

# Self-Service Storage Facility Lien Foreclosure

Vehicle Information				
Vehicle Identification Number	Year	Make	Body Style	Model
License Plate State and Number (if any)	Printed Name of Owner(s) Listed on Title/Registration Verification			

Lease/Rental Information			
Storage Facility Name			Date Lease/Rental Agreement Signed
Storage Facility Address	City	State	Zip
Tenant's First Name (or Entity Name)	Middle Name	Last Name	Suffix (if any)
Tenant's Address	City	State	Zip

Foreclosure/Public Sale Information			
<b>Possession</b>	Date Self-Service Storage Facility Took Possession of the Motor Vehicle (Charges Accrued)		
<b>Notice Method</b>	Notice of Claim (Tenant's Notice) <input type="checkbox"/> Verified Mail <input type="checkbox"/> Email	Notice of Sale <input type="checkbox"/> Publication <input type="checkbox"/> Posting	Notice to Owner(s) and Lienholder(s) <input type="checkbox"/> Verified Mail <input type="checkbox"/> Newspaper
<b>Notice Dates</b>	Notice of Claim (Tenant's Notice)	Notice of Sale (Two Dates, if applicable)*	Notice to Owner(s) and Lienholder(s)*
<b>Public Sale* or Transfer to VSF</b>	Date of Public Sale	Physical Location or Website of Public Sale	Sales Price \$
	<input type="checkbox"/> (Check if applicable) The vehicle will be transferred to the licensed vehicle storage facility (VSF) indicated below for disposition.		
<b>Purchaser or VSF</b>	First Name (or Entity Name)	Middle Name	Last Name
	Address	City	State

\* Not required when vehicle is transferred to a licensed VSF for disposition. See page 2 for more information.

Odometer Disclosure Statement	
Federal and state law require that you state the mileage upon transfer of ownership. Providing a false statement or failure to complete this form may result in fines and/or imprisonment. I, the seller/agent, certify to the best of my knowledge the odometer reading is the actual mileage of the vehicle unless one of the statements is checked:	
<input type="checkbox"/> Odometer Reading (no tenths)	<input type="checkbox"/> Mileage Exceeds Mechanical Limits <input type="checkbox"/> Not Actual Mileage (WARNING – ODOMETER DISCREPANCY)
I am aware of the odometer certification made by the seller/agent.	
Signature of Seller/Agent	Date of Sale
Signature of Purchaser/Agent	Date

Affidavit of Statutory Lienholder - State law makes falsifying information a third degree felony		
I, the undersigned statutory lienholder, certify the statements herein are true and correct; 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 I have complied with all applicable provisions of Texas Property Code, Chapter 59, and I am proceeding to foreclose on the statutory storage lien in accordance with state law.		
<input type="checkbox"/> (Check if applicable) I, the undersigned licensed VSF, agree to take possession of the vehicle described above for disposition.		
Signature of Self-Service Storage Facility's Authorized Agent	Printed Name (Same as Signature)	Date
Signature of Licensed Vehicle Storage Facility's Authorized Agent	Printed Name (Same as Signature)	Date

<b>NOTARY STAMP HERE</b>	Before me, a notary public, on this day personally appeared _____, known to me to be the person whose name is subscribed on this document, and being by me first duly sworn, declared that the statements herein contained are true and correct.	
	State of Texas, County of _____	Notary Public's Signature _____ Date _____

# Self-Service Storage Facility Lien Foreclosure

## 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) that addresses the sale and disposition of the property. 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 that addresses 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. In addition, a determination must be made as to where the vehicle was last registered.

A self-service storage facility (lessor) may transfer possession and have the vehicle towed to a licensed vehicle storage facility (VSF) for disposition in lieu of completing the self-service storage facility lien foreclosure. The written rental agreement must authorize the transfer of possession and towing to the VSF; the lessor must give written notice of claim to the tenant at least 15 days prior to transferring to the VSF; and the VSF must agree to accept possession of the vehicle. A copy of the signed lease/rental agreement, proof of notice of claim, and completion of this form signed by the self-service storage facility and VSF must be provided to the VSF.

**FOR MORE INFORMATION** – You may refer to the [Motor Vehicle Title Manual](#) (Chapter 23).

## Foreclosure Procedures

1. **NOTICE OF CLAIM (Tenant's Notice)** – 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, or 15 days prior to the transfer of the vehicle to a VSF (if applicable). Transfer of the vehicle to a VSF must occur on or after the 15th day after the Notice of Claim (Tenant's Notice) is sent. If transferred to a VSF, the self-service storage facility lien is extinguished.
2. **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. Notice of sale is not applicable if the vehicle is transferred to a VSF.
3. **NOTICE TO OWNER(S) AND LIENHOLDER(S)** – Must be sent by verified mail. *Notice by newspaper publication may be permitted (see "Notification by Newspaper" below).* No later than 30 days after the self-service storage facility takes possession (charges accrued), 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. Notice is not applicable if the vehicle is transferred to a VSF.

**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.**

4. **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 or 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. The vehicle may be transferred to a VSF in lieu of a public sale.
5. **APPLICATION FOR TITLE** – The highest bidder at public sale must apply for title unless the vehicle is purchased by a licensed motor vehicle 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:
  - 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
  - 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 request under (1) is made.
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, the forwarding order has expired or with a notation that the addressee is unknown or has moved without leaving a forwarding address.**

## Evidence Required to Transfer Ownership

1. **Application for Texas Title and/or Registration (Form 130-U)**
  2. **Self-Service Storage Facility Lien Foreclosure (Form VTR-265-SSF)**
  3. **Verification of Title and/or Registration** – Verification of title and/or registration from the state of record. If not available, the following must be provided:
    - If a self-service storage facility sends a request for title and/or 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, or
    - 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 request sent to the state of record.
  4. **Copy of Lease/Rental Agreement** – Signed and dated by both the lessee and lessor.
  5. **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 and 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 and 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. Official evidence of mailing issued by the USPS or a common carrier, such as receipt, return receipt, or tracking printout. Any unopened letter(s) returned as undeliverable, unclaimed, refused, or no forwarding address are acceptable.**
6. **Liability Insurance** – A copy of current proof of liability insurance in the applicant's name if applying for registration.
  7. **Out of State Vehicles** – VIN certification through applicable state inspection or self-certification on Form 130-U (and certified weight certificate if the vehicle is a commercial vehicle).