

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1137

By: Campbell

AS INTRODUCED

An Act relating to liens; amending 42 O.S. 1991, Section 98, as amended by Section 2, Chapter 309, O.S.L. 1992 and 27 (42 O.S. Supp. 1992, Section 98), which relate to the filing of liens and lien waivers; modifying the filing of liens after purchase of property; providing penalties for intentionally entering into fraudulent contract for waiver; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 42 O.S. 1991, Section 98, as amended by Section 2, Chapter 309, O.S.L. 1992 (42 O.S. Supp. 1992, Section 98), is amended to read as follows:

Section 98. A. 1. Except as otherwise provided by this chapter, any person entitled to a lien pursuant to this chapter shall within sixty (60) days after last furnishing of labor, money, material or supplies for the production of, altering or repairing of said personal property, file in the office of the county clerk of the county in which the property is situated a statement in writing verified by oath, showing the amount of labor, money, material or supplies furnished for the producing of, altering or repairing of

said personal property, the name of the person for, and by whom labor, money, material or supplies, was furnished.

2. If the person entitled to such lien does not file such statement within the time required by this chapter, such person shall be deemed to have waived his rights thereto.

3. The lien provided for in this chapter shall not attach to any personal property after it has been purchased by an innocent purchaser for value, and has passed into his possession unless the lien shall have been filed with the county clerk of the county before the property was purchased by such purchaser, ~~or he shall have received written notice, from the party entitled to the lien, of his intention to file the same.~~

B. Immediately upon the receipt of such statement, the county clerk shall enter a record of the same in a book kept for that purpose, to be called the Personal Property Lien Journal, which shall be ruled off into separate columns, with headings as follows: "When filed", "Name of owner", "Name of claimant", "Amount claimed", and "Remarks", and the clerk shall make the proper entry in each column.

SECTION 2. AMENDATORY 42 O.S. 1991, Section 27, is amended to read as follows:

Section 27. Where the buyer of real property gives to the seller a written contract for payment of all or part of the price, an absolute transfer of such contract by the seller, waives his lien to the extent of the sum payable under the contract, but a transfer of such contract in trust to pay debts, and return the surplus, is not a waiver of the lien. Any such contract which is entered into with fraudulent intent shall be void. Any person convicted of entering into such contract with fraudulent intent shall be guilty of a misdemeanor.

SECTION 3. This act shall become effective September 1, 1993.

44-1-5621

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