Texas Department of Motor Vehicles

STORAGE LIEN FOR ABANDONED VEHICLE OR PRIVATE TOW

FOR A VEHICLE OBTAINED ON OR AFTER SEPTEMBER 1, 1999

PLEASE REFER TO THE STORAGE LIEN FORECLOSURE PROCEDURES PROVIDED ON PAGE TWO OF THIS FORM.

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 STORAGE		COMPLETE ADDRESS OF PERSON THAT LEFT VEHICLE FOR STORAGE	

B. STORAGE LIEN INFORMATION

1. DATE VEHICLE LEFT FOR STORAGE	2. ATTACH A COPY OF DOCUMENT AUTHORIZING POSSESSION.		
3. DAILY STORAGE CHARGES $	TOWING CHARGES $	TOTAL STORAGE CHARGES $	TOTAL DUE $

4. If documentation authorizing possession is not available, provide an explanation as to the authority under which possession was acquired for storage charges and towing charges, if applicable.

_____

_____

5. This is to certify that the above referenced vehicle was towed without the consent of the operator, owner(s), or lienholder(s) but was authorized to be picked up by law enforcement and was reported as an abandoned vehicle in accordance with the provisions of Chapter 683 of the Transportation Code. Although the certified law enforcement notification was mailed, the vehicle was not taken into custody by law enforcement within thirty-one (31) days after the notification was mailed. Therefore, the garagekeeper may pursue disposal of the vehicle under Chapter 70 of the Texas Property Code.

PRINT NAME OF LAW ENFORCEMENT AUTHORITY OR AGENT'S BUSINESS	COMPLETE ADDRESS OF LAW ENFORCEMENT AUTHORITY OR AGENT'S BUSINESS
PRINT NAME OF AUTHORIZED LAW ENFORCEMENT OFFICER OR AGENT	SIGNATURE OF AUTHORIZED LAW ENFORCEMENT OFFICER OR AGENT
POSITION OF AUTHORIZED LAW ENFORCEMENT OFFICER OR AGENT	DATE

C. FORECLOSURE INFORMATION

1. **FIRST NOTIFICATION** - Date the owner(s) and lienholder(s), if any, were notified by certified mail of the charges _____ (if possission was acquired under the provisions of state law or city ordinance, such notice must be given within five (5) days after obtaining possession.) If the motor vehicle is registered outside this state, notice must be made to the last known registered owner and each lienholder of record not later than the 14th day after the day possession is obtained. If the state of record is prohibited from releasing information but elects to forward the notification to the owner(s) and lienholder(s) (if any) of the vehicle, the storage facility may send certified letters to the state of record. The original letters from the title-issuing state to the storage facility, stating that the owner(s) and lienholder(s) have been notified, will be accepted in lieu of the required title and registration verification.

   SECOND NOTIFICATION - Date the owner(s) and lienholder(s), if any, were notified by certified mail of the charges _____ (if the charges are still unpaid thirty (30) days after the first notice was sent, another certified notice is required. If charges remain unpaid thirty-one (31) days after the second notice is sent, the vehicle may be sold at public sale.)
2. If item 5 of B (STORAGE LIEN INFORMATION) listed above is completed, indicate the date that the vehicle was reported abandoned to law enforcement _____. Since Chapter 683.034 (Disposal of Vehicle Abandoned in Storage Facility) of the Transportation Code requires that the certified notification be mailed by the law enforcement authority, it will not be necessary to attach certified mail receipts or any unopened certified letter(s) returned as undeliverable by the post office.

D. AFFIDAVIT OF STATUTORY LIENHOLDER

I, the undersigned statutory lienholder, certify that the facts contained herein are true and correct and that the vehicle described above was left for storage and that the owner(s) and lienholder (s) were notified, as required by statute, to come forward and pay the charges due and pick up the vehicle. Possession of the vehicle has continued for thirty (30) days after the dates on which notice of the amount of charges were mailed, and such charges remain unpaid. I further 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 storage lien in accordance therewith.

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

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.

E. PUBLIC SALE INFORMATION

DATE OF PUBLIC SALE	LOCATION OF PUBLIC SALE

F. ASSIGNMENT

By virtue of the public sale outlined above and in accordance with the laws of the State of Texas, I, the undersigned statutory lienholder, hereby sell and assign the above described vehicle to the highest bidder at said sale.	SUM OF SALE $
PRINT NAME OF BUYER	COMPLETE ADDRESS OF BUYER

G. ODOMETER DISCLOSURE STATEMENT

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 disclosure statements are not required on vehicles that are ten (10) model years old or older.

ODOMETER READING (NO TENTHS)	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: ☐ 1. The mileage stated is in excess of its mechanical limits. ☐ 2. The odometer reading is not the actual mileage. **WARNING -- ODOMETER DISCREPANCY**
PRINT NAME OF SELLER/AGENT	COMPLETE ADDRESS OF SELLER/AGENT
SIGNATURE OF SELLER/AGENT	DATE OF ODOMETER STATEMENT
I am aware of the above odometer certification made by the seller/agent.	
PRINT NAME OF BUYER/AGENT	COMPLETE ADDRESS OF BUYER/AGENT
SIGNATURE OF BUYER/AGENT	DATE

Contact/Help

H. STORAGE 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. **FIRST NOTICE** -- If last registered in Texas, notice must be made within five (5) days of obtaining possession, or termination of agreement or contract. If last registered outside of Texas, notice must be made within fourteen (14) days of obtaining possession. The first notice to the last known owner(s) and lienholder(s), if any, must be sent by certified mail, or, only if applicable, notice by newspaper publication. (See * below.)
2. **SECOND NOTICE** -- If charges are still unpaid thirty-one (31) days after the first notice was made, the second notice must be sent by certified mail, or, only if applicable, notice by newspaper publication, to the last known owner(s) and lienholder(s), if any. (See * below.)
3. **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. A release of lien is required, if so indicated on the Texas or out-of-state title and registration verification. The proceeds shall be applied to the payment of charges, and the balance shall be paid to the person entitled to it.
4. **APPLICATION FOR TITLE** -- The highest bidder (named in item F) must apply for title.

* **NOTIFICATIONS TO THE OWNER(S) AND LIENHOLDER(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;
(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;
(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;
(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.

I. EVIDENCE REQUIRED TO SUPPORT THE CERTIFICATE OF TITLE APPLICATION, FORM 130-U

a. **FORM VTR-265-S** (Storage Lien for Abandoned Vehicle or Private Tow) properly completed by the statutory lienholder.

b. **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 title and registration verification to the state of record (by certified 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 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 shall consist of a copy of the request sent along with certified receipts for the notification sent to the state of record.

c. **PROOF OF NOTIFICATIONS** (required for both first and second notices and, if applicable, requests sent to the state of record.)
Notices by Certified Mail -- Proof shall consist of the U.S. Post Office validated (date stamped) receipts for certified mail (PS Form 3800), and return receipt (PS Form 3811), together with any unopened certified letter(s) returned by the post office as undeliverable, unclaimed, or due to no forwarding address. A copy of the PS Form 3877 or a copy of a privately printed or computer generated firm mailing bill can be accepted in lieu of a PS Form 3800, provided the form contains a U.S. postal date stamp, the name and complete address of the person/firm to whom the certified mail is sent, and the "Article Number" on all documentation (PS Form 3811, PS Form 3877, and unopened envelope) corresponds. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned marked as undeliverable, unclaimed or no forwarding address.
(IF THIS FORM IS USED FOR STORAGE LIEN FORECLOSURE ON AN ABANDONED VEHICLE AUTHORIZED TO BE TOWED BY LAW ENFORCEMENT, ITEMS 5 OF B AND 2 OF C MUST BE COMPLETED. HOWEVER, THE LAW ENFORCEMENT CERTIFIED RECEIPTS AND ANY UNOPENED CERTIFIED LETTER(S) RETURNED AS UNDELIVERABLE BY THE POST OFFICE MAY BE ATTACHED IN LIEU OF COMPLETING ITEM 5 OF B. OTHERWISE, THE NOTICES DESCRIBED ABOVE ARE NOT REQUIRED.)
Notice by Newspaper Publication (Only if applicable) -- Proof shall consist of evidence of the certified request (same 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.

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

e. **CITY ORDINANCE** -- If foreclosure is in accordance with a city ordinance, the bill of sale shall refer to the ordinance number under which removal and sale was authorized, and a copy of the city ordinance must be attached.

f. **RELEASE OF LIEN** -- A release of lien for any lien properly recorded in Texas or out of state, if applicable.

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

h. **OUT-OF-STATE VEHICLES** -- If the vehicle was last registered outside of Texas, the following documentation is also required:
(1) Identification Certificate (Form VI-30-A); and
(2) Weight certificate on a commercial vehicle.