown or planted on lands owned, rented or otherwise lawfully occupied by the producer, shall have a lien in the crop or crops produced from the seed for the purchase price of the seed” (Idaho Code § 45-304)</p> <p>“A supplier may obtain a fall agricultural chemical security interest as provided in this section.....the amount secured by a fall agricultural security interest shall be the lesser of: (i) the agreed charges for the agricultural chemicals and application costs provided pursuant to the notification statement; or (ii) the amount of the anticipated charges as reflected in the notification statement” (Idaho Code 28-9-322A(b)).</p>

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Attached Property	Crops or animals for the reasonable or agreed charges of labor, materials or services, including the proceeds of the crops or animals and the unborn progeny of the animals that are in utero on the date a notice of claim of lien is filed. (ORS 87.226).	Subject crop for all sums then and thereafter due and owing the lien holder—liens continue in all identifiable cash proceeds of the crop (RCW 60.11.030).	For Mechanic’s and Materialmen’s liens, any land upon which or in connection with which any professional services are performed (ID Statutes 45:505). For Farm Labor and Seed Liens, the lien attaches to the crop and to any right or claim arising from any loss or damage to the crop, and to any payment to the producer for the crop from any purchaser thereof. (Idaho Code § 45-307). For Chemical Supplier Liens, the “security interest attaches to the existing crops upon the land where the agricultural chemical is applied, or if crops are not planted at the time of the application, to the next production crop from that land. It does not attach to crops already harvested or which are harvested before December 15 from such land, or to crops to be grown on such land after the next production crop, or to crops grown on other land than that identified in the notification statement. (Idaho Code 28-9-322A(b)).
Scope of Lien	Covers charges for materials, services, or labor provided within six months prior to filing of Claim of Lien (ORS 87.256).	The crops on which the supplies are used or upon which labor is provided; payment of purchase price (RCW 60.11.020).	For Farm Labor and Seed Liens, the lien attaches to the crop and to any right or claim arising from any loss or damage to the crop, and to any payment to the producer for the crop from any purchaser thereof. (Idaho Code § 45-307).
Possession Required	No (implicit).	No (implicit).	No.

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Filing and Notice of Filing Required	<p>Yes, within 75 days after close of furnishing labor, material, or services (ORS 87.242).</p> <p>Claimant must also send a copy of the notice of claim of lien to the owner of the chattel in order to receive costs, disbursements, and attorney fees, and in order to protect priority of the lien for amounts in excess of \$20,000. (ORS 87.25)</p>	<p>Yes, during the period after the commencement of delivery of such supplies and/or of provision of such services, but before the completion of the harvest of the crops for which the lien is claimed, or in the case of a lien for furnishing work or labor, before the end of the 40th day after cessation of work or labor for which the lien is claimed (RCW 60.11.030).</p> <p>To receive costs, disbursements and attorney fees, the lien holder must also mail a copy of filing statement to debtor within 10 days of filing (RCW 60.11.030); within 14 days of receipt of a written request from the lien debtor, lien holder shall provide a statement described in (RCW 60.11.040).</p>	<p>For Mechanic’s and Materialmen’s liens, within 90 days after the completion of the labor or services (ID Statutes 45:507); a copy of the lien must be served to owner or tenant with 5 days of filing (ID Statutes 45:507).</p> <p>For Farm Labor and Seed Liens, filing within 30 days before or 120 days after completion of labor or providing seeds. (Idaho Code § 45-308).</p> <p>For Chemical Supplier liens, UCC filing is required (Idaho Code § 28-9-322A(d)). A Chemical Supplier may provide prior certified mail written notification of a claim of lien in statutory form (Idaho Code 28-9-322A(g)) specifies the form of notice) to a lender of the farmer. If such notice is provided, the lender must respond within 15 days after actual receipt, providing notification of a dedicated credit line for the chemicals, agreeing to subordinate to the lien for chemicals, or declining to subordinate. If the lender fails to so respond within 15 days, the Chemical Supplier lien shall take priority over the lender’s lien (to the extent of the lesser of the amount stated in the notification statement, or the unpaid agreed charges for the agricultural chemicals identified therein and actually applied to the land). Idaho Code § 28-9-322A(g) through (l).</p>

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Foreclosure Deadline	18 months from filing claim (ORS 87.266). If lien contains agreement to extend duration, within 6 months after extended duration not to exceed 2 years (ORS 87.266).	24 months from filing (RCW 60.11.130).	For Farm Labor and Seed Liens, civil action to enforce a lien must be commenced within 12 months from the date of filing (for Farm Labor Liens) or 16 months from date of filing (for seed liens). Can be extended by subsequent filing. (Idaho Code § 45-310).
Foreclosure Type	Judicial or Court ordered Advertisement and Sale (ORS 87.272-ORS 87.316).	Judicial in district superior court; summary proceeding as provided in statute—use Article 9 remedies (RCW 60.11.060).	Judicial (9-601). Farm Labor and Seed Liens may be enforced judicially or non-judicially (Idaho Code § 45-310). Chemical Supplier liens are enforced as any other UCC lien; non-judicially or judicially.
Attorneys' Fees Allowed	Yes (ORS 87.336).	By agreement but must send copy of financing statement to Debtor within 10 days of filing; Also allowed in judicial or summary foreclosure (RCW 60.11.070 , RCW 60.11.080).	Reasonable expense of debtor (9-607). Enforcement of Chemical Supplier liens may be entitled to award of attorney fees as a commercial transaction (Idaho Code § 12-120).
Pre-Filing Notice Required	No.	No, unless specifically requested in writing from debtor, or if fees/costs specifically requested (RCW 60.11.030).	No. For Farm Labor and Seed Liens, filing within 30 days before or 120 days after completion of labor or providing seeds. (Idaho Code § 45-308). No pre-filing notice is required for Chemical Supplier liens, but the lien must be perfected within 10 days after expiration of the 15 day lender notice period. (Idaho Code § 28-9-322A(I)).

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Date Lien Attaches	<p>On the date a person performs labor, delivers materials or provides services to aid the growing or harvesting of crops.</p> <p>The lien on animals and the proceeds thereof attaches on the date a person performs labor, delivers materials or provides services to aid the raising of animals, or in the case of unborn progeny, attaches on the date the claim of lien is filed. (ORS 87.226).</p>	<p>Upon commencement of delivery of supplies, or provision of services (RCW 60.11.030).</p>	<p>(Not specified). Lien expires 6 months after filing unless action is taken to pay the creditor, or to terminate or extend the lien (ID Statutes 45:510).</p> <p>For Farm Labor and Seed Liens, filing establishes lien attachment. (Idaho Code § 45-307).</p> <p>For Chemical Supplier liens, UCC rules of attachment and perfection apply.</p>
Express Statutory Priority	<p>Personal property tax liens and liens claimed by the State of Oregon supersede liens created by private entities (ORS 87.146).</p> <p>Perfected liens supersede unperfected (ORS 87.025) liens and nonpossessory (ORS 87.216) liens (ORS 87.146).</p> <p>With regard to the same chattel the ag services lien: 1)) is equal priority pro rata to nonpossessory liens created by ORS 87.216 to 87.232; 2) has priority over a nonpossessory chattel lien created by any other law; and 3) has priority over a prior security interest created under ORS chapter 79 (UCC security interests) (ORS 87.146).</p>	<p>Conflicting liens and security interests in crops and their proceeds are ranked chronologically based on time of filing, including a perfected landlord’s lien, except with regard to the same chattel the ag suppliers lien is: 1) prior to previously filed interests that didn’t advance new money; 2) subordinate to laborers and handlers liens (RCW 60.11.050).</p>	<p>Chronologically ‘within the same class of liens’ (ID Statutes 45:506).</p> <p>Farm Labor lien has priority over “any security interest in the same crop” and seed liens have priority over “any security interest in the same crop, but shall be subordinate to a farm laborer’s lien in the same crop.” (Idaho Code § 45-303 and 304).</p> <p>Chemical Supplier’s liens are subject to normal UCC priority unless notification is provided to lender and lender either consents to subordination or fails to respond to notification, in which case the Chemical Supplier’s liens take priority over the lender’s interests. (Idaho Code § 28-9-322A(k) and (l)).</p>

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Conversion Effects	Dismantling, removing from Oregon, misdelivering, or concealing chattels or proceeds subject to an ag services lien subjects the converting party to a suit (independent from a foreclosure action) for proximate damages and attorney's fees. (ORS 87.332)	(Common Law remedies)	All value of collateral, discharges dispositions under which lien is created and all security interests subordinate (9-617). Farm Labor and Seed liens must be of record (filing) to provide notice to purchasers. Otherwise, common-law remedies for conversion. (Idaho Code § 45-314).
Forms Available	Secretary of State	UCC 1.	UCC1F. Chemical Supplier lien notification form specified by Idaho Code § 28-9-322A(g) .
UCC Applicable	No. It is exempt from Ag Lien provisions in (79.0102(1)(e)).	Yes, is an Ag Lien (RCW 62A.9-102(a)(5)).	Yes, operates under Article 9. Farm Labor and Seed liens are expressly subject to Article 9 perfection provisions (Idaho Code § 45-318). (Chemical Supplier liens expressly operate under Article 9.)
Can Lien be Waived	Yes.	Yes.	Yes, as provided in (9-602). Farm Labor and Seed liens may be waived (Idaho Code § 28-9-602).

Disclaimer: Far West Agribusiness Association has taken every effort to ensure the accuracy of the information provided above. It is intended for use by its members as a “guide” to determining what is needed for a Uniform Commercial Code (UCC) Security instrument to be perfected under the specific State (law(s)). You should always consult with your attorney to ensure accuracy in completing and filing a UCC.