

STORAGE LIEN FOR LICENSED VEHICLE STORAGE FACILITY FOR A VEHICLE OBTAINED ON OR AFTER 9-1-05

(REFER TO FORECLOSURE PROCEDURES ON BACK FOR INSTRUCTIONS)

A. GENERAL INFORMATION

YEAR	MAKE	BODY STYLE	MODEL	
VEHICLE IDENTIFICATION NUMBER		LICENSE PLATE NUMBER	YEAR OF LICENSE	STATE OF ISSUANCE

B. STORAGE LIEN INFORMATION

1. DATE VEHICLE TOWED TO STORAGE LOT: _____	
2. DAILY STORAGE CHARGES: \$ _____ TOTAL STORAGE CHARGES: \$ _____	
TOWING CHARGES: \$ _____ TOTAL DUE: \$ _____	
3. Provide an explanation as to the authority under which possession was acquired for storage charges and towing charges, if applicable. _____ _____	

C. Date law enforcement was notified according to Transportation Code, Chapter 683: _____

D. FORECLOSURE INFORMATION

NOTE: Verification of notices must be attached. See Foreclosure Procedures on reverse side for details.

FIRST NOTIFICATION	Date the owner(s) and lienholder(s), if any, were notified of the charges by certified mail or publication, if applicable. (The first notice must be given if possession was acquired under the provisions of state law or city ordinance. Such notice must be given within 5 days if the vehicle is registered in Texas or within 14 days if the vehicle is registered outside of Texas, after obtaining possession.)
DATE	
SECOND NOTIFICATION	Date the owner(s) and lienholder(s), if any, were notified of the charges by certified mail or publication, if applicable. (A second notice is REQUIRED if the charges are still unpaid 41 days after the first notice was sent. If the charges remain unpaid 30 days after the second notice is given, the vehicle may be sold at public sale without a release of lien.)
DATE	

AFFIDAVIT OF STATUTORY LIENHOLDER:

I, the undersigned statutory lienholder, certify that the facts contained herein are true and correct and that the vehicle described above was towed and left for storage and that the owner(s) and lienholder(s) were notified, as required by statute, to come forward and pay the charges due and pick up the vehicle. Possession of the vehicle has continued for 30 days after the date on which the second notice of the amount of charges was given, and such charges remain unpaid. I further certify that I have complied with all applicable provisions of Occupations Code, Chapter 2303, Vehicle Storage Facility Act, the Motor Carrier Division 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 therewith.

Name and Address of Storage Facility

Printed Name of Affiant _____ Vehicle Storage Facility License Number _____

Signature of Affiant _____

Subscribed and sworn to before me this _____ day of _____, _____ (Year).

NOTARY
PUBLIC

Notary Public

County, Texas

WARNING: SWEARING TO A FALSE AFFIDAVIT IS PUNISHABLE BY A FINE OF UP TO \$2,000, A YEAR IN JAIL OR BOTH. CHARGING UNAUTHORIZED STORAGE FEES IS PUNISHABLE BY A FINE OF UP TO \$1,000.

E. PUBLIC SALE INFORMATION (Date and location Public Sale was held)

Date:	Location:
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F. ASSIGNMENT

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 \$ _____ hereby sell and assign the above described vehicle to the highest bidder at sale, namely:	
NAME OF PURCHASER	
STREET ADDRESS	CITY, STATE, AND ZIP CODE

G. ODOMETER DISCLOSURE STATEMENT

FEDERAL AND STATE 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. (NOTE: ODOMETER DISCLOSURE STATEMENTS ARE NOT REQUIRED ON VEHICLES THAT ARE 10 MODEL YEARS OLD OR OLDER.)

I 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:

Odometer Reading
(No Tenths)

- ☐ 1. The mileage stated is in excess of its mechanical limits.
☐ 2. The odometer reading is not the actual mileage.
WARNING - ODOMETER DISCREPANCY.

Signature of Seller/Agent

Hand Printed Name (same as signature)

Date of Statement

Name and Address of Storage Facility

I AM AWARE OF THE ABOVE ODOMETER CERTIFICATION MADE BY THE SELLER/AGENT.

Signature of Purchaser/Agent

Hand Printed Name (same as signature)

Date of Statement

STORAGE LIEN FORECLOSURE PROCEDURES (VEHICLE STORAGE FACILITY ACT)

1. **1st NOTICE** — If last registered in Texas; notice must be made within 5 days of obtaining possession. If last registered outside of Texas, notice must be made within 14 days of obtaining possession. The 1st notice to the last known owner(s) and lienholder(s), if any, must be sent by certified mail, or only, if applicable, notice by newspaper publication (See ★ below).
2. **NOTIFY LAW ENFORCEMENT** within 7 days of being deemed abandoned. (A vehicle is "deemed abandoned" when possession of the vehicle continues for 10 days from the date the 1st notice was given).
3. **2nd NOTICE** — If law enforcement has not taken the vehicle into custody and the charges are still unpaid for 41 days after the 1st notice was made, the 2nd notice must be sent by certified mail, or only, if applicable, notice by newspaper publication, to the last known owner(s) and lienholder(s), if any (See ★ below).
4. **PUBLIC SALE** — If charges are not paid before the 30th day after the 2nd notice was made, the possessory lienholder 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 it in accordance with Occupations Code, § 2303.157.
5. **APPLICATION FOR TITLE** — The highest bidder (named in item E) must apply for title.

★ **NOTIFICATIONS TO THE OWNER(S) AND LIENHOLDER(S), IF ANY**, must be **written** notification made by certified mail. In lieu of a written notification, publication of the notice in a newspaper of general circulation in the county in which the vehicle is stored may be used if any of the following apply:

1. The vehicle is registered in another state;
2. The VSF has sent a correctly addressed request, by certified mail with return receipt requested, to the applicable state requesting the name and address of the last known registered owner(s) and lienholder(s), if any;
3. The identity of the last known owner(s) cannot be determined;
4. The registration does not contain an address for the last known owner(s);
5. The identity and address of the lienholder(s), if any, cannot be determined; or
6. The vehicle does not display a license plate or a vehicle inspection certificate indicating the state of registration and no record of title or registration is found in Texas (verification by VIN required).

NOTE: The holder of the lien is not required to publish notice if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed or refused or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

Newspaper publication option is not available if a motor vehicle record is found in Texas.

EVIDENCE REQUIRED TO SUPPORT THE TITLE APPLICATION:

- a. **FORM VTR-265-VSF** (Storage Lien for Licensed Vehicle Storage Facility Operators) properly completed by the statutory lienholder.
- b. **VERIFICATION OF TITLE AND REGISTRATION**
If 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. If not available, verification by VIN of no record in Texas is required.
- c. **PROOF OF NOTIFICATIONS** (required for both 1st and 2nd notices and, if applicable, requests sent to the state of record).
Notice by Certified Mail — Proof shall consist of the U.S. Post Office validated (date stamped) receipts for certified mail (PS Form 3800) and return receipt (PS Form 3811), together with any **unopened** certified letter(s) returned by the post office as undeliverable, unclaimed, or due to no forwarding address. A copy of the PS Form 3877 or a copy of a privately printed or computer generated firm mailing bill can be accepted in lieu of a PS Form 3800, provided the form contains a U.S. postal date stamp, the name and complete address of the person/firm to whom the certified mail is sent, and the "Article Number" on all documentation (PS Form 3811, PS Form 3877, unopened envelope) corresponds. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned as undeliverable, unclaimed or no forwarding address.
Notice by Newspaper Publication (Only if applicable) — Proof shall consist of a legible photocopy of the newspaper publication which includes the name of the publication and the date of publication.
- d. A copy of current proof of liability insurance in the applicant's name.
- e. If foreclosure is in accordance with a city ordinance, the bill of sale shall refer to the ordinance number under which removal and sale was authorized and a copy of the city ordinance must be attached.
- f. A pencil tracing of the motor and serial numbers may be required to establish the vehicle's correct identity.
- g. If the vehicle was last registered outside of Texas, the following documentation is also required:
 - ◆ Vehicle Identification Certificate (Form VI-30) and
 - ◆ Weight certificate on a commercial vehicle.

For information regarding Motor Carrier regulations or the information required to be included in notifications, contact the Motor Carrier Division at 1-800/299-1700 (select option 3). For information regarding the title requirements after disposal of a vehicle, contact the Vehicle Titles and Registration Division at 512/465-7611.

