



Texas Department of Motor Vehicles

STORAGE LIEN FORECLOSURE

INSTRUCTIONS ON PAGE 2

General Information

Vehicle Identification Number		Year	Make	Body Style	Model
License plate number	Year of license	State of issuance		Expiration	

Storage Lien Foreclosure/Public Sale Information

Dates	Date vehicle left at or towed to facility	Notice to remove vehicle (if applicable)	Notice to law enforcement (required)		
Possession (complete one)	<input type="checkbox"/> Consent of owner or operator. Printed name of person who left vehicle for storage: <input type="checkbox"/> Non-consent (city ordinance or state law). Under what authority was vehicle acquired?				
Storage/Charges	Towing charges \$	Days of storage	Daily storage charge \$	Total storage charges \$	Total charges due \$
Public Sale	Date of public sale		Location of public sale		

Law Enforcement Certification - Only required if evidence of law enforcement notification is unavailable

On behalf of the law enforcement authority listed, I certify that the above referenced vehicle was reported abandoned by the below listed storage facility/garageman in accordance with Chapter 683 of the Texas Transportation Code on the date above. Further, I certify no action was taken by our agency with regards to the vehicle described above within thirty days after we were notified by the storage facility/garageman.

Was this vehicle authorized to be towed by law enforcement? Yes No (If yes, storage fees cannot be assessed.)

Name of Law Enforcement Agency _____ Law Enforcement Agency Mailing Address (Street Address, City, State, Zip) _____

Printed Name of Officer/Authorized Agent _____ Position _____ Signature of Officer/Authorized Agent _____ Date Signed _____

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 for storage, and that the owner(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 70 of the Texas Property Code and Chapter 683 of the Texas Transportation Code, and I am, therefore, proceeding to foreclose on the statutory storage lien in accordance with state law.

Printed Name of Storage Facility (if applicable) _____ Mailing Address of Facility/Storage Location (Street Address, City, State, Zip) _____

Printed Name of Authorized Agent _____ Signature of Authorized Agent _____



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 _____

STORAGE LIEN FORECLOSURE

Storage Lien Foreclosure Procedures

GENERAL INFORMATION - A determination must be made as to where the vehicle was last registered. Ownership can **only** be obtained through a court order if no determination can be made as to where the vehicle was last registered. **This process cannot be used by any storage facility/claimant (licensed or otherwise) in conjunction with a law enforcement authorized tow.** Storage fees for law enforcement authorized tows may only be assessed by licensed vehicle storage facilities by using the **VTR-265-VSF**.

- 1. POSSESSION** - Consent: Possession of vehicle by claimant is by consent when authorized by the vehicle owner or an authorized operator. A written, dated contract (with expiration date) authorizing storage is required. Under consent possession, claimant must notify law enforcement; however, the Notice to Remove Vehicle is only required if more than 5 days of storage fees are assessed. Non-consent: Possession of vehicle under city ordinance or state law is considered non-consent. Under non-consent possession, claimant must send Notice to Remove Vehicle and notify law enforcement regardless of number of days of assessed storage fees.
- 2. NOTICE TO REMOVE VEHICLE** - Within 5 days (if registered in Texas) or 14 days (if registered outside of Texas) of contract expiring (consent) or obtaining possession (non-consent), claimant must notify the last known owner(s) and all lienholder(s) of record by certified mail, return receipt requested. The notice must contain a request to remove the vehicle, a request for payment, the location of the vehicle, and the amount of accrued charges. *Notice by newspaper publication may be permitted. (See Notification by Newspaper below).*
- 3. NOTIFICATION TO LAW ENFORCEMENT** - A motor vehicle is considered abandoned (Transportation Code, Section 683.031) after the 10th day after the contract expires (consent) or after the 10th day after Notice to Remove Vehicle (non-consent) is made. The claimant must report the vehicle as abandoned to the law enforcement agency in the jurisdiction where the vehicle is located or the Texas Department of Public Safety within 7 days of determination the vehicle is abandoned if fees include storage charges. No storage charges may be assessed if law enforcement is notified after the 7th day; however, any other fees remain valid.
- 4. PUBLIC SALE** - The claimant or their authorized agent may sell the vehicle at public sale to the highest bidder if charges are not paid AND law enforcement does not take the vehicle into custody before the 31st after the notification to law enforcement. The proceeds shall be applied to the payment of charges, and the balance shall be paid to the person entitled to them.
NOTE: Notice from law enforcement of its intention to dispose of the vehicle is considered as law enforcement taking custody, even if they do not take physical custody before the 31st day.
- 5. 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, 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 vehicle is registered in another state.
- (2) The claimant 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(s) and any lienholder(s) of record.
- (3) The claimant:
 - (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.
- (6) The claimant cannot determine the identities and addresses of the lienholders of record.

NOTE: The claimant 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

a. Form 130-U - Application for Texas Title.

b. Form VTR-265-S - Storage 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 claimant 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 claimant's notification to the owner(s) for notification purposes, then the original letter(s) from the state of record and 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 and certified receipts for the notification sent to the state of record.

d. Proof of Notifications

Notice to Remove Vehicle (only if applicable, see section 2 above.) - Proof consists of the date stamped receipts for certified mail and return receipt, together with any **unopened** certified letter(s) returned as undeliverable, unclaimed, refused, or no forwarding address. **Note: Track and Confirm is not acceptable in lieu of certified mail and return receipt.**

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.

Notification to Law Enforcement - Dated receipt showing \$10 administrative fee was paid or the "Law Enforcement Certification" on page 1 must be completed.

e. Release of Lien(s) - if applicable. A release of lien is required if a lien is indicated on the title/registration verification.

f. Written Contract - if applicable. A copy of the written, dated contract (containing an expiration date) for the vehicle to be stored on the premises of the facility is required if possession was with the consent of the owner or an authorized operator (consent possession).

h. City Ordinance - A copy of the city ordinance must be attached if possession was obtained under a city ordinance (non-consent possession).

i. Liability Insurance - A copy of current proof of liability insurance in the applicant's name.

j. 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.