

IC 32-33-16

Chapter 16. Liens on Dies, Molds, Forms, and Patterns

IC 32-33-16-0.5

Application

Sec. 0.5. This chapter does not apply to a special tool under IC 32-33-20.

As added by P.L.73-2009, SEC.3.

IC 32-33-16-1

"Customer" defined

Sec. 1. As used in this chapter, "customer" means any individual or entity who contracts with or causes a fabricator to use a die, mold, form, jig, or pattern to manufacture, assemble, or otherwise make a product.

As added by P.L.2-2002, SEC.18.

IC 32-33-16-2

"Fabricator" defined

Sec. 2. As used in this chapter, "fabricator" means any individual or entity, including a tool or die maker, who:

- (1) manufactures or causes to be manufactured, assembles, or improves a die, mold, form, jig, or pattern for a customer; or
- (2) uses or contracts to use a die, mold, form, jig, or pattern to manufacture, assemble, or otherwise make a product for a customer.

As added by P.L.2-2002, SEC.18.

IC 32-33-16-3

Lien; right to possession

Sec. 3. (a) A fabricator has a lien, dependent on possession, on any die, mold, form, jig, or pattern in the fabricator's possession belonging to the customer for the amount due the fabricator from the customer for fabrication work performed with the die, mold, form, jig, or pattern.

(b) A fabricator may retain possession of the die, mold, form, jig, or pattern until the amount due is paid.

As added by P.L.2-2002, SEC.18.

IC 32-33-16-4

Notice to enforce lien

Sec. 4. (a) Before enforcing a lien under this chapter, notice in writing must be given to the customer, whether delivered personally or sent by certified mail to the last known address of the customer.

(b) The notice required under subsection (a) must:

- (1) state that a lien is claimed for the damages set forth or attached for the amount due for fabrication work or for making or improving the die, mold, form, jig, or pattern; and
- (2) include a demand for payment.

As added by P.L.2-2002, SEC.18.

IC 32-33-16-5

Sale of die, mold, form, jig, or pattern at auction

Sec. 5. If the lienholder has not been paid the amount due within sixty (60) days after the notice provided for in section 4 of this chapter, the lienholder may sell the die, mold, form, jig, or pattern at auction if:

- (1) the die, mold, form, jig, or pattern is still in the lienholder's possession; and
- (2) the lienholder complies with section 6 of this chapter.

As added by P.L.2-2002, SEC.18.

IC 32-33-16-6

Notice to customer and persons having perfected security interests

Sec. 6. (a) Before a lienholder may sell the die, mold, form, jig, or pattern, the lienholder must, in writing, by certified mail, return receipt requested, notify the customer and any person whose security interest is perfected by filing of the following:

- (1) The lienholder's intention to sell the die, mold, form, jig, or pattern thirty (30) days after the customer's receipt of the notice.
- (2) A description of the die, mold, form, jig, or pattern to be sold.
- (3) The time and place of the sale.
- (4) An itemized statement for the amount due.

(b) If upon receipt of this notice the customer informs the lienholder in writing of the customer's objections regarding the amount due, the lienholder may file a complaint to foreclose the lien.

(c) If there is no return of the receipt of mailing, or if the postal service returns the notice as being nondeliverable, the lienholder must publish notice of the lienholder's intention to sell the die, mold, form, jig, or pattern in a newspaper of general circulation in the county where the die, mold, form, jig, or pattern is being held for sale by the lienholder. The notice must include a description of the die, mold, form, jig, or pattern and the name of the customer.

As added by P.L.2-2002, SEC.18.

IC 32-33-16-7

Disbursement of excess

Sec. 7. If the sale is for a sum greater than the amount of the lien plus all reasonable expenses of the sale, any excess shall be paid to the customer and any prior lienholder.

As added by P.L.2-2002, SEC.18.

IC 32-33-16-8

Sales in violation of federal patent or copyright law prohibited

Sec. 8. A sale may not be made under this chapter if the sale would be in violation of any right of a customer under federal patent or copyright law.

As added by P.L.2-2002, SEC.18.

IC 32-33-16-9

Actions for replevin not barred

Sec. 9. This chapter does not bar a customer from bringing action for replevin under IC 32-35-2.

As added by P.L.2-2002, SEC.18.