



LICENSED VEHICLE STORAGE FACILITY LIEN FORECLOSURE

INSTRUCTIONS ON PAGE 2

Texas Department of Motor Vehicles

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

Vehicle Storage Facility's Lien Foreclosure/Public Sale Information				
Possession	Date vehicle towed to facility	Explain how possession of the vehicle was acquired and under what authority		
Charges	Towing charges \$	Daily storage charge \$	Total storage charges \$	Total charges due \$
Notice Dates	First notice to owner/lienholder(s)	Notice to law enforcement		Second notice to owner/lienholder(s)
Public Sale	Date of public sale	Location of public sale		

Law Enforcement Certification - Only required if no evidence of law enforcement notification is available

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 vehicle was not taken into our custody within thirty days after we were notified by the storage facility/garageman.

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 towed and 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 2303 of the Occupations Code, Texas Department of Licensing and Regulation regulations, and all other statutes and regulations that affect the title transfer of a stored vehicle, and I am, therefore, proceeding to foreclose on the statutory storage lien in accordance with state law.

Printed Name of Storage Facility _____ VSF License Number _____ Storage Facility Mailing Address (Street Address, City, State, Zip) _____

Printed Name of Authorized Agent _____ Signature of Authorized Agent _____

NOTARY STAMP HERE 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 _____

LICENSED VEHICLE STORAGE FACILITY LIEN FORECLOSURE

Licensed Vehicle Storage Facility Lien Foreclosure Procedures

GENERAL INFORMATION - The Vehicle Storage Facility's (VSF) possession of the 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 vehicle storage facility 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.

1. FIRST NOTICE - Notice to Vehicle Owner(s) or Lienholder(s) - 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. 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. *Notice by newspaper publication may be permitted (see Notification by Newspaper below).*

2. LAW ENFORCEMENT NOTIFICATION - The vehicle is considered abandoned if the vehicle remains unclaimed after the 10th day on which the First Notice was mailed or published in a newspaper. A licensed vehicle storage facility must report the abandoned motor vehicle to a law enforcement agency with jurisdiction where the vehicle is located and shall pay a \$10 fee. This notification must be made within 7 days of the vehicle being determined abandoned if charges include storage fees. Storage charges may not be assessed if law enforcement notification is made after the 7th day of the determination.

3. SECOND NOTICE - Consent to Sell - A second notice must be sent to the last known owner and any applicable lienholder(s) if the vehicle remains unclaimed by the owner/lienholder(s) and the law enforcement agency to which the vehicle was reported as abandoned has taken no action before the 15th day after the First Notice was mailed or published in a newspaper. *Notice by newspaper publication may be permitted (see Notification by Newspaper below).*

NOTE: Notification to law enforcement is required prior to the Second Notice being made.

4. PUBLIC SALE - The licensed vehicle storage facility may sell the vehicle at public sale without obtaining a release of lien if charges are not paid before the 30th day after the day the Second Notice was made and law enforcement has taken no action. The proceeds shall be applied to the payment of charges, and the balance shall be paid to the person entitled to them.

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 **ANY** of the following apply:

- (1) The vehicle is registered in another state.
- (2) The operator of the storage facility submits a correctly addressed 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 identity of the registered owner cannot be determined.
- (4) The registration does not contain an address for the registered owner.
- (5) The operator of the storage facility cannot reasonably determine the identity and address of each lienholder.
- (6) The vehicle does not display a license plate or a vehicle inspection certificate indicating the state of registration.

NOTE: A licensed vehicle storage facility operator 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. The newspaper publication option is not available if a motor vehicle record is found in Texas.

Evidence Required to Transfer Ownership

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

b. Form VTR-265-VSF - *Licensed Vehicle Storage Facility 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 licensed vehicle storage facility 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 will forward the licensed vehicle 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 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 verified mail. Proof consists of a copy of the request and evidence of mailing for the notification sent to the state of record.

d. Proof of Notifications

Notices by Electronic or 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. Electronic notifications that include the same information as certified mail, showing delivery confirmation, are acceptable.

NOTE: Law does not specify that the second notice must be by electronic or certified mail; however, since evidence of mailing is required, it is recommended that both the First and Second Notices be sent by Electronic or Certified Mail.

Notices 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.

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

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

f. 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.