



EQUESTRIAN QUESTION FORUM by Lisa L. Lerch, Esq.

Are there any lien laws other than the Livestock Servicer Lien that affect horse owners in California?

Yes. There are two additional lien laws worth noting.

If you are a breeder, you should be aware that California has a breeder's lien law.

California Civil Code section 3062 states "Every owner or person having in charge any stallion, jack, or bull, used for propagating purposes, has a lien for the agreed price of its service upon any mare or cow and upon the offspring of such service, unless some willfully false representation concerning the breeding or pedigree of such stallion, jack, or bull has been made or published by the owner or person in charge thereof, or by some other person, at the request or instigation of such owner or person in charge."

This code section provides a lien on both the mare and any foal derived from the breeding to the stallion owner for stud service fees. I suggest that breeding agreements be in writing and incorporate a specific provision addressing the stallion owner's lien rights and remedies.

This lien, unlike the livestock servicer lien is not a possessory lien. As the stallion owner, you do not need to have possession of the mare and foal to attach the lien and pursue your legal remedies. This lien is simply recorded in the county recorder's office in the county where the mare is kept. The lien functions as notice to subsequent purchasers and others who may seek a lien on the mare that you have an interest in the horse. As a practical matter, if there is a horse registry involved, you may want to send a copy of the recorded lien to them as the lien would affect ownership interest of a third party purchaser.

It is important to note that to enforce your lien rights as a breeder; you must correctly record the lien and seek your legal remedies in court, which may include the sale of the mare pursuant to a court order. At no time is the stallion owner entitled to regain possession of the mare and sell the horse without proper court proceedings as doing so could result in both criminal and civil actions against the stallion owner.

It is also worth mentioning California's veterinary lien law. California Civil Code section 3051 provides veterinary proprietors and veterinary surgeons with a possessory lien for their compensation in caring for, boarding, feeding, and medical treatment of animals. ***This lien allows the vet to sell the horse at public auction without order from a court after 10 days notice to the horse owner.***

If you would like more information on this or other topics, please feel free to visit our website or contact our office.

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