

Oregon Repairman's Lien



	The following summary applies to all equipment except equipment with a certificate of title.
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. However, it is imperative to get permission from the owner of the equipment before you repair it if you are going to release the equipment before you get paid.
How do I get a lien?	If you hold onto the equipment, you will have a lien on the equipment.
	If you release the equipment, you will lose your lien unless you file a Notice of Lien with the recording office in the county where the owner resides, or, if the owner is a business, the county in which the owner has its principal place of business. The Notice of Lien must be filed within 60 days after you finish the repairs. The Notice of Lien must also be (a) promptly mailed (registered or certified mail) to the owner of the equipment, and (b) mailed to any third parties with UCC financing statements covering the equipment and filed with the Secretary of State in Oregon within 30 days after filing with the recording office.
	For an example of the Notice of Lien, please use the following link: Notice of Lien
How do I lose the lien?	If you no longer have the equipment in your possession and you fail to file the required statement regarding your lien before the deadline.
How do I get paid?	If you keep the equipment, you may sell it by following these steps:
	1) Deliver a Notice of Sale to the owner of the equipment (by certified or registered mail) and all third parties with UCC financing statements covering the equipment and filed with the Secretary of State in Oregon. The Notice of Sale must be delivered no later than the 30th day after the date on which the repairs were completed and at least 30 days before the foreclosure sale. For an example of a Notice of Sale for the equipment, please use the following link: Notice of Sale .
	2) Post the Notice of Sale in a public place at or near the front door of the county courthouse of the county in which the sale will be held and in a public place at the location where you obtained possession of the equipment at least 30 days before the foreclosure sale.

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	3) If the equipment has a value of more than \$1,000, then you must publish the Notice of Sale once a week for 2 successive weeks in a daily or weekly newspaper published in the county in which the sale will be held or if there is no such paper, publish the Notice of Sale in a daily or weekly newspaper generally circulated in the county in which the sale will be held.
	4) In addition to the timelines above, before you sell the equipment, you need to keep the equipment for at least 60 days after your customer knows (or should reasonably know) that the charges for the repair work are due.
	If you released the equipment, you may sell the equipment by following these steps:
	1) File with the clerk of the court of the county in which the equipment is then located a petition requesting an order to advertise the sale of the equipment and sell the equipment by providing the following information in the petition:
	a. Equipment owner's name and residence or place of business
	b. Name and residence or place of business of the person in possession of the equipment
	c. Description of the equipment
	d. Estimate of the equipment's value
	e. Location of the equipment
	f. A copy of the notice of lien filed
	g. State the following verbatim: "There is no reasonable probability that the owner of the equipment can establish a successful defense to the underlying claim of the lien"
	h. State that the person filing the petition has fully complied with the notice and filing requirements of the statutes referenced in ORS 87.272(6).
	2) Obtain an order from the court allowing you to advertise the sale of the equipment and sell the equipment.
	3) Deliver a certified copy of the order to the sheriff of the county in which the equipment is located and a copy of the Notice of Lien, certified by the recording officer of the county where it was filed.
	4) At least 30 days before the sale, send a copy of the order and Notice of Lien by registered or certified mail to any third parties with UCC financing statements covering the equipment.
	5) The sheriff will take possession of the equipment
	6) The sheriff will publish a Notice of Sale once a week for 2 successive weeks in a daily or weekly newspaper published in the county

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	in which the sale will be held, or, if there is none, in a daily or weekly newspaper generally circulated in the county in which the sale is held
When does my lien have priority over the bank's security interest?	If you hold on to the equipment, your lien will be ahead of all other liens.
	If you release the equipment or perform repairs in the field, your lien will fall behind the bank's prior security interest even if you complete the necessary filing by the deadline.
IMPORTANT NOTE: In Oregon, it is possible for ATVs, UTVs and similar types of vehicles to be issued a certificate of title. In that situation, please note that additional or different requirements may apply.	
These materials are intended to be general summaries only. Contact your attorney for your specific situation.	