CHAPTER 13

Recordation of Marketing Contracts

**SECTION 30‑13‑10.** Effect of delivery by agricultural association of “contract book”.

 Whenever any body of agricultural producers, any co‑operative association composed of agricultural producers or any co‑operative marketing association incorporated under the laws of this State or under the laws of any other state of the United States and licensed to do business in this State (such body of agricultural producers, co‑operative association or co‑operative marketing association being hereinafter referred to as the association), which is engaged in marketing agricultural products for its members shall prepare and deliver to the register of deeds or to the clerk of the court in any county in which the office of the register of deeds has been abolished a book to be called “the contract book of \_\_\_\_\_\_\_\_\_\_” (naming the association), such book shall thereupon become a public record in the office of such register or such clerk and the register or clerk shall record therein the matters and things authorized by this chapter.

HISTORY: 1962 Code Section 60‑351; 1952 Code Section 60‑351; 1942 Code Section 8890; 1932 Code Section 8890; 1924 (33) 1072.

Code Commissioner’s Note

1997 Act No. 34, Section 1, directed the Code Commissioner to change all references to “Register of Mesne Conveyances” to “Register of Deeds” wherever appearing in the 1976 Code of Laws.

Library References

Records 4, 54.

Westlaw Topic No. 326.

C.J.S. Records Sections 4, 99 to 101, 103 to 104.

**SECTION 30‑13‑20.** Recordation of marketing contracts or agreements.

 At any time after any such book shall have been so delivered to the register or clerk as provided in Section 30‑13‑10, the association which has delivered it may request the register or clerk to whom such book has been delivered to record therein any marketing contracts or agreements which have been entered into by such association and any members thereof. But if any such contracts or agreements be in the same words and figures as any other contracts or agreements with any other members of the association, with or without notations at the end thereof, and be separately signed by such members of the association, such association may have any such contract or agreement recorded once in extenso in such book and may furnish the register or the clerk with a list of the names of persons appearing on such contracts as signers thereof, with the dates, if any, of the signatures, respectively, together with a statement of any such notations, whereupon the register or clerk shall record such names as signatures, respectively, and the notations, if any, so furnished. Such recordation of the list of signatures so furnished shall be equivalent to the recordation in extenso of the contract or agreement of each signer thereof. Such copy of such contracts or agreements and such list of names of persons appearing on such contracts as signers thereof and statement of notations shall be sworn to by some officer of the association cognizant of the facts before some officer authorized to take acknowledgments to deeds. But in no case shall any such contract or agreement be deemed to be recorded as to any signer thereof until his name shall be indexed in such book by the register or clerk, which indexing such officer is hereby required to do.

HISTORY: 1962 Code Section 60‑352; 1952 Code Section 60‑352; 1942 Code Section 8890; 1932 Code Section 8890; 1924 (33) 1072.

Library References

Records 6.

Westlaw Topic No. 326.

C.J.S. Records Sections 9 to 14, 17 to 18.

**SECTION 30‑13‑30.** Effect of recordation of marketing contract or agreement.

 When Sections 30‑13‑10 and 30‑13‑20 shall have been complied with and any such record as is therein mentioned is made in the county in which a member of any such association resides such record shall operate as constructive notice of the existence of such contract or agreement and of the terms thereof and all persons contracting or dealing with any such member in relation to any such produce covered by such contract or agreement shall be bound thereby and all rights or liens acquired by any such person in such produce subsequent to the date of such record shall be subject in all respects to the rights of the association under such contract or agreement. But if any agricultural produce covered by such contract is sold at public auction or on a warehouse floor, the warehouseman or purchaser shall not be liable for any damages provided to be paid by any member in such contract unless actual notice is given in writing before settlement that the produce sold or offered for sale belongs to a member of the association.

HISTORY: 1962 Code Section 60‑353; 1952 Code Section 60‑353; 1942 Code Section 8890; 1932 Code Section 8890; 1924 (33) 1072.

Library References

Records 19.

Westlaw Topic No. 326.

C.J.S. Records Section 30.

**SECTION 30‑13‑40.** Landlords’ and laborers’ liens.

 Nothing contained in this chapter shall affect the statutory lien of a landlord for rent and advances or a laborer’s lien.

HISTORY: 1962 Code Section 60‑354; 1952 Code Section 60‑354; 1942 Code Section 8890; 1932 Code Section 8890; 1924 (33) 1072.

**SECTION 30‑13‑50.** Powers of association over members.

 The provisions of this chapter shall not have the effect of conferring upon any such association any power over its members or of imposing upon its members any duties not now possessed by the association or owing by the members under existing contracts.

HISTORY: 1962 Code Section 60‑355; 1952 Code Section 60‑355; 1942 Code Section 8890; 1932 Code Section 8890; 1924 (33) 1072.

Library References

Associations 13.

Westlaw Topic No. 41.

C.J.S. Associations Sections 38, 41, 61, 71 to 72, 74.

**SECTION 30‑13‑60.** Sharecroppers’ rights.

 Nothing contained in this chapter shall be construed to affect the rights of a sharecropper as they now exist under the laws of this State.

HISTORY: 1962 Code Section 60‑356; 1952 Code Section 60‑356; 1942 Code Section 8890; 1932 Code Section 8890; 1924 (33) 1072.