

Staple Attachments Here

SELF-SERVICE STORAGE LIEN SALE AFFIDAVIT

COMPLETE THE INFORMATION THAT PERTAINS TO THE LIEN BEING CLAIMED

Vehicle Information	VIN	Year	Make	Storage Authorized by:		
	Approximate Vehicle Value \$	License Plate Number	State Registered	License Expiration Date		
	I, lien claimant, 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"/> Excess mechanical limits <input type="checkbox"/> Not Actual - Warning: Odometer Discrepancy					
Purchaser Information	Purchased Date	Vehicle Selling Price \$	Name of Purchaser			
	Address		City	State	ZIP	
Business Information	Business/Claimant's Name		Operator's Name			
	Address		City	State	ZIP	
Lien Information	Date Vehicle Came into Possession		Date Owner was Billed for Storage		Date Storage Fee Assessed ¹	
	Date of Auction	Storage Fee To Date \$	At the Rate of \$ Per Day	Cost of Conducting Lien Sale \$		
	Vehicle was Sold by:		<input type="checkbox"/> Public Proceeding (Auction)		<input type="checkbox"/> Private Proceeding ²	
	¹ Self service storage operators that charge a storage fee for the protection, storage or safekeeping of a vehicle and such storage fees have accumulated for 30 days, and the owner and lienholder are known, shall provided notice by certified mail to the owner and lienholder of record of such vehicle. Failure to give such notice shall stop the imposition of storage fees until the notice provisions described in this section are complied with. Notice shall not be required to be given to an owner or to a lienholder of record who has prior notice or actual knowledge that such fees could be charged or imposed or were in fact being charged or imposed. KSA 58-247					
² Sale of the property stored on the premises may be by public or private proceedings as long as the sale is commercially reasonable. KSA 58-817 and 84-9-627 .						

The following items must be ATTACHED to this affidavit (refer to details instruction of second page):

- a) Verification of Ownership and Lien Holder, if applicable;
- b) Copies of notices sent to occupant/owner and lien holder and proof that second notice was sent restricted mail to the owner/occupant and by certified mail to the lien holder;
- c) Copy of the newspaper ad; and
- d) Copy of storage agreement.
- e) An MVE-1 must be obtained by the applicant for title before going to the county treasurer's motor vehicle office to make application.

I, the undersigned, certify that the occupant/vehicle owner did enter into a storage agreement for the for the storage of the vehicle listed herein on the date shown and is in default of payment for said storage for more than 45 days and the vehicle has been in my possession until sold to satisfy the lien. I am aware of and have complied with all requirements of the Self-Service Storage Act as defined in KSA [58-813](#), including all additional statutes listed therein.

Further, I, the undersigned, do hereby certify under penalty of perjury that, I am an operator of the self-service storage business located and doing business in the State of Kansas at the address shown above. That the information contained on this affidavit is true and correct. I accept and take all responsibility for to compliance with KSA 58-813 and statutes listed therein as well as requirements listed in this affidavit, and will be solely liability for any and all harm resulting from this action.

Lien Claimant's Signature _____ Handprint Name _____ Date _____

WARNING! KSA 21-3711 provides that **FALSIFYING INFORMATION ON ANY REQUIRED DOCUMENT IS A SEVERITY LEVEL 8, NONPERSON FELONY.** KSA 21-3710 deals with forgery; forgery is knowingly and with intent to defraud and is a severity level 8 nonperson felony.

All documents indicated above in addition to this affidavit must be presented to the purchaser for the purpose of making application for title and registration at the local county treasurer's motor vehicle office where purchaser resides. If vehicle fails to sale at public or private proceeding, the claimant must apply for a title in business name. **Application for title and registration must be made within 30 days from the "purchased date" above.**

INSTRUCTION FOR REQUIREMENTS ON FRONT OF FORM

- a) Verification of last registered owner and lienholder(s) must be obtain by submitting a completed "Request for Access to Vehicle Records," [TR/DL-302](#), for processing to the Kansas Department of Revenue, Title and Registration Bureau, Topeka, Kansas 66626-0001, or to the county treasurer's motor vehicle office. Verifications obtained from www.Kansas.gov are also expectable. IN ORDER TO COMPLY WITH 30 DAY STORAGE FEE NOTICE STATUTE KSA [58-247](#), IT IS RECOMMENDED VERIFICATION BE REQUESTED AT LEAST 10 DAYS PRIOR TO THE 30TH DAY. Attach the verification or No Record Verification as proof.
- b) On or after the 46th day of default, the operator must send notification of default to the occupant by first-class mail. A second notice of default is to be sent by [RESTRICTED mail](#) not less than 7 days after the first notice. The second notice shall, at minimum, meet all the requirements listed in KSA [58-817](#). NOTICE IS TO BE SENT TO ANY LIEN HOLDER, IF APPLICABLE, BY CERTIFIED MAIL RETURN RECEIPT REQUIRED. Use the lien holder information listed on the verification (see "a" above). Attach a copy of the two notices to the owner/occupant and lien holder and proof that the second notice was sent by restricted mail to both the owner/occupant and proof the lien holder's notice was sent by certified mail. If the owner is different person or business than the occupant (EX: owner is a leasing company and the occupant is the lessor), notice is to be sent to both.
- c) At least seven days before the sale, advertise the time, place and terms of the sale in a newspaper of general circulation in the jurisdiction where the sale is to be held. Such advertisement shall be in the classified section of the newspaper. The ad shall contain the vehicle's year, make, complete VIN, the date, time and place of sale and terms of sale. If more than one vehicle is listed in the newspaper ad, highlight or underline the vehicle information in the ad for the vehicle listed on this affidavit. KSA [58-817](#)
- d) The rental agreement shall contain a statement, in bold type, advising the occupant: 1) Of the existence of the lien; 2) that property stored in the leased space may be sold to satisfy the lien if the occupant is in default; and 3) that any proceeds from the sale of the property which remain after satisfaction of the lien will be paid to the state treasurer if unclaimed by the occupant within one year after sale of the property. Any late fee charged by the operator shall be stated in the rental agreement. No late fee shall be collected unless it is provided for in the rental agreement, as defined in KSA [58-814](#), and amendments thereto, or in an addendum to the rental agreement. KSA [58-816](#), [58-816a](#)
The operator may recover all reasonable rent collection and lien enforcement expenses from the occupant in addition to any late fees imposed.
- e) A Motor Vehicle Examination, form **MVE-1**, issued by the Kansas Highway Patrol is required before applying for title and registration. (Minimum charge for MVE-1, \$10.00 as per KSA [8-116a](#).)

REQUIREMENTS

- i. **PROCEEDING FOR DISPOSING OF VEHICLE** The vehicle may be disposed of by public (auction) or private proceeding as long as it is commercially reasonable. KSA [58-816a](#) KSA [84-9-627](#) defines commercially reasonable.
- ii. **PROCEEDS OF SALE** Hold any fund remaining after satisfying the operator's lien for delivery on demand to the occupant or lien holder of record for a period of one year. After that time, report and pay same to the state treasurer as abandoned property. KSA [58-817](#).
- iii. The purchaser at a self-service storage lien sale must apply for title and registration within 30 days of the date of the purchase date on this affidavit. All documents attached to this affidavit by lien claimant, including the affidavit and the MVE-1, must be submitted to the county treasurer's motor vehicle office when making application for title and registration. KSA [8-135](#)

STATUTES:

- [58-813](#) Self-Service Storage Act
- [58-814](#) Definitions
- [58-816](#) Operator to have lien on stored property; rental agreement
- [58-816a](#) Late fees; rental agreement provision required
- [58-817](#) Sale of stored property; procedure; redemption; notices

Previous versions of this form are subject to requirements listed herein. Division of Vehicles will make the final determination if the form is properly completed

All Requirements Subject to Change without Notice. The DMV web site, www.ksrevenue.org will have the most up to date forms.