Texas Department of Motor Vehicles

Application for Foreclosure of a Self-Service Storage Facility Lien

Form VTR-265-SSF
(Rev. 01/12)

NOTE: This procedure can be used only if the lessor (landlord) has a written lease or rental agreement with the leasee (tenant) which addresses the sale and disposition of the property.

VEHICLE DESCRIPTION:

YEAR	MAKE	BODY STYLE	MODEL
VEHICLE IDENTIFICATION NUMBER	LICENSE PLATE NO.	YEAR OF LICENSE	STATE OF ISSUANCE

PERSON (TENANT) WHO LEFT MOTOR VEHICLE ON LEASE OR RENTAL PROPERTY:

NAME			
STREET ADDRESS	CITY	STATE	ZIP CODE

DATES	**LANDLORD'S LIEN INFORMATION** (See reverse side for further instructions)
_____	LEASE OR RENTAL AGREEMENT
_____	FIRST NOTIFICATION OF CLAIM (attach copy)
_____	PUBLICATION OR POSTING OF NOTICE ADVERTISING SALE (attach copy)
_____	_____
DATE OF SALE	LOCATION OF SALE

DATE OF SECOND NOTIFICATION (attach copy)
_____ To owner(s), _____ lienholder(s)

AFFIDAVIT OF CONTRACTUAL LANDLORD'S LIEN:

I, the undersigned statutory lienholder, certify that the facts contained herein are true and correct and that the vehicle described above was left on the lease/rental property and that the owner/lessee and lienholder, if any, were notified, as required by Chapter 59 of the State Property Code, to come forward and pay the charges due and pick up the vehicle. I further certify that possession of the vehicle has continued for thirty-one (31) days after the day on which the second notice of the amount of charges was made and that such charges remain unpaid. Therefore, I certify by my signature below that I have fulfilled all necessary legal requirements in order to enforce my lien against the property cited above; and I am proceeding to foreclose on the landlord's lien in accordance with the applicable provisions of the State Property Code.

_____
Name and Address of Storage Facility

Printed Name of Affiant _____

Signature of Affiant _____

Subscribed and sworn to before me this _____ day of _____ , _____ (Year)

NOTARY SEAL _____ _____
Notary Public County, Texas

WARNING: SWEARING TO A FALSE AFFIDAVIT IS PUNISHABLE BY A FINE OF UP TO $2,000, A YEAR IN JAIL OR BOTH.
CHARGING UNAUTHORIZED STORAGE FEES IS PUNISHABLE BY A FINE OF UP TO $1,000.

ODOMETER DISCLOSURE STATEMENT:

FEDERAL AND STATE LAWS REQUIRE THAT YOU DISCLOSE THE MILEAGE IN CONNECTION WITH THE TRANSFER OF OWNERSHIP. FAILURE TO COMPLETE OR PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT. (NOTE: ODOMETER DISCLOSURE STATEMENTS ARE NOT REQUIRED ON VEHICLES THAT ARE 10 MODEL YEARS OLD OR OLDER.)

I CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE ODOMETER READING IS THE ACTUAL MILEAGE OF THE VEHICLE UNLESS ONE OF THE FOLLOWING STATEMENTS IS CHECKED:

_____
Odometer Reading
(No Tenths)

☐ 1. The mileage stated is in excess of its mechanical limits.
☐ 2. The odometer reading is not the actual mileage.
WARNING - ODOMETER DISCREPANCY.

Signature of Seller/Agent | Hand Printed Name (same as signature) | Date of Statement

Name and Address of Storage Facility

I AM AWARE OF THE ABOVE ODOMETER CERTIFICATION MADE BY THE SELLER/AGENT.

Signature of Purchaser/Agent | Hand Printed Name (same as signature) | Date of Statement

Additional information on page 2

NOTE: IF UNABLE TO DETERMINE WHERE THE VEHICLE WAS LAST REGISTERED, THIS METHOD OF DISPOSAL OF THE VEHICLE CANNOT BE USED. DISPOSAL OF THE VEHICLE MUST BE BY COURT ORDER THROUGH A COURT OF COMPETENT JURISDICTION.

THE FOLLOWING EVIDENCE IS REQUIRED ON FORECLOSURE OF SELF-STORAGE FACILITY LIENS:

1. A copy of the contract dated with the terms of the lease printed or underlined in conspicuous bold print which addresses the sale and disposition of the property and is signed by both the tenant (lessee) and landlord (lessor). The lien is not enforceable unless the sale and disposition of the property is authorized in a written lease agreement.

2. An Application and Affidavit for Foreclosure of a Self-Service Storage Facility Lien, Form VTR-265-SSF, executed by the landlord (lessor) certifying that all appropriate provisions of the Texas Property Code have been complied with which:

   a. Must specify that the seizure and sale were made in accordance therewith; and
   b. Must state that proper notification has been made in accordance with Chapter 59 of the State Property Code and date(s) such notification(s) was made.

   VERIFICATION OF TITLE AND REGISTRATION

   If registered in Texas - Verification of Texas title and registration is required.

   If registered outside of Texas - Verification of title and registration from the state of record, if available. If not available, the following may be provided in lieu of title and registration verification from the state of record:

   (1) If a holder of a lien sends a request for a title and registration verification to the state of record (by verified mail) and is informed by letter from that state that due to the Driver's Privacy Protection Act restrictions, the state elects to forward the lienholder's notification to the owner(s) for notification purposes, the original letter(s) from the state of record, along with the verified receipts for each notification sent to that state, will be acceptable; or

   (2) If notification is made by newspaper publication, proof that a correctly addressed request for the name and address of the last known registered owner(s) and lienholder(s) was sent to the state of record by verified mail. Proof shall consist of a copy of the request along with evidence of mailing for the notification sent to the state of record.

3. **NOTIFICATION PROCEDURES**

   FIRST NOTICE - The first notice to the last known owner(s) must be sent by verified mail, or, only if applicable, notice by newspaper publication (see * below).

   SECOND NOTICE - Not later than 31 days after obtaining possession the second notice must be sent by verified mail, or, only if applicable, notice by newspaper publication, to the last known owner(s) and lienholder(s), if any.

   PUBLIC SALE - If charges are not paid before the 31st day after the second notice was made, the possessory lienholder may sell the vehicle at public sale. The proceeds shall be applied to the payment of charges, and the balance shall be paid to the person entitled to it.

   ***NOTIFICATIONS TO THE OWNER(S) AND LIENHOLDER(S), IF ANY**, must be **written** notification made by verified mail. In lieu of a written notification, publication of the notice in a newspaper of general circulation in the county in which the vehicle is stored may be used **only if ALL of the following apply:** a.) the vehicle is registered in another state; b.) the SSF has sent a correctly addressed request, by verified mail to the applicable state requesting the name and address of the last known registered owner(s) and lienholder(s), if any; c.) the identity of the last known owner(s) cannot be determined; d.) the registration does not contain an address for the last known owner(s); AND e.) the identity and address of the lienholder(s), if any, cannot be determined.

   NOTE: The holder of the lien is not required to publish notice if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed or refused or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

   NOTE: Verified mailing notifications on out-of-state titled vehicles are required to be sent to the owner(s) and lienholder(s) as recorded in Texas and out-of-state.

4. **PROOF OF NOTIFICATIONS**

   Notices by Verified Mail: Verified mail means any method of mailing that provides evidence of mailing. Proof submitted must consist of an official evidence of mailing issued by the USPS or a common carrier (such as receipt, copy of receipt, green card, or website tracking printout). In lieu of this, UNOPENED letter(s) returned as undeliverable, unclaimed, or no forwarding address will be accepted.

   Notices by Newspaper Publication (Only if applicable): Proof shall consist of the evidence of the verified request (same as listed above for verified mail) sent to the state of record requesting verification of owner(s) and lienholder(s), AND a legible photocopy of the newspaper publication which includes the name of the publication and the date of publication.

5. **LIABILITY INSURANCE** - A copy of current proof of liability insurance in the applicant's name.

6. **PENCIL TRACING** - A pencil tracing of the motor and serial numbers may be required to establish the vehicle's correct identity.

7. **OUT-OF-STATE VEHICLES** - If the vehicle was last registered outside of Texas, the following documentation is also required:

   a. Identification Certificate completed by a State appointed Safety Inspection Station; and
   b. Weight certificate on a commercial vehicle.

8. This form must be completed and submitted to the County Tax Assessor-Collector in the county where possession of the vehicle occurred.

NOTE: Items 5, 6 and 7 above, are the obligation of the purchaser.

NOTE: A self-service storage facility lien takes priority over all other liens if you have possession of the vehicle. Therefore, a release of lien is not required provided that the notice was made to the lienholder of record.

Contact/Help