

# Licensed Vehicle 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			

## Licensed Vehicle Storage Facility Information

Name	License Number
Address	City State Zip

## Foreclosure/Public Sale Information

<b>Possession</b>	Date Vehicle Towed to Facility	Explanation of How Possession of the Vehicle was Acquired and Under What Authority		
<b>Charges</b>	Towing Charges \$	Daily Storage Charge \$	Total Storage Charges \$	Total Charges Due \$
<b>Notice Dates</b>	First Notice to Owner/Lienholder(s)	Notice to Law Enforcement (if applicable)	Second Notice to Owner/Lienholder(s)	
<b>Public Sale</b>	Date of Public Sale	Location of Public Sale	Sales Price \$	
<b>Purchaser</b>	First Name (or Entity Name)	Middle Name	Last Name	Suffix (if any)
	Address	City	State	Zip

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

Law Enforcement Agency	Address	City	State	Zip
On behalf of the law enforcement authority listed, I certify the above referenced vehicle was reported abandoned by the listed storage facility/garage man in accordance with Texas Transportation Code, Chapter 683, on the date above. Further, I certify no action was taken by our agency with regards to the vehicle described above within 30 days after we were notified by the storage facility/garage man.		OR	<b>A VSF must complete this certification if the law enforcement agency does not require notice of abandonment.</b>	
			On behalf of the licensed vehicle storage facility listed above, I certify the law enforcement agency listed above did not require notification of motor vehicle abandonment at the time this motor vehicle was determined to be an abandoned motor vehicle.	
Printed Name (Same as Signature) _____ Position _____			Printed Name (Same as Signature) _____	
Signature of Officer/Authorized Agent _____ Date _____			Signature of Agent _____ Date _____	

## 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:

☐ Odometer Reading (no tenths) ☐ Mileage Exceeds Mechanical Limits  
☐ 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
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## Statutory Lienholder Certification – State law makes falsifying information a third degree felony

I, the undersigned statutory lienholder, certify the statements are true and correct, the vehicle described above was towed and left for storage, and the owner(s) and any applicable lienholder(s) were notified as required by statute. I also certify I have complied with all applicable provisions of Occupations Code, Chapter 2303; Texas Department of Licensing and Regulation regulations; and all other statutes and regulations that affect title transfer of a stored vehicle, and I am, therefore, proceeding to foreclose on the statutory storage lien in accordance with state law.

Signature of VSF's Authorized Agent	Printed Name (Same as Signature)	Date
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## Information

A vehicle storage facility's (VSF) possession of a vehicle must have been in conjunction with a non-consent private property or law enforcement tow, and the vehicle must have been taken to a VSF licensed by the Texas Department of Licensing and Regulation. Provisions of the Vehicle Storage Facility Act do not apply to a vehicle parked or stored at a VSF with the consent of the vehicle's owner.

**The information in the following sections only applies to vehicles obtained by the VSF on or after June 15, 2017. Vehicles obtained prior to this date have other requirements. FOR MORE INFORMATION** – You may refer to the [TxDMV Motor Vehicle Title Manual](#) (Chapter 23).

## Foreclosure Procedures

1. **FIRST NOTICE** – If the vehicle was last registered in Texas, notice must be made within 5 days of obtaining possession. If the vehicle was last registered outside of Texas, notice must be made within 14 days of obtaining possession. Storage fees cannot be assessed until this notice is made.
2. **NOTIFICATION TO LAW ENFORCEMENT** – A motor vehicle is considered abandoned (Transportation Code, Section 683.031) on the 10th day after the First Notice is made. A VSF must report the abandoned motor vehicle to the law enforcement agency in the jurisdiction where the vehicle is located within 7 days of the determination the vehicle is abandoned if required by the law enforcement agency. If the agency does not require notification, the VSF must complete the applicable certification in the "Law Enforcement Certification" section on page 1.
3. **SECOND NOTICE** – A second notice must be made on or after the 15<sup>th</sup> day (and before the 21<sup>st</sup> day) after the First Notice was made if the vehicle remains unclaimed by the owner/lienholder(s), and if law enforcement required a notice of abandonment, but has taken no action.
4. **PUBLIC SALE** – The VSF (or their authorized agent) may sell the vehicle at public sale if charges are not paid before the 30th day after the day the Second Notice was made, AND a law enforcement agency who required a notice of abandonment has not taken the vehicle into custody before the 31st after the notification to law enforcement. The public sale may occur on or after the 31st day after the Second Notice or Notification to Law Enforcement, whichever is later. 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 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 licensed motor vehicle dealer with a current General Distinguishing Number (GDN).

## Notification Methods

**NOTIFICATION BY MAIL** – The First Notice to the last known owner and any applicable lienholder(s) must be sent by certified mail, return receipt requested, or by electronic certified mail. Law does not specify a notification method for the Second Notice; however, since proof of mailing is required, it is recommended both the First and Second Notices be sent by electronic or certified mail.

**NOTIFICATION BY NEWSPAPER** – In lieu of written notification by mail, publication of the First and/or Second Notices in a newspaper of general circulation in the county in which the vehicle is stored may be used in certain situations in which the VSF is unable to identify the owner(s) or lienholder(s). For more information on eligible situations and applicable requirements, refer to the [TxDMV Motor Vehicle Title Manual](#) (Chapter 23).

**Note: The newspaper publication option is not available if a motor vehicle record is found in Texas.**

## Title and/or Registration Verification

If the motor vehicle was last titled and/or registered in Texas, a Texas verification is required. A private entity report is acceptable if the Texas motor vehicle record in the department's system matches the private entity report at the time a title application is submitted.

If the vehicle was last titled and/or registered outside of Texas, a verification must be obtained directly from the governmental entity responsible for maintaining the motor vehicle title and registration database for the state in which the vehicle is registered or from a private entity authorized by that governmental entity to provide motor vehicle record information.

If a title and/or registration verification cannot be obtained, a report from the National Motor Vehicle Title Information System (NMVTIS) must be provided showing:

- no motor vehicle title record or
- a motor vehicle title record to which the VSF is unable to obtain owner/lienholder information from the government entity or an authorized private entity. Additionally, the VSF must provide:
  - a written request to the governmental entity for owner and lienholder information must be made by certified mail, return receipt requested, or by electronic certified mail, or
  - proof of an unsuccessful attempt to obtain information from an authorized private entity consisting of a "No Record" report or a report that does not provide the identity and address of any registered owner or lienholder.

Note: NMVTIS reports are available through U.S. Department of Justice authorized entities, which are listed at [www.TxDmv.gov/title-check](http://www.TxDmv.gov/title-check).

If a VSF sends a written request for title and registration verification to the state of record and is informed by letter from that state that due to the Driver's Privacy Protection Act restrictions the state will forward the notification to the owner(s) and lienholder(s) for notification purposes, then the original letter(s) from the state of record and certified receipts for each notification sent to that state must be provided with the title application.

## Evidence Required to Transfer Ownership

1. **Application for Texas Title and/or Registration (Form 130-U)**
2. **Licensed Vehicle Storage Facility Lien Foreclosure (Form VTR-265-VSF)**
3. **Verification of Title and/or Registration** (see above for details)
4. **Proof of Notifications**
  - **Notices by Mail** – Proof consists of the date stamped receipts for certified mail or electronic certified mail. **Proof of delivery is not required.**
  - **Notices by Newspaper Publication** (only if applicable) – A legible photocopy of the newspaper publication, which includes the name and date of the publication. Additionally, an NMVTIS report must be provided.
  - **Notification to Law Enforcement** (one of the following) – Dated acknowledgement of the report from the law enforcement agency, completion of the "Law Enforcement Certification" on page 1, or certified mail or electronic certified mail to the law enforcement agency.
5. **Liability Insurance** – A copy of current proof of liability insurance in the applicant's name if applying for registration.
6. **Out of State Vehicles** – Texas Vehicle Inspection Report signed by an inspector (and certified weight certificate if the vehicle is a commercial vehicle).