



MECHANIC'S LIEN FORECLOSURE

FOR A VEHICLE OBTAINED ON OR AFTER SEPTEMBER 1, 1999

PLEASE REFER TO THE FORECLOSURE PROCEDURES ON PAGE TWO OF THIS FORM FOR INSTRUCTIONS

A. GENERAL INFORMATION

YEAR	MAKE	BODY STYLE	MODEL
VEHICLE IDENTIFICATION NUMBER			
LICENSE PLATE NUMBER	YEAR OF LICENSE	STATE OF ISSUANCE	EXPIRATION
PRINT NAME OF PERSON THAT LEFT VEHICLE FOR REPAIRS		COMPLETE ADDRESS OF PERSON THAT LEFT VEHICLE FOR REPAIRS	

B. MECHANIC'S LIEN INFORMATION

1. DATE VEHICLE LEFT FOR REPAIRS	2. STATE THE DATE REPAIRS WERE COMPLETED AND ATTACH A COPY OF THE WORK ORDER.
3. CHARGES FOR PARTS AND LABOR	NOTE: The Form VTR-265-S must also be completed, if the lien foreclosure includes storage charges and towing charges. Additionally, a second certified notice will be required.
4. If a copy of the document required under item 2 above is not available provide an explanation as to the mechanic work or repairs performed.	

C. FORECLOSURE INFORMATION

DATE	Date the owner(s) and lienholder(s), if any, were notified by certified mail of the charges. Such notice must be given thirty (30) days after the day on which charges accrued and the charges are unpaid. Attach the U.S. Post Office validated (date stamped) receipts for certified mail.
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D. 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 left for repair 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 thirty (30) days after the dates on which notice of the amount of charges were mailed, and such charges remain unpaid. I further certify that I have complied with all applicable provisions of Chapter 70 of the State Property Code, and I am, therefore, proceeding to foreclose on the statutory mechanic's lien in accordance therewith.

PRINT NAME OF GARAGE	COMPLETE ADDRESS OF GARAGE
PRINT NAME OF AUTHORIZED AGENT	SIGNATURE OF AFFIANT

Subscribed and sworn to before me _____ this _____ day of _____

Notary Seal _____ Notary Public _____ County, Texas

E. PUBLIC SALE INFORMATION

DATE OF PUBLIC SALE	LOCATION OF PUBLIC SALE
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F. 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 contractual lienholder, for the sum of \$ _____, hereby sell and assign the vehicle described on this affidavit to the highest bidder at said sale to:

NAME	STREET ADDRESS	CITY	STATE	ZIP CODE
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Federal and State law requires 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. _____ Odometer Reading (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:

1. The mileage stated is in excess of the mechanical limits.

2. The odometer reading is not the actual mileage. **WARNING - ODOMETER DISCREPANCY**

DATE OF SALE	SIGNATURE OF SELLER/AGENT	HAND PRINTED NAME (same as signature)
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I, the buyer/agent, am aware of the above odometer certification made by the seller/agent.

SIGNATURE OF BUYER/AGENT	HAND PRINTED NAME (same as signature)
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SEE PAGE TWO FOR INFORMATION

Warning: Transportation Code, §501.155, provides that falsifying information on any required statement or application is a third-degree felony punishable by not more than ten (10) years in prison or not more than one (1) year in a community correctional facility. In addition to imprisonment, a fine of up to \$10,000 may also be imposed.

G. MECHANIC'S LIEN FORECLOSURE PROCEDURES

NOTE: If unable to determine where the vehicle was last registered, this method of disposal of the vehicle **cannot** be used. Disposal of the vehicle must be by court order through a court of competent jurisdiction.

1. POSSESSION -- Must have continued for thirty (30) days after the charges accrued and the charges due have not been paid.

2. FORECLOSURE NOTICE -- Thirty (30) days after the day on which repair charges accrue, the person claiming the lien shall notify the owner(s) and lienholder(s) of record by certified mail, return receipt requested, the location of the vehicle, the charges due and request payment. **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.** Notice by newspaper publication may be permitted. (See below.)

3. STORAGE NOTICE, IF APPLICABLE -- If any amount of the charges include storage fees, a second notification must be made by certified mail to the registered owner and lienholder, or see below for applicable notice by newspaper publication. If last registered outside of Texas, notice must be made within fourteen (14) days of obtaining possession. A Storage Lien for Abandoned Vehicle or Private Tow, Form VTR 265-S with a revision date of 9-1-99 or after, must also be completed. A release of lien is also required if any portion of the amount due represents charges for storage, otherwise foreclosure must be through a court of competent jurisdiction.

4. PUBLIC SALE -- If charges are not paid before the 31st day after the day on which notice of the amount of charges was mailed or published, 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.

5. APPLICATION FOR TITLE -- The highest bidder (named in item F) must apply for title.

* **NOTIFICATIONS TO THE OWNER(S) AND LIENHOLDERS(S), IF ANY** -- 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 motor vehicle is registered in another state;
- (2) the holder of the lien 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 and any lienholder of record;
- (3) the holder of a lien:
 - (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 (2).
- (4) the identity of the last known registered owner cannot be determined;
- (5) the registration does not contain an address for the last known registered owner; and
- (6) the holder of the lien cannot determine the identities and addresses of the lienholders of record.

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.

H. EVIDENCE REQUIRED TO SUPPORT THE CERTIFICATE OF TITLE APPLICATION, FORM 130-U

a. **Form VTR-265-M** 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, the following may be provided in lieu of title and registration verification from the state of record:

- (1) If a holder of a lien 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 elects to forward the lienholder's notification to the owner(s) for notification purposes, the original letter(s) from the state of record, along with 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 shall consist of a copy of the request sent along with certified receipts for the notification sent to the state of record.

c. PROOF OF NOTIFICATIONS

Notices 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 print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 or 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. The mailer may also request a return of receipt after mailing from the post office and the proof of delivery record provided by the post office may be accepted.

Notice by Newspaper Publication (Only if applicable) -- Proof shall consist of evidence of the certified request (same 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 which includes the name of the publication and the date of publication.

d. **LIABILITY INSURANCE** -- A copy of current proof of liability insurance in the applicant's name.

e. **WORK ORDER** -- Attach a copy of the work order, unless Item 4 of B (on the front of this form) is completed.

f. **PENCIL TRACING** -- A pencil tracing of the motor and serial numbers may be required to establish the vehicle's correct identity.

g. **OUT-OF-STATE VEHICLES** -- If the vehicle was last registered outside of Texas, the following documentation is also required:

- (1) Identification Certificate (Form VI-30-A); and
- (2) Weight certificate on a commercial vehicle.