



Texas Department of Motor Vehicles

MECHANIC'S 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	
Printed name of person who left vehicle for repairs		Address of person who left vehicle for repairs (Street Address, City, State, Zip)			

Mechanic Information			
Date vehicle left for repairs	Date repairs completed	Charges for parts and labor	Storage charges, if any*

* Form VTR-265-S must also be completed if foreclosure includes storage charges. Additionally, a second notice is required.

Foreclosure/Public Sale Information		
Date owner(s) and lienholder(s), if any, were notified of charges	County in which repairs were made and copy of notification was filed	Date county tax assessor-collector was notified
Date of public sale	Location of public sale	

NOTE: See "1. FORECLOSURE NOTICE" under *Mechanic's Lien Foreclosure Procedures* on page 2 for notification requirements.

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 repair and the owner(s), any applicable lienholder(s), and the county tax assessor-collector 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 I am, therefore, proceeding to foreclose on the statutory mechanic's lien in accordance with state law.	
Printed Name of Mechanic's Shop/Garage	Complete Address of Mechanic's Shop/Garage (Street Address, City, State, Zip)
Printed Name of Mechanic/Authorized Agent	Signature of Mechanic/Authorized Agent
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> NOTARY STAMP HERE </div>	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:				
<input type="checkbox"/> The mileage stated is in excess of the mechanical limits. <input type="checkbox"/> 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		

MECHANIC'S LIEN FORECLOSURE

Mechanic's Lien Foreclosure Procedures

GENERAL INFORMATION - A copy of the signed work order must be submitted. In addition, a determination must be made as to where the vehicle was last registered. Ownership can **only** be obtained through a court order if a signed work order is unavailable or no determination can be made as to where the vehicle was last registered.

- 1. FORECLOSURE NOTICE** - Not later than 30 days after the day on which charges accrue, the mechanic/garage must notify the owner(s) and lienholder(s) of record by certified mail, return receipt requested, of the charges due and request payment. *Notice by newspaper publication may be permitted (see "Notification by Newspaper" below)*. Not later than 30 days after the day on which charges accrue, the mechanic/garage must submit a copy of the notice (made to the owner(s) and lienholder(s)), a copy of the signed work order, and a \$25 administrative fee to the county tax assessor-collector's office in the county in which the repairs were made. The mechanic must include in the notice the physical address where the repairs were made, the legal name of the mechanic/garage, the taxpayer or employer identification number of the mechanic/garage, and a copy of the signed work order authorizing repairs. **NOTE: 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.**
- 2. STORAGE NOTICE, IF APPLICABLE** - If any amount of the charges include storage fees, a second notification is required. Refer to *Storage Lien Foreclosure, Form VTR-265-S*, for additional notification requirements when storage fees are included. **Form VTR-265-S** must be submitted if storage fees are included. Additionally, a release of lien (if applicable) is required; 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 the notice was mailed or published, the mechanic/garage may sell the vehicle at public sale without obtaining a release of lien. The proceeds shall be applied to the payment of charges, and the balance shall be paid to the person entitled to them.
- 4. 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 mechanic/garage 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.
- (2) The mechanic/garage:
 - (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 (1).
- (3) The identity of the last known registered owner cannot be determined.
- (4) The registration does not contain an address for the last known registered owner.
- (5) The mechanic/garage cannot determine the identities and addresses of the lienholders of record.

NOTE: The mechanic/garage 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-M - *Mechanic's 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 mechanic/garage 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 mechanic'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 and 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, including any **unopened** certified letter(s) returned as undeliverable, unclaimed, refused, 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 including the name and date of the publication.

Receipt from County Tax Assessor-Collector - Dated receipt showing \$25 administrative fee was paid. This confirms filing with the county tax assessor-collector's office.

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. 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.