

# Materialmen's Lien

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A.C.A. § 18-44-117

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Title 18 Property  
Subtitle 4. Mortgages And Liens  
Chapter 44 Mechanics' and Materialmen's Liens  
Subchapter 1 -- General Provisions

A.C.A. § 18-44-117 (2012)

## **18-44-117. Filing of lien.**

(a) (1) It shall be the duty of every person who wishes to avail himself or herself of the provisions of this subchapter to file with the clerk of the circuit court of the county in which the building, erection, or other improvement to be charged with the lien is situated and within one hundred twenty (120) days after the things specified in this subchapter shall have been furnished or the work or labor done or performed:

(A) A just and true account of the demand due or owing to him or her after allowing all credits; and

(B) An affidavit of notice attached to the lien account.

(2) The lien account shall contain a correct description of the property to be charged with the lien, verified by affidavit.

(3) The affidavit of notice shall contain:

(A) A sworn statement evidencing compliance with the applicable notice provisions of §§ 18-44-114 -- 18-44-116; and

(B) A copy of each applicable notice given under §§ 18-44-114 -- 18-44-116.

(b) (1) (A) It shall be the duty of the clerk of the circuit court to endorse upon every account the date of its filing and to make an abstract of the account in a book kept by him or her for that purpose, properly indexed.

(B) This abstract shall contain:

(i) The date of the filing;

(ii) The name of the person laying or imposing the lien;

(iii) The amount of the lien;

(iv) The name of the person against whose property the lien is filed; and

(v) A description of the property to be charged with the lien.

(2) For this service, the clerk shall receive the sum of three dollars (\$3.00) from the person laying or imposing the lien, which shall be taxed and collected as other costs in case there is suit on the lien.

(3) The clerk shall refuse to file a lien account that does not contain the affidavits and attachments required by this section.

**HISTORY:** Acts 1895, No. 146, §§ 11, 12, p. 217; C. & M. Dig., §§ 6922, 6923; Pope's Dig., §§ 8881, 8882; Acts 1945, No. 55, § 2; 1961, No. 239, § 1; 1963, No. 124, § 1; 1977, No. 333, § 3; A.S.A. 1947, §§ 12-1720, 51-613, 51-614; Acts 2005, No. 2287, § 1; 2007, No. 810, § 1; 2009, No. 454, § 3.