



Ohio Revised Code

Section 1311.56 Perfection of producer's or handler's lien - affidavit.

Effective: May 9, 2000

Legislation: House Bill 495 - 123rd General Assembly

(A) The agricultural producer or handler may perfect the producer's or handler's lien by recording, in the office of the county recorder in the county where the agricultural product was delivered to the agricultural product handler, an affidavit that includes the date of delivery, or first delivery if there was a series of deliveries under the contract, the name of the agricultural product handler to whom the agricultural product was delivered, and the amount owed the lien claimant by the handler. If there was no agreed price at the time of delivery or first delivery, the lien claimant shall include in the affidavit the pricing method which the lien claimant and handler agreed to utilize in their contract to determine the amount owed the lien claimant. In such cases, and for informational purposes only, the lien claimant shall include in the affidavit an estimate of the amount owed the lien claimant by the handler, based upon current market conditions. The estimate is not binding upon the lien claimant.

(B) The affidavit may be verified before any person authorized to administer oaths, including an attorney for the agricultural product handler, lien claimant, or an interested other party.

(C) The affidavit may be in the following form:

"AFFIDAVIT FOR AGRICULTURAL PRODUCT LIEN

State of Ohio,

County of _____, ss:

A.B. _____ of _____, whose address is _____ being first duly sworn, says that such claimant delivered certain agricultural products under a contract with C.D., _____, and agricultural product handler, whose address is _____. The agricultural product was first delivered on the _____ day of _____, ____ and there is justly and truly due claimant therefor from the said C.D., over and above all legal setoffs, the sum of _____ dollars, (or estimated sum of _____ dollars based upon current market conditions,) for which amount claimant claims a lien on



the agricultural product and the proceeds of the sale of the agricultural product.

A.B.

Sworn to before me and subscribed in my presence this _____ day of _____, _____

_____ "

(D) The lien claimant shall remit to the county recorder the standard fee at the time the affidavit is recorded as determined under section 317.32 of the Revised Code.