



## INSTRUCTIONS FOR TRANSFER OF TITLE OF VESSEL OR OUTBOARD MOTOR AFTER FORECLOSURE SALE UNDER SELF-SERVICE STORAGE LIEN

### 1. YOU CANNOT OBTAIN A TRANSFER OF TITLE IF:

- you do not have a written rental agreement (or lease) that contains a self-service storage lien;
- you cannot obtain evidence of title and lienholder from TPWD or comparable agency from another state (unless you have complied with Texas Property Code Section 70.006(c));
- you are unable to obtain a pencil tracing of the hull identification number (HIN) and/or outboard motor identification number (MIN); or
- you have not followed all the required statutory procedures for the foreclosure sale.

### 2. MULTIPLE FORMS.

You must complete all of the following forms for each vessel and each outboard motor:

- **PWD 143** - Application for title of vessel and/or **PWD 144**-Application for title of outboard motor, as appropriate;
- **PWD 309** - Affidavit of Statutory Lien Foreclosure Sale by Self-Service Storage Facility;
- **PWD 504** - Affidavit of Facts for Identification/Serial Number or the Hull or Motor;
- **PWD 763** - Affidavit and Application For Ownership/Lienholder Information for Vessel or Outboard Motor;

And, if applicable:

- **PWD 314** - Affidavit of Fact.

### 3. TITLE VERIFICATION.

You must submit the registration card and/or certificate of title (whichever was issued by the state in which the vessel was last documented), or verification in writing from TPWD or comparable agency from another state. The verification must be either a printout by the state agency or a document on the state agency's letterhead, describing the vessel/outboard motor and listing the owner(s) and the lienholder(s) names and addresses.

In the alternative, if you are unable to obtain the above information regarding current owner(s) and lienholder(s), you must submit evidence that you have given notice to the owners and lienholders by publication in accordance with Texas Property Code, Section 70.006(c). If such notice is used, the following must be submitted to TPWD:

- The signed, certified mail return receipt PS Form 3811 (original green card--not a photocopy) for notice under Section 70.006(c)(1), together with any unopened certified letters returned by the post office; and
- The original response letter from the appropriate governmental entity pursuant to Section 70.006(c)(2)(A) or a **PWD 314** signed statement from the statutory lienholder that no response from the governmental entity was received on or before the 21st day after the request to the governmental entity was sent; and
- A **PWD 314** signed statement from the statutory lienholder that all requisites of Section 70.006(c) have been met.

### 4. NOTIFICATION TO TENANT(S).

Under Texas Property Code, Section 59.043, notification by certified mail, return receipt requested, must be sent to the tenant(s) listed on the self-service storage agreement (lease). This notice of claim to the tenant must contain an itemized account of the claim, the name, address, and phone number of the storage facility or the storage facility's agent, a statement that the contents of this self-service storage facility have been seized under the contractual landlord's lien, and a statement that if the claim is not satisfied before the 15th day after the day the notice is delivered, the property may be sold at public auction. The notice must be hand delivered or sent by certified mail, return receipt requested, to the tenant's last known address as stated in the rental agreement or in a written notice from the tenant. The certified mail return receipt PS Form 3811 (original green card--not a photocopy) together with any unopened certified letter(s) or proof of hand delivery returned by the post office must be submitted to TPWD.

### 5. NOTIFICATION TO OWNER(S) AND LIENHOLDER(S).

Under Texas Property Code, Section 70.006, notification to the owners and lienholders of the vessel or outboard motor must be mailed at least 30 days after the above notification to the tenant. The notification to all owners and lienholders must be sent certified mail, return receipt requested, to their respective addresses according to TPWD records or other state's records. The certified mail return receipt PS Form 3811 (original green card--not a photocopy) together with any unopened certified letter(s) returned by the post office must be submitted to TPWD. The notice must include the amount of charges and a request for payment. It is preferable, but not required, that the notice disclose the storage facility's intent to sell at foreclosure if not paid in full within 30 days.

### 6. PWD FORM 309 - AFFIDAVIT OF STATUTORY LIEN FORECLOSURE SALE BY SELF-SERVICE STORAGE FACILITY.

Under Texas Property Code, Section 70.006, the foreclosure sale by the self-service storage facility must take place at least 31 days after the notification to all owners and lienholders of record. All other statutory sale procedures must be followed. A copy of the notice of public sale (auction) must be submitted to TPWD. If the storage facility is the highest or only bidder and purchases the vessel or outboard motor, the purchase price for purposes of title, registration and taxes is considered to be the full amount of the storage charges due to the facility. This total amount due must be

shown on **PWD 143** and/or **PWD 144**, and **PWD 309**. When a current dealer purchases a vessel and/or outboard motor at auction, the dealer must pay sales tax if they do not indicate that the vessel and/or outboard motor is for "resale purposes only" on **PWD 143** and/or **PWD 144**.

7. **PWD FORM 504 - AFFIDAVIT OF FACTS FOR IDENTIFICATION/SERIAL NUMBER OR THE HULL OR MOTOR.** You must provide a pencil tracing of the hull identification number/motor identification number/serial number on Form PWD 504.
8. **ALL FORMS AND FEES.** You must submit the following forms and attachments, along with the required fees, to the local county tax collector or TPWD.
  - PWD 143** - Application for title of vessel, and/or **PWD 144**-Application for title of outboard motor, as appropriate;
  - PWD 309** - Affidavit of Statutory Lien Foreclosure Sale by Self-Service Storage Facility;
  - PWD 504** - Affidavit of Facts for Identification/Serial Number of the Hull or Motor;
  - PWD 763** - Affidavit and Application For Ownership/Lienholder Information for Vessel or Outboard;
  - Photocopy of entire storage agreement (lease);
  - Photocopy of both newspaper publications of public (foreclosure) sale, required under Texas Property Code, Section 59.044;
  - Notice to tenant(s), as evidenced by the following:
    - Photocopy of notice of claim to tenant(s) under Texas Property Code, Section 59.043, along with *one* of the following:
      - (1) Evidence of mailing, i.e., certified mail return receipt PS Form 3811 (original green card--not a photocopy); or
      - (2) Any unopened certified mail letter(s) returned by the post office.
  - Notice to owner(s) and lienholder(s), as evidenced by the following:
    - Photocopy of notice of claim to owner(s) and lienholder(s) under Texas Property Code, Section 70.006(a), along with *one* of the following:
      - (1) Evidence of mailing, i.e., certified mail return receipt PS Form 3811 (original green card--not a photocopy); or
      - (2) Any unopened certified mail letter(s) returned by the post office.
  - Title Verification, as evidenced by *one* of the following:
    - (1) Registration card and/or certificate of title (whichever was issued by the state in which the vessel/outboard motor was last documented); or
    - (2) Written verification from TPWD or state agency of another state; or
    - (3) Evidence of compliance with Texas Property Code, Section 70.006(c), including the following:
      - A signed **PWD 314** Affidavit of Fact from the statutory lienholder that all requisites of Section 70.006(c) have been met;
      - Photocopy of the published notice;
      - The signed, certified mail return receipt PS Form 3811 (original green card--not a photocopy), submitted to the governmental entity as a request under Section 70.006(c)(1), together with any unopened certified letters returned by the post office; and
      - The original response letter from the appropriate governmental entity pursuant to Section 70.006(c)(2)(A), or a statement on the **PWD 314** Affidavit of Fact noting that no response from the governmental entity was received on or before the 21st day after the request to the governmental entity was sent.