

Instructions for Filing Self-Service Storage Facility Lien

A self-service storage facility that has a lien on a vehicle, vessel or outboard motor under Utah Code §38-8-2 & 3 may not take enforcement action until the occupant has been in default for 30 consecutive days. The facility must also determine if a financing statement (Title 70A, Chapter 9a, Part 5, Filing), has been filed with the Division of Corporations and Commercial Code. The facility may then sell the vehicle, vessel or outboard motor as explained below.

Written Notice

Before selling the property, you must provide written notice to:

1. the occupant,
2. each lienholder disclosed by the occupant,
3. each lienholder in the records of the Division of Motor Vehicles, and
4. each person that has filed a valid financing statement with the Division of Corporations and Commercial Code.

You must provide the notice either in person or by certified mail to the occupant's last known address. You may send the notice to the occupant's last known email address, but **ONLY IF** you receive a response, return receipt or delivery confirmation within three business days.

The written notice must include:

1. an itemized statement showing the total due and the date it became due;
2. a brief description of the property (year, make, model and VIN/HIN of the vehicle, vessel or outboard motor);
3. if allowed in the rental agreement, a notice that the occupant may not access the personal property until satisfying the lien and paying reasonable expenses;
4. contact information necessary to respond to the notification;
5. demand for payment that is at least 15 days after delivery of the notice; and
6. a conspicuous statement that the property will be advertised for sale and sold at a specified time and place unless the claim is paid by the date stated in the notice.

Advertisement of Sale

If you do not have the required evidence of sending the written notice by certified mail or a response/return receipt from the email address where you sent the notice, you must place an advertisement in a newspaper of general circulation in the county where the storage facility is located. The advertisement must appear after the payment date given in the written notice but at least 15 days before the sale, and it must include:

1. the year, make, model and VIN/HIN of the vehicle, vessel or outboard motor;
2. the address of the storage facility and the storage unit number (if any) where the property is located;
3. the occupant's name; and
4. the time, manner and place of the sale.

The Sale

The sale must conform to the terms of the notice and be held:

1. at the facility,
2. at the nearest suitable place to where the property is held or stored, or
3. online.

After the Sale

When the final sale takes place, give the buyer:

1. the completed *Certificate of Sale* (form TC-839S);
2. return receipts for all email and certified letters dated at least 30 days before the sale or the returned/unopened letters;
3. a copy of the certified letter;
4. if applicable, proof of publication notice from the newspaper agency, along with a copy of the advertisement directly from the newspaper, showing dates of publication; and
5. a copy of the storage contract.

To title and register the vehicle in Utah, the buyer must provide the Division of Motor Vehicles all the documents listed above, plus a safety/emission certificate of compliance (if applicable).

See dmv.utah.gov or contact the Division of Motor Vehicles at 801-297-7780 or 1-800-368-8824 for the address of the DMV office near you.