

New Mexico Repairman's Lien



What is a lien?	This is your right to keep, repossess, and/or sell repaired equipment to make sure you get paid for repair work you do for the customer.
When is a lien needed?	When you repair equipment but the customer doesn't pay you when the work is finished.
How do I get a lien?	Keep the equipment until you get paid. You have the right to do this.
How do I lose the lien?	You lose your lien if you <u>release</u> the equipment. Since you don't want to lose the lien rights and be behind other lenders, you do not want to release the equipment until you are paid. Certain exceptions apply if you release equipment based on a check that is returned unpaid.
	If you release the equipment, you may have a right to repossess it. Contact your attorney if this situation applies to you.
How do I get paid?	To get paid, you will need to sell the equipment in compliance with state law.
	<i>In general, before you can sell the property, you must give notice of the amount you are owed by certified or registered mail (return receipt requested) to the person against whom you are going to enforce a lien. The notice must include a written itemized statement of the amount owed. If it is not paid within ten days, you can advertise the sale of the property.</i>
	Additional time periods for the initial notice are required if the property is a motor vehicle.
	The property sale may be advertised by posting or publication. To post, you must put up at least six handbills in public places in the county where the sale is to take place. If you publish, you must do so at least once each week for two straight weeks in some newspaper of general circulation in the county. The notices must contain certain details of the sale and the amount owed. These details are listed in §48-3-14 of the New Mexico Statutes. You must give at least 20 days' notice before the sale.
	The sale must be at public auction, and the equipment goes to the highest bidder for cash. You can keep the cash received to pay your bill and your sale expenses. The rest must be given to the owner.
These materials are intended to be general summaries only. Contact your attorney for your specific situation.	