

Liens for Service to Horses

Liens are rights in property to secure the payment of a debt. If you are purchasing a home or vehicle "on installments" the bank or finance company has a lien on the property you are buying. If you do not make your payments on time, the creditor can execute on the lien by repossessing the car or foreclosing on the house mortgage. The creditor can seize the property, sell it at a public sale, apply the proceeds of the sale to pay off the loan balance and expenses of enforcing the lien, and return the remainder (if any) of the sale proceeds to you.

Possessory liens are liens on property that is already in the possession of the creditor. For example, if you take your automobile to a repair shop, the shop has a possessory lien on your car to secure payment of the repair bill. That means it can keep your car until you pay the bill and, if it becomes necessary, can have the car sold to obtain its money.

This segment consists of liens for three specific types of services that are provided to horse owners: veterinary services, farrier services, and breeding services. Laws in many states give veterinarians, horseshoers and stallion owners liens to secure payment for their services. In the case of stallion owners, liens extend to the foal and sometimes to the mare that was bred.

Most states do not have all three types of special service liens. However, all states (except for Rhode Island) have agister's liens for providing board for horses. Many agister's liens are worded broadly enough to be useful to secure payment for veterinary, farrier or breeding services. This is particularly likely if an owner has left his or her horse with a veterinarian or a stallion owner or (conceivably) a farrier for service. In that event, the agister's lien is likely to create a possessory lien on the horse to secure payment of the boarding part of the bill, which may give sufficient leverage to obtain full payment.

An agister's lien is a special type of possessory lien that applies when one person takes care of the livestock of another by providing board or sometimes training for the horse or other livestock. If you run a stable or train horses, you have possession of the horse and under the laws of most states can keep possession of that horse until your board or training bill is paid by the horse's owner. If the nonpayment persists, you can have the horse sold to collect the amount owed.

This segment consists of the three types of special service liens and agisters liens in 49 states (none could be found for Rhode Island). These laws spell out the rights and duties of the lien holder (veterinarian, farrier or stallion owner) and the debtor (horse owner). The laws in each of these states are the same in that they create a possessory lien but the procedures required to sell the horse to pay the debt vary greatly from state to state.

A related statutory compilation collects agister's liens for 49 of the states. See [Liens for the Care of Horses](#).

As in the other statutory compilations in our web site, there are sometimes gaps in statutory numbering. These gaps may reflect statutes that are not applicable to horse transactions or statutes that have been repealed.

Every effort has been made to make this compilation accurate and comprehensive. However, no warranty or guarantee is provided and the reader is urged to consult an attorney knowledgeable in equine law in his or her state before making important decisions. These materials are provided for information only and not as legal advice; no attorney-client relationship is created or intended.

New York Liens for Service to Horses

NOTE: New York has a veterinarian's lien and a breeder's lien. It has no farrier's lien, but the veterinarian's lien covers agisters, that is, boarding costs of stables, so would cover at least part of the cost of farrier service to a horse left temporarily in the possession of the farrier.

I. Veterinarian's Lien

**CONSOLIDATED LAWS OF NEW YORK
AGRICULTURE AND MARKETS LAW
CHAPTER 69 OF THE CONSOLIDATED LAWS
ARTICLE 25-B--ABANDONED ANIMALS**

§ 331. Abandonment of certain animals

An animal is deemed to be abandoned when it is placed in the custody of a veterinarian, veterinary hospital, boarding kennel owner or operator, stable owner or operator, or any other person for treatment, board, or care and:

1. Having been placed in such custody for a specified period of time the animal is not removed at the end of such specified period and a notice to remove the animal within ten days thereafter has been given to the person who placed the animal in such custody, by means of registered letter mailed to the last known address of such person, or:
2. Having been placed in such custody for an unspecified period of time the animal is not removed within twenty days after notice to remove the animal has been given to the person who placed the animal in such custody, by means of a registered letter mailed to the last known address of such person.
3. The giving of notice as prescribed in this section shall be deemed a waiver of any lien on the animal for the treatment, board or care of the animal but shall not relieve the owner of the animal removed of his contractual liability for such treatment, board or care furnished.

II. Veterinarian's and Agister's Lien

**LIEN LAW
CHAPTER 33 OF THE CONSOLIDATED LAWS
ARTICLE 8--OTHER LIENS ON PERSONAL PROPERTY**

§ 183. Lien of bailee of animals

Any veterinarian, duly licensed to practice under the laws of this state, who in connection with such practice renders professional services in the treatment of any dog, cat, or other domestic animal or boards any such animal on his premises, or a person keeping a livery stable, or boarding stable for animals, or pasturing or boarding one or more animals, or who in connection therewith keeps or stores any wagon, truck, cart, carriage, vehicle or harness, has a lien dependent upon the possession upon each dog, cat or other animal kept, pastured or boarded by him, and upon any wagon, truck, cart, carriage, vehicle or harness, of any kind or description, stored or kept provided an express or implied agreement is made with the owners thereof, whether such owner be a mortgagor remaining in possession or otherwise, for the sum due him for the professional service rendered, care, keeping, boarding or pasturing of the animal, or for the keeping or storing of any wagon, truck, cart, carriage, vehicle and harness, under the agreement, and may detain the dog, cat or other animal or wagon, truck, cart, carriage, vehicle and harness accordingly, until such sum is paid.

III. Breeder's Lien

**CHAPTER 33 OF THE CONSOLIDATED LAWS
ARTICLE 7--LIENS FOR SERVICE OF STALLIONS OR BULLS**

§ 160. Lien on mare and foal, or on cow and calf

On complying with the provisions of this article, the owner of a stallion or bull shall have a lien on each

mare or cow served together with the foal or calf of such mare or cow from such service, for the amount agreed on at the time of service, or if no agreement was made, for the amount specified in the statement hereinafter required to be filed, if within twenty months after such service he files a notice of such lien with the proper officers and in the same manner as is required to perfect a security interest under paragraph (a) of subsection (1) of section 9-401 of the uniform commercial code. Such notice of lien shall be in writing, specifying the person against whom the claim is made, the amount of the same and a description of the property upon which the lien is claimed, and such lien shall terminate at the end of eighteen months from the date of such filing, unless within that time an action is commenced for the enforcement thereof, as provided in sections two hundred and six to two hundred and ten, both inclusive, of this chapter, for the foreclosure of a lien on chattels.

UNIFORM COMMERCIAL CODE
CHAPTER 38 OF THE CONSOLIDATED LAWS
ARTICLE 9--SECURED TRANSACTIONS: SALES OF ACCOUNTS, CONTRACT RIGHTS AND
CHATTEL PAPER
PART 4. FILING

§ 9-401. Place of Filing; Erroneous Filing; Removal of Collateral

(1) The proper place to file in order to perfect a security interest is as follows:

(a) when the collateral is equipment used in farming operations, or farm products, or accounts or general intangibles arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the filing officer in the county of the debtor's residence if the debtor is a resident of this state, and, in addition to any other filing when the collateral is crops, in the office of the filing officer in the county where the land on which the crops are growing or to be grown is located;

[(b) through (d) omitted.]

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this Article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in Section 9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, and subject to subsection (3) of Section 9-302, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the department of state. This filing constitutes a fixture filing (Section 9-313) as to the collateral described therein which is or is to become fixtures.

(6) Except as otherwise provided in paragraph (d) of subsection (1), for the purposes of this section the residence of an organization is its place of business if it has one or its chief executive office if it has more than one place of business.

(7) In this Part, the term "filing officer" or "recording officer" means the county clerk of the county, except in the counties of Bronx, Kings, New York and Queens where it means the city register in the county; and the term "filing officer" includes the secretary of state where a filing is made in the department of state.

Reviewed by AAHS in August 2001.