

Foreclosure Procedure

1. Possession of the vessel or outboard motor must continue for 30 days after the charges accrue.
2. Verification of registration and/or titling must be obtained. If the vessel is titled in Texas, verification must be obtained from Texas Parks and Wildlife in writing. If the vessel is registered out of state, verification must be in writing from that state.
3. Thirty days after the day on which charges accrue, the owner(s) and lienholder(s) on Texas Parks and Wildlife records must be notified by Certified Restricted Mail, return receipt requested, of the charges due and request payment. If the name and/or address on the work order/storage agreement is different than the owner(s) on record, it is required that a Certified Restricted Mail, return receipt requested, also be sent to that individual and all non-recorded owner(s). This letter shall give consequences if the charges are not paid.
4. If possession of the vessel or outboard motor was obtained under the provisions of state law or city ordinance, the person claiming the lien shall, within 5 days of obtaining such possession, notify by Certified Restricted Mail, return receipt requested, the last known recorded owner(s) on record, all non-recorded owner(s), and all lienholder(s) on record to pick up the vessel or outboard motor and shall request payment. The notice shall state the location and charges due. Charges of reasonable storage fees are limited for a maximum of 5 days until such notice is mailed.
5. If the charges are not paid within 30 days after the day on which notice of the amount of charges was received (or attempted to be delivered), the possessory lienholder must send a second letter by Certified Restricted Mail, return receipt requested, to the owner(s) on record, the recorded lienholder(s), and each non-recorded owner(s). The second letter shall state that the vessel or outboard motor, if not picked up and charges paid within 30 days after the date the second letter is received, will be sold at a public auction.
6. In any instance when record of title or ownership cannot be established, either in Texas or out of state, this procedure cannot be used.
- 7. If no HIN/MIN can be found, this procedure cannot be used.**
8. The possessory lienholder shall apply the proceeds to the payment of charges and shall pay the balance to the person entitled to it.

The highest bidder named in Item (E) Form PWD 309 must file an application for title (Form PWD 143 and/or PWD 144) and PWD 504 with Texas Parks and Wildlife, 4200 Smith School Road, Austin, Texas 78744. The following evidence must be submitted in support of the application(s):

1. Written verification of registration and/or title.
2. Questionnaire affidavit, Form PWD 309, completed by the statutory lienholder.
3. A copy of the notice of auction publication must be submitted.
4. The receipt for Certified Restricted Mail, PS Form 3800, and return receipt, PS Form 3811, together with any unopened certified restricted letter(s) returned by the post office as undeliverable.
5. If Mechanic's Lien, attach copy of work order. If Storage Lien, attach copy of document authorizing possession (Refer to page 1, paragraph B, Form PWD 309).
6. If vessel or outboard motor was last registered and/or titled in Texas or out of state, a verification of registration and/or title from proper state is also required.
7. A pencil tracing of the hull identification and/or motor serial number is required to establish correct identity of the vessel or outboard motor (Form PWD 504).