

Oklahoma Repairman's Lien UTV-ATV-Trailers



	<p>The following summary applies to ATVs, UTVs and trailers that have a certificate of title issued by Oklahoma. If you have certificate of title issued by a state other than Oklahoma, this summary does not apply. If you have an ATV, UTV or trailer that is over 15 years old, this summary does not apply and you should contact your attorney for more information.</p>
What is a lien?	<p>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.</p>
When is a lien needed?	<p>When you repair equipment but the customer doesn't pay you when the work is finished. However, it is imperative to get permission from the <u>owner</u> of the equipment before you repair it. Find out whether the equipment is leased, and—if so—get the owner's permission, not the renter's permission.</p>
How do I get a lien?	<p>Keep the equipment until you get paid.</p> <p>Also, mail a Notice of Lien to all interested parties. Interested parties include owners, any person required to pay for the equipment and other creditors with liens on the equipment. The Notice of Lien must be mailed within 60 days after you began performing services on the equipment.</p> <p>This Notice of Lien must also be filed with the county clerk's office in the county in which the equipment is located. The Notice of Lien must be filed within 120 days after you completed the services on the equipment.</p> <p>For an example of the Notice of Lien, please use the following link: [Notice of Lien ATV]</p>
How do I lose the lien?	<p>If you are no longer in possession of the equipment or you do not send the notice on time, you will lose your lien. See below for some exceptions.</p>
How do I get paid?	<p>You may sell the equipment by following these steps:</p> <p>Post a Notice of Sale in two public places in the county where the equipment is to be sold. Please use the following link for a Notice of Sale: [Notice of Sale ATV]</p> <p>The Notice of Sale must be posted at least 10 days before the sale.</p> <p>Mail the Notice of Sale to the owner of the equipment, anyone else who may owe you for work performed on the equipment and any creditors with liens on the equipment.</p>

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	<p>The Notice of Sale must be sent within 10-30 days after the Notice of Lien is sent. The actual sale must occur within 60 days after the Notice of Sale is mailed.</p> <p>You may purchase the equipment sold at the sale and apply the amount you are owed against the purchase price.</p>
<p>What if I released the equipment but I was paid with a bad check?</p>	<p>If you release the equipment because the owner gave you a bad check, you will continue to have a lien on the equipment if you file the Notice of Lien in the county clerk's office in the county in which the equipment is located within 30 days of the day the check bounced. If you do not know the equipment's location, file in the county in which the repairs were made. If you know the new location of equipment, file in both counties.</p> <p>NOTE: Even in a bad check situation, your lien will be lost if a third party buys the equipment before you file the Notice of Lien.</p>
<p>What if the equipment was taken from me without my permission?</p>	<p>You will continue to have a lien on the equipment if you file the Notice of Lien in the county clerk's office in the county in which the equipment is located within 5 days of the equipment being taken. If you do not know the equipment's location, file in the county in which the repairs were made. If you know the new location of equipment, file in both counties.</p>
<p>How do I get the equipment back if I lost the equipment due to a bad check or if the equipment was taken without my permission?</p>	<p>You need your customer to sign an acknowledgement that the equipment may be repossessed at the time you perform the services.</p> <p>NOTE: The acknowledgement must be in writing and may be separate from the contract for services or printed on the contract for services. The following language will be sufficient: "In the event of a bad check or the equipment being taken without Dealer's permission, Customer acknowledges that Dealer shall be entitled to repossess the Equipment. The Customer shall have no claim against Dealer for any damages or other monies whatsoever if Dealer repossesses or attempts to repossess the Equipment."</p>
<p>When does my lien have priority over the bank's security interest?</p>	<p>If you have possession of the equipment and comply with the above requirements, your lien will have priority over the bank's security interest.</p>
<p>These materials are intended to be general summaries only. Contact your attorney for your specific situation.</p>	