

## LANDLORD'S LIEN

### Footnotes

Landlord and tenant generally, chapters 562, 562A, 562B

#### **570.1 Lien created perfection and priority termination.**

1. A landlord shall have a lien for the rent upon all crops grown upon the leased premises, and upon any other personal property of the tenant which has been used or kept thereon during the term and which is not exempt from execution.

2. In order to perfect a lien in farm products as defined in section 554.9102, which is created under this section, a landlord must file a financing statement as required by section 554.9308, subsection 2. Except as provided in chapters 571, 572, 579A, 579B, and 581, a perfected lien in the farm products has priority over a conflicting security interest or lien, including a security interest or lien that was perfected prior to the creation of the lien under this section, if the lien created in this section is perfected on either of the following dates:

*a.* Prior to July 1, 2001.

*b.* When the debtor takes possession of the leased premises or within twenty days after the debtor takes possession of the leased premises.

3. A financing statement filed to perfect a lien in the farm products must include a statement that it is filed for the purpose of perfecting a landlord's lien. Notwithstanding section 554.9515, such financing statement shall continue to be effective until a termination statement is filed.

4. Within twenty days after a landlord who has filed a financing statement receives a written demand, authenticated as provided in article 9 of chapter 554, from a tenant, the landlord shall file a termination statement, if the lien in the farm products has expired or if the tenant is no longer in possession of the leased premises and has performed all obligations under the lease.

[C51, § 1270; R60, § 2302; C73, § 2017; C97, § 2992; C24, 27, 31, 35, 39, § **10261**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.1]

2000 Acts, ch 1149, §176, 187; 2002 Acts, ch 1023, §1

#### **570.2 Duration of lien.**

Such lien shall continue for the period of one year after a year's rent, or the rent of a shorter period, falls due. But in no case shall such lien continue more than six months after the expiration of the term.

[C51, § 1270; R60, § 2302; C73, § 2017; C97, § 2992; C24, 27, 31, 35, 39, § **10262**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.2]

#### **570.3 Limitation on lien in case of sale under judicial process.**

In the event that a stock of goods or merchandise, or a part thereof, subject to a landlord's lien, shall be sold under judicial process, order of court, or by an assignee under a general assignment for benefit of creditors, the lien of the landlord shall not be enforceable against said stock or portion thereof, except for rent due for the term already expired, and for rent to be paid for the use of demised premises for a period not exceeding six months after date of sale, any agreement of the parties to the contrary notwithstanding.

[C97, § 2992; C24, 27, 31, 35, 39, § **10263**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.3]

#### **570.4 Limitation on lien in case of crop failure.**

In cases of farm leases involving the rental of farmlands of forty acres or more, where the tenant has defaulted in the payment of the rent and suit has been commenced aided by landlord's attachment for the enforcement of the landlord's lien, the defendant may file as a defense that the default or inability to pay is caused or brought about by reason of drought, flood, hail, storms, or other climatic conditions or infestation of pests affecting the crops in controversy. When such a defense has been filed, the issue as to the cause for the default shall be triable as an equitable action. Upon the hearing, if the court finds that the default or inability to pay is due to drought, flood, hail, storm, or other climatic conditions or infestation of pests affecting the crops in controversy, the court may enter a decree pursuant thereto with the court's finding of fact. Where a decree has been entered finding that the inability to pay was brought about by any of the conditions named in this section, the landlord's lien shall be confined to all of the crops grown and raised upon the premises and to all increase in livestock and hogs raised upon the premises.

The provisions of this section shall not apply to any farm leases executed prior to July 4, 1941.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.4]

#### **570.5 Enforcement proceeding by attachment.**

The lien may be enforced by the commencement of an action, within the period above prescribed, for the rent alone, in which action the landlord shall be entitled to a writ of attachment, upon filing with the clerk a verified petition, stating that the action is commenced to recover rent accrued within one year previous thereto upon premises described in the petition; and the procedure thereunder shall be the same, as nearly as may be, as in other cases of attachment, except no bond shall be required.

[C51, § 1271; R60, § 2303; C73, § 2018; C97, § 2993; C24, 27, 31, 35, 39, § **10264**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.5]

#### **Footnotes**

Attachment, chapter 639

#### **570.6 Lien upon additional property.**

If a lien for rent is given in a written lease or other instrument upon additional property, it may be enforced in the same manner as a landlord's lien and in the same action.

[C51, § 1271; R60, § 2303; C73, § 2018; C97, § 2993; C24, 27, 31, 35, 39, § **10265**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.6]

#### **570.7 Action by tenant to recover property.**

An action brought by a tenant, the tenant's assignee or undertenant, to recover the possession of specific personal property taken under landlord's attachment, may be against the party who sued out the attachment; and the property claimed in such action may, under the writ therefor, be taken from the officer who seized it, when the officer has no other claim to hold it than that derived from the writ.

[R60, § 2770; C73, § 2575; C97, § 3490; C24, 27, 31, 35, 39, § **10266**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.7]

### **570.8 Acts sufficient to constitute taking of property.**

The endorsement of a levy on the property, made upon the process by the officer holding it, shall be a sufficient taking of the property to sustain an action against the party who sued out the writ.

[R60, § 2770; C73, § 2575; C97, § 3490; C24, 27, 31, 35, 39, § **10267**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.8]

#### **Footnotes**

Levy generally, R.C.P. 1.1018 et seq.; § 639.26

### **570.9 Sale of crops held by landlord's lien.**

If any tenant of farmlands, with intent to defraud, shall sell, conceal, or in any manner dispose of any of the grain, or other annual products thereof upon which there is a landlord's lien for unpaid rent, without the written consent of the landlord, the tenant shall be guilty of theft.

[S13, § 4852-a; C24, 27, 31, 35, 39, § **10268**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.9]

#### **Footnotes**

Theft, chapter 714

### **570.10 Action barred by payment of rent.**

The payment of the rent for the lands upon which such grain or other annual products were raised at or before the time the same falls due, shall be a bar to any prosecution under section 570.9 and no prosecution shall be commenced until such rent be wholly due.

[S13, § 4852-b; C24, 27, 31, 35, 39, § **10269**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 570.10]