



# SELF-SERVICE STORAGE FACILITY LIEN FORECLOSURE

INSTRUCTIONS ON PAGE 2

Texas Department of Motor Vehicles

General Information					
Vehicle Identification Number		Year	Make	Body Style	Model
License plate number	Year of license	State of issuance		Expiration	
Tenant who left vehicle on lease or rental property		Address of tenant (Street Address, City, State, Zip)		Lease or rental agreement date	

Self-Service Storage Facility's Lien Foreclosure/Public Sale Information		
<b>Possession</b>	Date self-service storage facility took possession of motor vehicle (charge accrued)	
<b>Notice of Claim</b> (Tenant's Notice)	Notice of Claim made by <input type="checkbox"/> Verified mail <input type="checkbox"/> Email	Date of Notice of Claim to tenant
<b>Notice of Sale</b>	Notice of Sale made by <input type="checkbox"/> Publication <input type="checkbox"/> Posting	Date(s) of notice advertising sale
<b>Notice to Owner(s) and Lienholder(s)</b>	Notice to Owner(s) and Lienholder(s) made by <input type="checkbox"/> Verified mail <input type="checkbox"/> Newspaper	Date of Notice to Owner(s) and Lienholder(s)
<b>Public Sale</b>	Date of public sale	Location of public sale

NOTE: On page 2, see "2. NOTIFICATION PROCEDURES" under *Self-Service Storage Facility's Lien Foreclosure Procedures* for notification requirements.

### Affidavit of Statutory Lienholder - State law makes falsifying information a third degree felony

I, the undersigned statutory lienholder, certify that the statements are true and correct and that the vehicle described above was left on the lease/rental property and the owner(s), lessee(s), and any applicable lienholder(s), were notified as required by statute. I also certify that I have complied with all applicable provisions of Chapter 59 of the Texas Property Code, and I am, therefore, proceeding to foreclose on the statutory landlord's lien in accordance with state law.

Printed Name of Storage Facility \_\_\_\_\_ Complete Address of Storage Facility (Street Address, City, State, Zip) \_\_\_\_\_

Printed Name of Authorized Agent \_\_\_\_\_ Signature of Authorized Agent \_\_\_\_\_

<b>NOTARY STAMP HERE</b>	Subscribed and sworn to before me this _____ day of _____, _____ (Year).	
	Notary Public _____	County, Texas _____ My commission expires _____ Date _____

### Seller/Buyer Assignment/Odometer Disclosure Statement

By virtue of the public sale outlined above and in accordance with the laws of the State of Texas, I, the undersigned statutory lienholder, for the sum of \$ \_\_\_\_\_, sell and assign the vehicle described on this affidavit to the highest bidder at said sale to:

Name \_\_\_\_\_ Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

State and federal laws require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. The odometer reading is \_\_\_\_\_ (no tenths).

I, the seller/agent, 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:

- The mileage stated is in excess of the mechanical limits.
- The odometer reading is not the actual mileage. **WARNING - ODOMETER DISCREPANCY**

\_\_\_\_\_ Date of Sale \_\_\_\_\_ Signature of Seller/Agent \_\_\_\_\_ Printed Name of Seller/Agent \_\_\_\_\_

I, the buyer/agent, am aware of the above odometer certification made by the seller/agent.

\_\_\_\_\_ Date \_\_\_\_\_ Signature of Buyer/Agent \_\_\_\_\_ Printed Name of Buyer/Agent \_\_\_\_\_

## SELF-SERVICE STORAGE FACILITY LIEN FORECLOSURE

### Self-Service Storage Facility's Lien Foreclosure Procedures

**GENERAL INFORMATION** - This procedure can be used only if the self-service storage facility (lessor) has a written lease or rental agreement with the tenant (lessee), which addressed the sale and disposition of the property. In addition, a determination must be made as to where the vehicle was last registered. Ownership can **only** be obtained through a court order if a written rental/lease agreement is unavailable or if no determination can be made as to where the vehicle was last registered.

- 1. RENTAL/LEASE AGREEMENT** - A copy of the agreement, dated and signed by both the tenant (lessee) and landlord (lessor), is required. The agreement must contain terms, printed or underlined in conspicuous bold print, which address the sale and disposition of the property. The lien is not enforceable unless the sale and disposition of the property is authorized in a written agreement.
- 2. NOTIFICATION PROCEDURES** - The Notice of Claim (Tenant's Notice) to the tenant must be sent by verified mail or email (email is authorized if the lease contains underlined or conspicuous bold print language that the notice may be given by email if the tenant elects to provide an email address). This notice must be made at least 15 days prior to the Notice of Sale being published or posted. The Notice of Sale must be made by newspaper publication or, if newspaper publication is unavailable, by posting a notice in five conspicuous locations near the self-service storage facility. The Notice of Sale can be made on, or after, the 15th day after the Notice of Claim (Tenant's Notice) is sent. Publication by newspaper must be made in two consecutive weeks. The Notice to Owner(s) and Lienholder(s) must be sent by verified mail. *This notice can be made by newspaper publication (see Notification by Newspaper below).* No later than 30 days after the self-service storage facility takes possession, written notice must be sent to the last known owner(s) and any applicable lienholder(s) recorded on the registration or title of the motor vehicle.  
**NOTE: The Notice of Claim (Tenant's Notice) and the Notice of Sale can be made at any time, including after the Notice to Owner(s) and Lienholder(s) or after the 31st day after the Notice to the Owner(s) and Lienholder(s) was sent. There is no requirement when the Notice of Claim must be made, but the Notice of Sale cannot be made earlier than the 15th day after the Notice of Claim is made. The Notice to the Owner(s) and Lienholder(s) must be made no later than 30 days after the self-service storage facility took possession. Public sale cannot occur unless all three notices have been made. See Public Sale below.**
- 3. PUBLIC SALE** - A self-service storage facility may sell the motor vehicle at public sale if charges are not paid before the 31st day after the day the Notice to Owner(s) and Lienholder(s) was mailed or published. Additionally, the Notice of Claim (Tenant's Notice) must be mailed/emailed (as applicable) and the Notice of Sale must be published/posted (as applicable) prior to the public sale. The public sale may occur on, or after, the later of the 31st day after the Notice to Owner(s) and Lienholders(s) was mailed or the 15th day the Notice of Sale is first published (or 11th day if made by posting). The proceeds shall be applied to the payment of charges, and the balance shall be paid to the person entitled to them.
- 4. APPLICATION FOR TITLE** - The highest bidder at public sale must apply for title, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).

**NOTIFICATION BY NEWSPAPER** - In lieu of written notification to the owner(s) and any applicable lienholder(s) by verified mail, 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:

- (1) The self-service storage facility submits a written request by verified mail to the governmental entity with which the motor vehicle is registered or titled requesting information relating to the identity of the last known owner(s) and any lienholder(s) of record.
- (2) The self-service storage facility:
  - (a) is advised in writing by the governmental entity with which the motor vehicle is registered or titled that the entity is unwilling or unable to provide information on the last known owner(s) or any lienholder(s) of record, or
  - (b) does not receive a response from the governmental entity with which the motor vehicle is registered or titled on or before the 21st day after the date the self-service storage facility submits the request under (1).
- (3) The identity of the last known owner of record cannot be determined.
- (4) The registration or title does not contain an address for the last known owner of record.
- (5) The identities and addresses of the lienholders of record cannot be determined.

**NOTE: The self-service storage facility is not required to publish notice if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed, refused, or with a notation that the addressee is unknown or has moved without leaving a forwarding address.**

### Evidence Required to Transfer Ownership

- a. **Form 130-U - Application for Texas Title.**
  - b. **Form VTR-265-SSF - Self-Service Storage Facility Lien Foreclosure.**
  - c. **Verification of Title and Registration** - If the vehicle is 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. **A third party verification is not acceptable.** If not available, the following may be provided in lieu of title and registration verification from the state of record:
    - (1) If a self-service storage facility sends a request for 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 will forward the self-service storage facility's notification to the owner(s) and lienholder(s) for notification purposes, then the original letter(s) from the state of record and evidence of mailing 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 consists of a copy of the request and evidence of mailing for the notification sent to the state of record.
  - d. **Proof of Notifications**
    - Notice of Claim (Tenant's Notice): Official evidence of verified mail or email. Email verification must consist of a copy of the email including date of transmission and recipient (as listed in the rental agreement). Must be mailed or emailed at least 15 days prior to the Notice of Sale.
    - Notice of Sale: Legible photocopies of each (two) newspaper publication including the name of the publication and the dates of publication, or if notice is made by posting, a copy of the notice and at least five addresses where the posting was made. Publications must be in two consecutive weeks. The first publication must be on or after the 15th day after Notice of Claim (Tenant's Notice) was made.
    - Notice to Owner(s) and Lienholder(s): Official evidence of verified mail or newspaper publication (as applicable). Proof of notice by newspaper publication consists of official evidence of verified mail sent to the state of record requesting owner and lienholder information AND a legible photocopy of the newspaper publication including the name of the publication and the date of publication. This notice must be made on or before the 30th day after the self-service storage facility takes possession of the vehicle.
- NOTE: Verified mail means any method of mailing that provides evidence of mailing. Proof consists of official evidence of mailing issued by the USPS or a common carrier (such as receipt, copy of receipt, green card, or website tracking printout). Any unopened letter(s) returned as undeliverable, unclaimed, refused, or no forwarding address are acceptable.**
- e. **Liability Insurance** - A copy of current proof of liability insurance in the applicant's name.
  - f. **Rental/Lease Agreement** - Attach a copy of the signed and dated rental or lease agreement.
  - g. **Out-of-State Vehicles** - An *Out-of-State Identification Certificate*, **Form VI-30**, or a Texas Vehicle Inspection Report (acceptable after March 1, 2015) and a certified weight certificate if the vehicle is a commercial vehicle.