

**CHAPTER 39
OTHER LIENS**

- § 39101. Seller's Lien on Real Property.
- § 39102. Transfer Waives Lien.
- § 39103. Seller's Lien.
- § 39104. Lien Real Property.
- § 39105. Lien Personal Property.
- § 39106. Notice of Lien in Excess of \$300; Automobiles & Trailers; who is Holder of Legal Title; Storage & Parking Liens.
- § 39107. Lien Holders' Sale.
- § 39108. Factor's Lien.
- § 39109. Banker's Lien.
- § 39110. Shipmasters' Lien.
- § 39111. Seamen's Lien.
- § 39112. Court Officer's Lien.
- § 39113. Judgment Lien.

§ 39101. Seller's Lien on Real Property.

One who sells real property has a vendor's lien thereon, independent of possession, for so much of the price as remains unpaid and unsecured otherwise than by the personal obligation of the buyer.

SOURCE: CC § 3046.

§ 39102. Transfer Waives Lien.

Where the buyer of real property gives to the seller a written contract for payment of all or part of the price, an absolute transfer of such contract by the seller waives his lien to the extent of the sum payable under the contract, but a transfer of such contract in trust to pay debts, and return the surplus, is not a waiver of the lien.

SOURCE: CC § 3047.

§ 39103. Seller's Lien.

The liens defined in § 39101 and § 39104 are valid against everyone claiming under the debtor, except a purchaser or encumbrancer in good faith and for value.

SOURCE: CC § 3048.

18 GCA BUSINESS STRUCTURE & FUNCTION
CH. 39 OTHER LIENS

NOTE: CC § 3049, *Seller personal property*, was repealed by P.L. 13-150:10 and replaced by appropriate parts of 13 GCA (UCC) dealing with security interests.

§ 39104. Lien Real Property.

One who pays to the owner any part of the price of real property, under an agreement for the sale thereof, has a special lien upon the property, independent of possession, for such part of the amount paid as he may be entitled to recover back, in case of a failure of consideration.

SOURCE: CC § 3050.

§ 39105. Lien Personal Property.

Every person, who, while lawfully in possession of an article of personal property renders any service to the owner thereof, by labor or skill, employed for the protection, improvement safekeeping, or carriage thereof, has a special lien thereon, dependent upon possession, for the compensation, if any, which is due to him from the owner for such service; a person who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for the balance due for such work done and materials furnished, and may retain possession of the same until the charges are paid.

SOURCE: CC § 3051.

§ 39106. Same: Notice of Lien in Excess of \$300; Automobiles & Trailers; who is holder of legal title; Storage & Parking Liens.

That portion of any lien, as provided in §33105 of this Chapter, in excess of Three Hundred Dollars (\$300) for any work, services, care, parking or safekeeping rendered or performed at the request or any person other than the holder of legal title, shall be invalid, unless prior to commencing any such work, service, care, parking or safekeeping, the person claiming such lien shall give actual notice in writing either by personal service or by registered letter addressed to the holder of legal title to such property, if known. In the case of automobiles and trailers, the person named as legal owner in the registration certificate, shall be deemed for the purpose of this Section, as the holder of legal title.

SOURCE: CC § 3051a. Amended by P.L. 16-120:24 (12/18/82).

§ 39107. Lien Holders' Sale.

If the person entitled to the lien provided in § 39105 of this Chapter be not paid the amount due, and for which said lien is given, within ten days

18 GCA BUSINESS STRUCTURE & FUNCTION
CH. 39 OTHER LIENS

after the same shall have become due, then such lienholder may proceed to sell said property, or so much thereof as may be necessary to satisfy the lien and costs of sale at public auction, and by giving at least ten days' previous notice of such sale by posting notice of sale in three public places in the town or place where such property is to be sold, for ten days previous to the date of the sale, and by serving personal notice upon the owner.

SOURCE: CC § 3052.

§ 39108. Factor's Lien.

A factor has a general lien, dependent upon possession, for all that is due to him as such, upon all articles of commercial value that are entrusted to him by the same principal.

SOURCE: CC § 3053.

§ 39109. Banker's Lien.

A banker has a general lien, dependent upon possession, upon all property in his hands belonging to a customer, for the balance due to him from such customer in the course of the business.

SOURCE: CC § 3054.

§ 39110. Shipmasters' Lien.

The master of a ship has a general lien, independent of possession, upon the ship and freightage, for advances necessarily made or liabilities necessarily incurred by him for the benefit of the ship, but has no lien for his wages.

SOURCE: CC § 3055.

§ 39111. Seamen's Lien.

The mate and seamen of a ship have a general lien, independent of possession, upon the ship and freightage for their wages, which is superior to every other lien.

SOURCE: CC § 3056.

§ 39112. Court Officer's Lien.

An officer who levies an attachment or execution upon personal property acquires a special lien, dependent upon possession, upon such property, which authorizes him to hold it until the process is discharged or satisfied, or a judicial sale of the property is had.

SOURCE: CC § 3057.

18 GCA BUSINESS STRUCTURE & FUNCTION
CH. 39 OTHER LIENS

§ 39113. Judgment Lien.

The lien of a judgment is regulated by Title 7 of this Code [Civil Procedure].

SOURCE: CC § 3058.

NOTE: Chapter VII, Stoppage in Transit, §§ 3076-3080, has been repealed by P.L. 13-150:11 and replaced by appropriate parts of Title 13 of this Code (UCC).

NOTE: Title XV of Division III of the Civil Code, Negotiable Instruments, was repealed in its entirety by P.L. 13-150:12 and replaced by appropriate provisions of Title 13 of this Code, the UCC.

NOTE: The Bulk Transfer Act, CC §§ 3460-3469, was repealed by P.L. 13-150:14 and replaced by appropriate provisions of Title 13 of this Code (UCC).

18 GCA BUSINESS STRUCTURE & FUNCTION
CH. 39 OTHER LIENS