Chapter 2
Miscellaneous Liens

38-2-1 Lien on livestock -- For feed and care.

Every rancher, farmer, agistor, herder of cattle, tavern keeper or livery stable keeper to whom any domestic animals shall be entrusted for the purpose of feeding, herding or pasturing shall have a lien upon such animals for the amount that may be due for such feeding, herding or pasturing, and is authorized to retain possession of such animals until such amount is paid.

Amended by Chapter 365, 2024 General Session

38-2-2 Liens of hotels and boardinghouse keepers.

Every innkeeper, hotel keeper, boardinghouse keeper, or lodginghouse keeper shall have a lien on the baggage and other property in and about such inn belonging to or under control of guests or boarders for the proper charges due for their accommodation, board and lodging, for money paid for or advanced to them, and for such other extras as are furnished at their request. The innkeeper, hotel keeper, boardinghouse keeper, or lodginghouse keeper may detain such baggage and other property until the amount of such charge is paid, and the baggage and other property shall not be exempt from attachment or execution until the hotel or boardinghouse keeper's lien and the costs of enforcing it are satisfied.

Amended by Chapter 365, 2024 General Session

38-2-3 Repairman's lien on personal property -- Lien subject to rights of secured parties.

Every person who shall make, alter or repair, or bestow labor upon, any article of personal property at the request of the owner or other person entitled to possession thereof shall have a lien upon such article for the reasonable value of the labor performed and materials furnished and used in making such article or in altering or repairing the same, and may retain possession thereof until the amount so due is paid; provided such lien and right to possession shall be subject and subordinate to the rights and interests of any secured parties in such personal property unless such secured party has requested such person to make, alter or repair or bestow labor upon such property.

Amended by Chapter 272, 1977 General Session

38-2-3.1 Special lien on personal property for services rendered -- General lien of dry cleaning establishments, laundries, and shoe repair shops.

Every person who, while lawfully in possession of an article of personal property, renders any service to the owner or owners thereof, by labor or skill performed upon said personal property at the request or order of said owner, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to the person from the owner or owners for such service; and every laundry proprietor, person conducting a laundry business, dry cleaning establishment, proprietor and person conducting a dry cleaning establishment, shoe repair establishment proprietor and person conducting a shoe repair establishment has a general lien, dependent on possession, upon all personal property in their hands belonging to a customer, for the balance due from such customer for laundry work, and for the balance due for dry cleaning work, and for the balance due for shoe repair work; but nothing in this section shall be construed to confer a lien in

favor of a wholesale dry cleaner on materials received from a dry cleaning establishment proprietor or a person conducting a dry cleaning establishment. The terms "person" and "proprietor" as used in this section shall include an individual, firm, partnership, association, corporation and company.

Amended by Chapter 365, 2024 General Session

38-2-3.2 Sale of unclaimed personal property.

(1) Any garments, clothing, shoes, wearing apparel or household goods, remaining in the possession of a person, on which cleaning, pressing, glazing, laundry or washing or repair work has been done or upon which alterations or repairs have been made or on which materials or supplies have been used or furnished by said person holding possession thereof, for a period of 90 days or more after the completion of such services or labors, may be sold by said person holding possession, to pay the unpaid reasonable or agreed charges therefor and the costs of notifying the owner or owners as hereinafter provided. However, the person to whom such charges are payable and owing shall first notify the owner or owners of such property of the time and place of such sale; and provided further, that property that is to be placed in storage after any of the services or labors mentioned herein shall not be affected by the provisions of this Subsection (1).

(2) All garments, clothing, shoes, wearing apparel on which any of these services or labors mentioned in Subsection (1) have been performed and then placed in storage by agreement, and remaining in the possession of a person without the reasonable or agreed charges having been paid for a period of 12 months may be sold to pay such charges and costs of notifying the owner or owners as hereinafter provided. However, the person to whom the charges are payable and owing shall first notify the owner or owners of such property of the time and the place of sale, and provided, further, that persons operating as warehouses or warehousemen shall not be affected by this Subsection (2).

(3)

(a)

(i) The mailing of a properly stamped and registered letter, with a return address marked thereon, addressed to the owner or owners of the property, at their address given at the time of delivery of the property to such person to render any of the services or labors set out in this article, or if no address was so given, at their address if otherwise known, stating the time and place of sale, shall constitute notice as required in this section.

(ii) The notice required in Subsection (3)(a)(i) shall be mailed at least 20 days before the date of sale.

(iii) The cost of mailing the letter required under Subsection (3)(a)(i) shall be added to the charges.

(b)

(i) If no address was given at the time of delivery of the property, or if the address of the owner or owners is not otherwise known, such person who has performed the services or labors as aforesaid shall cause to be published a notice of the time and place of sale:

(A) at least once in a daily or weekly newspaper in the city, town, and county, wherein such property was delivered to such person at least 20 days before the date of sale; and

(B) in accordance with Section 45-1-101 for at least 20 days before the date of sale.

(ii) Such notice constitutes notice as required in this section if notice cannot be mailed as provided in Subsection (3)(b)(i).

(iii) The costs of one such publication shall be added to the charges.

(4)

(a) The person to whom the charges are payable and owing shall from the proceeds of the sale, deduct the charges due plus the costs of notifying the owner or owners and shall immediately thereafter mail to the owner or owners thereof at their address, if known, a notice of the holding of such sale and the amount of the overplus, if any, due the owner or owners. At any time within 12 months after such notice, such person shall, upon demand by the owner or owners, pay to the owner or owners such overplus in his hands.

(b) If no such demand is made within such 12-month period, or, if the address of the owner or owners is unknown and no demand is made by the owner or owners within 12 months after the date of sale, then such overplus shall become the property of a person who has performed the services or labors as provided in Subsection (1).

(5) Each person taking advantage of this section must keep posted in a prominent place in his receiving office or offices at all times two notices which shall read as follows:

"All articles, cleaned, pressed, glazed, laundered, washed, altered, or repaired, and not called for in 90 days will be sold to pay charges."

"All articles stored by agreement and charges not having been paid for 12 months will be sold to pay charges."

(6) The rights and benefits provided for in this section shall be and are in addition to the rights and benefits provided for in Section 38-2-4.

Amended by Chapter 388, 2009 General Session

38-2-4 Disposal of property by lienholder -- Procedure.

(1) Any party holding a lien upon personal property as provided in this chapter may dispose of the property in the manner provided in Subsection (2).

(2)

(a) The lienor shall give notice to the owner of the property, to the customer as indicated on the work order, and to all other persons claiming an interest in or lien on it, as disclosed by the records of the Motor Vehicle Division, lieutenant governor's office, or of corresponding agencies of any other state in which the property appears registered or an interest in or lien on it is evidenced if known by the lienor.

(b) The notice shall be sent by certified mail at least 30 days before the proposed or scheduled date of any sale and shall contain:

(i) a description of the property and its location;

(ii) the name and address of the owner of the property, the customer as indicated on the work order, and any person claiming an interest in or lien on the property;

(iii) the name, address, and telephone number of the lienor;

(iv) notice that the lienor claims a lien on the property for labor and services performed and interest and storage fees charged, if any, and the cash sum which, if paid to the lienor, would be sufficient to redeem the property from the lien claimed by the lienor;

(v) notice that the lien claimed by the lienor is subject to enforcement under this section and that the property may be sold to satisfy the lien;

(vi) the date, time, and location of any proposed or scheduled sale of the property and whether the sale is private or public, except that no property may be sold earlier than 45 days after completion of the repair work; and

(vii) notice that the owner of the property has a right to recover possession of the property without instituting judicial proceedings by posting bond.

(3) If the owner of the property is unknown or the property owner's whereabouts cannot be determined, or if the owner or any person notified under Subsection (2) fails to acknowledge

receipt of the notice, the lienor, at least 20 days before the proposed or scheduled date of sale of the property, shall publish the notice required by this section once in a newspaper circulated in the county where the vehicle is held.

(4) A lienee may have the lienee's property released from any lien claimed on it under this chapter by filing with the clerk of a court a cash or surety bond, payable to the person claiming the lien, and conditioned for the payment of any judgment that may be recovered on the lien, with costs, interest, and storage fees.

(5)

(a) The lienor has 60 days after receiving notice that the lienee has filed the bond provided in Subsection (4) to file suit to foreclose the lien.

(b) If the lienor fails to timely file an action, the clerk of the court shall release the bond.

(6) Property subject to lien enforcement under this section may be sold by the lienor at public or private sale; however, in the case of a private sale, every aspect of the sale, including the method, manner, time, place, and terms shall be commercially reasonable.

(7) This section may not be construed to affect an owner's right to redeem the owner's property from the lien at any time prior to sale by paying the amount claimed by the lienor for work done, interest, and storage fees charged and any costs incurred by the repair shop for using enforcement procedures under this section.

Amended by Chapter 302, 2025 General Session

38-2-5 Action for deficiency.

Nothing in this chapter shall take away the right of action of the party to whom such lien is given for that party's charges, or for any residue thereof, after such sale of the property.

Amended by Chapter 365, 2024 General Session

38-2-6 Mold liens.

Title 13, Chapter 31, Mold Retention and Lien Act, governs liens on molds in the possession of a molder as those terms are defined in Section 13-31-102.

Enacted by Chapter 349, 1998 General Session

38-2-7 Compensation -- Attorney's lien.

(1) The compensation of an attorney is governed by agreement between the attorney and a client, express or implied, which is not restrained by law.

(2) An attorney shall have a lien for the balance of compensation due from a client on any money or property owned by the client that is the subject of or connected with work performed for the client, including:

(a) any real, personal, or intangible property that is the subject of or connected with the work performed for the client;

(b) any funds held by the attorney for the client, including any amounts paid as a retainer to the attorney by the client; and

(c) any settlement, verdict, report, decision, or judgment in the client's favor in any matter or action in which the attorney assisted, including any proceeds derived from the matter or action, whether or not the attorney is employed by the client at the time the settlement, verdict, report, decision, or judgment is obtained.

(3) An attorney's lien commences at the time of employment of the attorney by the client.

(4)
(a) An attorney may enforce a lien under this section by:
(i) moving to intervene in a pending legal action:
(A) in which the attorney has assisted or performed work; or
(B) in which the property subject to the attorney's lien may be disposed of or otherwise encumbered; or
(ii) by filing a separate legal action.
(b) An attorney may not move to intervene in an action or file a separate legal action to enforce a lien before 30 days has expired after a demand for payment has been made and not been complied with.
(5) An attorney may file a notice of lien:
(a) in a pending legal action in which the attorney has assisted or performed work for which the attorney has a lien under this section;
(b) with the county recorder of the county in which real property that is subject to a lien under this section is located; or
(c) with the state or federal government office that receives filings that relate to the ownership of the property.
(6) A notice of lien described in Subsection (5) shall include the following:
(a) the name, address, and telephone number of the attorney claiming the lien;
(b) the name of the client who is the owner of the property subject to the lien;
(c) a verification that:
(i) the property is the subject of or connected with work performed by the attorney for the client; and
(ii)
(A) the attorney made a demand for payment of the amounts owed to the attorney for the work and the client did not pay the amounts owed within 30 days after the day on which the attorney made the demand; or
(B) the attorney is filing the notice of lien in accordance with a written agreement between the attorney and the client;
(d) the date on which the attorney first provided services to the client;
(e) a description of the property, sufficient for identification;
(f) the signature of the attorney claiming the lien; and
(g) an acknowledgment or certificate as required under Title 57, Chapter 3, Recording of Documents.
(7) Within 30 days after the day on which the notice of lien is filed, the attorney shall deliver or mail by certified mail to the client a copy of the notice of lien.
(8) Any person who takes an interest in any property, other than real property, that is subject to an attorney's lien with actual or constructive knowledge of the attorney's lien, takes the interest subject to the attorney's lien.
(9) An attorney's lien on real property has as its priority the date and time when a notice of lien is filed with the county recorder of the county in which real property that is subject to a lien under this section is located.
(10) This section does not alter or diminish in any way an attorney's common law retaining lien rights.
(11) This section does not authorize an attorney to have a lien in the representation of a client in a criminal matter or domestic relations matter where a final order of divorce has not been secured unless:
(a)

(i) the criminal matter has been concluded or the domestic relations matter has been concluded by the securing of a final order of divorce; or
(ii) the attorney/client relationship has terminated; and
(b) the client has failed to fulfill the client's financial obligation to the attorney.

Amended by Chapter 168, 2015 General Session