Texas Department of Motor Vehicles

Mechanic's Lien Foreclosure

INSTRUCTIONS ON PAGE 2

A. GENERAL INFORMATION

YEAR	MAKE	BODY STYLE	MODEL
VEHICLE IDENTIFICATION NUMBER			
LICENSE PLATE NUMBER	YEAR OF LICENSE	STATE OF ISSUANCE	EXPIRATION
PRINT NAME OF PERSON THAT LEFT VEHICLE FOR REPAIRS		COMPLETE ADDRESS OF PERSON THAT LEFT VEHICLE FOR REPAIRS	

B. MECHANIC'S LIEN INFORMATION

1. DATE VEHICLE LEFT FOR REPAIRS	2. STATE THE DATE REPAIRS WERE COMPLETED AND **ATTACH A COPY OF THE SIGNED WORK ORDER**.
3. CHARGES FOR PARTS AND LABOR	NOTE: A signed work order must be submitted. If a signed work order is not available then ownership must be obtained through a court order.
4. STORAGE CHARGES	NOTE: The Form VTR-265-S must also be completed if the foreclosure includes storage charges. Additionally, a second notice will be required.

C. FORECLOSURE INFORMATION

DATE	Date the owner(s) and lienholder(s), if any, were notified by certified mail of the charges. Notice must be given no later than thirty (30) days after the day on which charges accrued and the charges are unpaid. Attach a validated (date stamped) receipt from the U.S. Post Office or other certified mail provider.
DATE AND NAME OF COUNTY	Date the county tax assessor-collector was notified. The county tax office must be notified within 10 days of sending notice to the owner and/or lienholder.

D. AFFIDAVIT OF STATUTORY LIENHOLDER - State law makes falsifying information on this application 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 for repair and that the owner(s), lienholder(s), if any, and the county tax assessor-collector, if applicable, were notified, as required by statute. I also certify that I have complied with all applicable provisions of Chapter 70 of the State Property Code, and I am, therefore, proceeding to foreclose on the statutory mechanic's lien in accordance with state law.

PRINT NAME OF GARAGE	COMPLETE ADDRESS OF GARAGE
PRINT NAME OF AUTHORIZED AGENT	SIGNATURE OF AFFIANT

Subscribed and sworn to before me _____ this _____ day of _____

Notary Seal _____ Notary Public _____ County, Texas

E. PUBLIC SALE INFORMATION

DATE OF PUBLIC SALE	LOCATION OF PUBLIC SALE

F. 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 contractual 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 CODE

Federal and State law requires 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. _____ Odometer Reading (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:

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

DATE OF SALE	SIGNATURE OF SELLER/AGENT	HAND PRINTED NAME (same as signature)

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

SIGNATURE OF BUYER/AGENT	HAND PRINTED NAME (same as signature)

Contact/Help

G. MECHANIC'S LIEN FORECLOSURE PROCEDURES

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.

1. **FORECLOSURE NOTICE** — Not later than 30 days after the day on which repair charges accrue, the person claiming the lien must notify the owner(s) and lienholder(s) of record by certified mail, return receipt requested, of the charges due and request payment. The person claiming the lien, other than a franchised dealer, must also include in the notice the physical address where the repairs were made, the legal name of the person that holds the possessory lien, the taxpayer or employer identification number of the person that holds the possessory lien, and a signed copy of the work order authorizing repairs. A copy of the notice and a signed copy of the work order must be sent to the county tax assessor-collector's office in the county in which the repairs were made with an administrative fee of $25. **The notice must also be sent to the address that appears on the work order/document authorizing possession, if the addresses are different from the address on the motor vehicle record.** Notice by newspaper publication may be permitted. (See * below.) **Must notify the county tax office within 10 days of sending notice to the owner and/or lienholder.**

2. **STORAGE NOTICE, IF APPLICABLE** — If any amount of the charges include storage fees, a second notification must be made by certified mail to the registered owner and lienholder, or see * below for applicable notice by newspaper publication. If last registered outside of Texas, notice must be made within 14 days of obtaining possession. A Storage Lien for Abandoned Vehicle or Private Tow, Form VTR 265-S, must also be completed. A release of lien is also required if any portion of the amount due represents charges for storage, otherwise foreclosure must be through a court of competent jurisdiction.

3. **PUBLIC SALE** — If charges are not paid before the 31st day after the day on which the tax assessor-collector's notice of the amount of charges was mailed or published, the possessory lienholder may sell the vehicle at public sale without obtaining a release of lien. The proceeds must be applied to the payment of charges and the balance must be paid to the person entitled to it.

4. **APPLICATION FOR TITLE** — The highest bidder (named in field **F** on page 1) must apply for title.

* **NOTIFICATIONS TO THE OWNER(S) AND LIENHOLDERS(S), IF ANY** — In lieu of written notification, publication of the notice(s) 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 motor vehicle is registered in another state; and
(2) the holder of the lien submits a written request by certified mail, return receipt requested, to the governmental entity with which the motor vehicle is registered requesting information relating to the identity of the last known registered owner and any lienholder of record; and
(3) the holder of a lien:
  (a) is advised in writing by the governmental entity with which the motor vehicle is registered that the entity is unwilling or unable to provide information on the last known registered owner or any lienholder of record; or
  (b) does not receive a response from the governmental entity with which the motor vehicle is registered on or before the 21st day after the date the holder of the lien submits a request under (2).
(4) the identity of the last known registered owner cannot be determined; and
(5) the registration does not contain an address for the last known registered owner; and
(6) the holder of the lien cannot determine the identities and addresses of the lienholders of record.

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.

H. EVIDENCE REQUIRED TO TRANSFER OWNERSHIP

a. **Form VTR-265-M** properly completed by the statutory lienholder.

b. **Form 130-U** - Application for Texas Certificate of Title.

c. **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 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 title and registration verification to the state of record (by certified mail) and is informed by letter that due to the Driver's Privacy Protection Act restrictions, the state will forward the lienholder's notification to the owner(s), the original letter(s) from the state of record, along with certified 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 certified mail with return receipt requested. Proof consists of a copy of the request sent along with certified receipts for the notification sent to the state of record.

d. **PROOF OF NOTIFICATIONS**
Notices by Certified Mail — Proof consists of the date stamped receipts for certified mail and return receipt, together with any **unopened** certified letter(s) returned as undeliverable, unclaimed, or no forwarding address.

Notice by Newspaper Publication (Only if applicable) — Proof consists of the certified request (as listed above for certified 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.

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

f. **WORK ORDER** — Attach a copy of the signed work order.

g. **VEHICLE IDENTIFCATION NUMBER** — Verification may be required to establish the vehicle's correct identity.

h. **OUT-OF-STATE VEHICLES** — The following documentation is also required:
(1) Out-of-State Identification Certificate (Form VI-30); and
(2) Weight certificate on a commercial vehicle.