

WAC 308-391-602 Processor lien or preparer lien. (1) A producer or commercial fisherman or wine producer may satisfy the condition in chapter 60.13 RCW that a statement evidencing the processor lien or preparer lien be filed under RCW 60.13.040 in a record, authenticated by the producer or fisherman, by using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by satisfying the following additional statutory requirements prescribed in RCW 60.13.040:

(a) Designate the financing statement as a statement filed under RCW 60.13.040 evidencing the processor lien or preparer lien or wine producer lien by marking "Non-UCC Filing" (not AG-lien) in box 5, and by stating which type of lien is claimed in box 8.

(b) State the true amount or a reasonable estimate of the debt demanded after deducting all credits and offsets and the date on which payment was due for the agricultural product or fish to be charged with the lien in box 10 of the Addendum.

(c) State the name and address of the producer(s), processor(s), conditioner(s) or preparer(s) who received the agricultural product or fish to be charged with the lien in boxes 1, 2 and 11, as needed.

(d) State the name and address of the lien holder in box 3.

(e) Add a description sufficient to identify the agricultural product or fish to be charged with the lien in box 4.

(f) Include the statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien, and the statement that the act of filing this notice constitutes the present intention of the producer or commercial fisherman that the statements there are true and adopted by the producer or commercial fisherman as their own in box 10 of the Addendum. If you cannot include all of the information required to be included in box 10, use the additional space provided in box 16 of the Addendum with a cross-reference that it is a continuation of the information to be added to box 10.

(2) Authentication. The authorized filing of the financing statement on the approved forms, containing the additional information, and in the manner that complies with the requirements of this section is deemed to be an authenticated record by the producer or commercial fisherman as required by RCW 60.13.040(2).

(3) Where to file. File in the department of licensing as provided in WAC 308-391-101.

(4) Fee. The fees are the same as provided in WAC 308-391-104.

(5) Duration. As provided in RCW 60.13.060(1), the wine producer or processor lien shall terminate twelve months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment of the lien or filing of the statement, unless a suit to foreclose the lien has been filed before that time as provided in RCW 60.13.070. Thus a filed statement evidencing a processor lien or a preparer lien is not effective for five years, and need not, and may not be continued as provided in WAC 308-391-201.

(6) Mechanics of search. Crop liens claimed under chapter 60.11 RCW, processor liens or preparer liens or wine producer liens claimed under chapter 60.13 RCW for which statements have been filed in accordance with this rule, and financing statements filed under RCW 62A.9A-310 are revealed in a search as provided in WAC 308-391-505.

[Statutory Authority: RCW 62A.9A-526 and 60.13.040. WSR 12-16-073, § 308-391-602, filed 7/31/12, effective 8/31/12. Statutory Authority:

RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. WSR 09-12-067, § 308-391-602, filed 5/29/09, effective 6/29/09.]