

Sold Under Statutory Lien Foreclosure																											
<p>Legend X = Required Item. ● = One of the Two with a Circle is Required. ■ = One of the Two with a Square is Required. IA = If Applicable.</p> <p>All of the blank TPWD forms may be copied, however, all signatures (on all TPWD forms and titles) must be original. All titles submitted must be originals. Additional supporting documentation may be either the original documents or unaltered copies/images of the documentation.</p> <p>If the vessel is documented with the United States Coast Guard (USCG), the following statutory lien foreclosure procedures do not apply. Contact the USCG documentation center directly for information about lien foreclosure procedures.</p>																											
	Vessel/Boat Application (PWD 143)	Outboard Motor Application (PWD 144)	Affidavit Of Statutory Lien Foreclosure Sale For Storage Or Mechanic's Lien (PWD 309A)	Affidavit of Statutory Lien Foreclosure Sale By Self-Service Storage Facility (PWD 309B)	Affidavit Of Statutory Lien Foreclosure Sale By Licensed Vehicle Storage Facility (PWD 309C)	Agreement/Contract For Storage/Repair/Wrecker Service	Ownership Verification from State/Government Agency	Evidence of Compliance With Texas Property Code, Sections 70.004(c) and 70.006(c)	Evidence of Compliance With Texas Property Code, Section 59.0445(d)	Evidence of Compliance With Texas Occupations Code, Section 2303.152	First Notification to Owner(s) of Record	First Notification to Non-Recorded Owner(s)	First Notification to Lien Holder(s) of Record	Second Notification to Owner(s) of Record	Second Notification to Non-Recorded Owner(s)	Second Notification to Lien Holder(s) of Record	Evidence of Filing Copy of Second Notice(s) With Local Tax Assessor-Collector	Affidavit of Fact (PWD 314)	Photocopy or Proof of Newspaper Publication	Notification to Law Enforcement	Notice to Tenant(s) for Self- Service Storage Facility Lien	Notice to Owner(s) of Record for Self- Service Storage Facility Lien	Notice to Lien Holder(s) of Record for Self- Service Storage Facility Lien	Photocopy of Both Newspaper Publications of Public Sale for Self- Service Storage Facility Lien	Verification of Vessel or Outboard Motor Serial Number (PWD 504)	Letter of Authorization (PWD 581) and/or Power of Attorney (PWD 1055)	
Storage Lien - Vessel	X		X			X	●	●			X	IA	IA	X	IA	IA	■	■	X							X	IA
Storage Lien - Outboard Motor		X	X			X	●	●			X	IA	IA	X	IA	IA	■	■	X							X	IA
Garage/Mechanic Lien - Vessel	X		X			X	●	●			X	IA	IA	X	IA	IA	■	■	X							X	IA
Garage/Mechanic Lien - Outboard Motor		X	X			X	●	●			X	IA	IA	X	IA	IA	■	■	X							X	IA
Self-Service Storage Facility Lien - Vessel	X			X		X	●		●												X	X	IA	X	X	X	IA
Self-Service Storage Facility Lien - Outboard Motor		X		X		X	●		●												X	X	IA	X	X	X	IA
Licensed Vehicle Storage Facility - Vessel	X				X		●			●	X		IA	X		IA			X	X						X	IA
Licensed Vehicle Storage Facility - Outboard Motor		X			X		●			●	X		IA	X		IA			X	X						X	IA

Forms available at www.tpwd.texas.gov/fishboat/boat/forms. For additional explanation of the requirements listed above, or to find the office nearest you, or to have forms mailed, please call either 1-800-262-8755 or 1-512-389-4828.

DESCRIPTION OF REQUIRED DOCUMENTS

Vessel/Boat Application: Title & Registration, Registration for USCG, or Sales Tax Only (Form PWD 143)

Is used to request a Texas title and/or registration for a vessel/boat or to pay sales tax only on vessels 115 feet and under.

Outboard Motor Application: Title or Sales Tax Only (Form PWD 144)

Is used to request a Texas title for an outboard motor or to pay sales tax only on an outboard motor.

Affidavit of Statutory Lien Foreclosure Sale For Storage or Mechanic's Lien (Form PWD 309A)

Is completed when transferring ownership to the purchaser of a vessel and/or outboard motor sold due to a storage or mechanic's lien. Detailed information is provided with this form to explain the steps and supporting documentation required to complete the statutory foreclosure lien process. (Self-service storage liens use Affidavit of Statutory Lien Foreclosure Sale By Self-Service Storage Facility form PWD 309B.)

Affidavit of Statutory Lien Foreclosure Sale By Self-Service Storage Facility (Form PWD 309B)

Is completed when transferring ownership to the purchaser of a vessel and/or outboard motor sold due to a self-service storage lien. Detailed information is provided with this form to explain the steps and supporting documentation required to complete the statutory foreclosure lien process.

Affidavit of Statutory Lien Foreclosure Sale By Licensed Vehicle Storage Facility (Form PWD 309C)

Is completed when transferring ownership to the purchaser of a vessel and/or outboard motor sold due to a licensed vehicle storage facility storage lien. The vehicle storage facility must have acquired the vessel and/or outboard motor from a self-service storage facility.* Detailed information is provided with this form to explain the steps and supporting documentation required to complete the statutory foreclosure lien process.

*If the vessel and/or outboard motor was not acquired from a self-service storage facility, the vehicle storage facility must use the Affidavit of Statutory Lien Foreclosure Sale for Storage or Mechanic's Lien form PWD 309A.

Agreement/Contract For Storage/Repair/Wrecker Service

Statutory lien foreclosure requires a complete copy of the written, signed agreement/contract for storage*/repair/wrecker service.

*Review the storage/rental/lease agreement to determine which lien foreclosure procedure to use. If the agreement references 'self-service' or 'chapter 59' then you must use the Self-Service Storage Lien procedures (PWD 309B); otherwise use the Storage or Mechanic Lien procedures (PWD 309A).

Ownership Verification from State/Government Agency

In order to send the required notice(s) to the owner(s) and/or lien holder(s) of record, ownership verification in writing from the titling/registration agency of the state or country where the boat/outboard motor was last registered/titled is required. Vessels documented with the United States Coast Guard must follow the procedure specified by the USCG National Documentation Center.

To obtain Ownership Verification from TPWD you can access this for free through:

- The agency web site at www.tpwd.texas.gov/fishboat/boat/ (select Request Ownership Information listed under Boat Ownership). You will need to provide your name and address and either the TX number or serial number; or
- A TPWD or participating Tax Assessor Collector office by submitting an Ownership/Lien Holder Information Printout request (form PWD 763); or
- The mail by submitting an Ownership/Lien Holder Information Printout request (form PWD 763).

FORM PWD 309A

If the vessel/outboard motor is coming from outside of Texas, the possessory lien holder must send a written request by certified mail, return receipt requested, to the governmental entity requesting the identity of the last registered owner(s) and any lien holder name(s).

The written correspondence must include:

- (1) the owner's name(s) and address;
- (2) lien holder name and address (if applicable); and
- (3) a description of the vessel/outboard motor (make, registration and serial number, and year built).

DESCRIPTION OF REQUIRED DOCUMENTS

Ownership Verification from State/Government Agency (Continued)

FORM PWD 309B & 309C

If the vessel/outboard motor is coming from outside of Texas, the possessory lien holder must acquire from the registration/titling agency either a computer printout or a letter on the agency's letterhead.

The letter or printout must include:

- (1) the owner's name(s) and address;
- (2) lien holder name and address (if applicable); and
- (3) a description of the vessel/outboard motor (make, registration and serial number, and year built).

Evidence of Compliance with Texas Property Code, Sections 70.004(c) and 70.006(c)

If you are unable to obtain the title/registration or ownership verification and/or the identity/address of the last known owner(s) and lien holder(s) cannot be determined, you must submit evidence that you have provided notice by publication to the owner(s) and lien holder(s) in accordance with Texas Property Code, Sections 70.004(c) and 70.006(c). The notice must be published once in a newspaper of general circulation in the county in which the vessel/outboard motor is stored.

The following evidence must be submitted to TPWD:

- (1) A photocopy of the published notice; and
- (2) The original response letter from the appropriate governmental entity advising they are either unwilling or unable to provide information on the last known owner/lien holder of record, pursuant to Texas Property Code, Sections 70.004(c)(3)(A) and 70.006(c)(2)(A);

OR

A statement on a signed PWD 314 Affidavit of Fact noting that either no response from the governmental entity was received on or before the 21st day after the request to the governmental entity was sent or that the identity and/or address of the last known owner(s) of record and any lien holder(s) of record cannot be determined; and

- a) A photocopy of the written request that was submitted to the proper governmental entity as a request under Texas Property Code, Sections 70.004(c)(2) or 70.006(c)(1); and
- b) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The signed, certified mail return receipt PS form 3811 (original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

NOTE: If this procedure is followed, notice to the name listed on the agreement for storage/repair is still required.

Evidence of Compliance with Texas Property Code, Section 59.0445(d)

If you are unable to obtain the title/registration or ownership verification, and/or the identity/address of the last known owner(s) and lien holder(s) cannot be determined, you must submit evidence that you have provided notice by publication to the owner(s) and lien holder(s) of record in accordance with Texas Property Code, Section 59.0445(d). The notice must be published once in a print or electronic version of a newspaper of general circulation in the county in which the vessel/outboard motor is stored.

The following evidence must be submitted to TPWD:

- (1) A photocopy of the published notice; and
- (2) The original response letter from the appropriate governmental entity advising they are either unwilling or unable to provide information on the last known owner/lien holder of record, pursuant to Texas Property Code, Section 59.0445(d)(2)(A);

OR

DESCRIPTION OF REQUIRED DOCUMENTS

Evidence of Compliance with Texas Property Code, Section 59.0445(d) (Continued)

A statement on a signed PWD 314 Affidavit of Fact noting that either no response from the governmental entity was received on or before the 21st day after the request to the governmental entity was sent or that the identity and/or address of the last known owner(s) of record and any lien holder(s) of record cannot be determined; and

- a) A photocopy of the written request that was submitted to the proper governmental entity as a request under Texas Property Code Section 59.0445(d)(1); and
- b) Evidence of mailing. One of the following must be submitted:
 - Any official evidence of mailing issued by the USPS or a common carrier [such as a receipt, copy of receipt, green card (USPS form 3811), or website tracking printout]; or
 - UNOPENED letter(s) returned as undeliverable, unclaimed, or no forwarding address.

NOTE: If this procedure is followed, notice to the tenant listed on the self-service storage agreement is still required.

Evidence of Compliance with Texas Occupations Code, Section 2303.152

If you are unable to obtain the title/registration or ownership verification, and/or the identity/address of the last known owner(s) and lien holder(s) cannot be determined, you must submit evidence that you have provided notice by publication to the owner(s) and lien holder(s) of record in accordance with Texas Occupations Code, Section 2303.152. The notice must be published once in a print or electronic version of a newspaper of general circulation in the county in which the vessel/outboard motor is stored.

The following evidence must be submitted to TPWD:

- (1) A photocopy of the published notice; and
- (2) The original response letter from the appropriate governmental entity advising they are either unwilling or unable to provide information on the last known owner/lienholder of record;

OR

A statement on a signed PWD 314 Affidavit of Fact noting that either no response from the governmental entity was received on or before the 21st day after the request to the governmental entity was sent or that the identity and/or address of the last known owner(s) of record and any lienholder(s) of record cannot be determined; and

- a) A photocopy of the written request that was submitted to the proper governmental entity as a request under Texas Occupations Code, Section 2303.152(a)(2) or 2303.1521(b)(1); and
- b) Evidence of mailing certified mail with return receipt requested or electronic certified mail. One of the following must be submitted:
 - The signed, certified mail return receipt PS form 3811 (original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - Unopened certified letters returned by post office as undeliverable, unclaimed, or no forwarding address.

First Notification to Owner(s) of Record

Form PWD 309A

Under Texas Property Code, Section 70.006(a), notification by certified mail, return receipt requested, must be sent to the owner(s) at the address on TPWD or other state's record when the charges are due. The notice must also be mailed to all other known addresses, including the address listed on the signed agreement/contract/work order. The notice must include the amount of charges due and a request for payment.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

DESCRIPTION OF REQUIRED DOCUMENTS

First Notification to Owner(s) of Record (Continued)

- (1) Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Property Code, Sections 70.004(c) and 70.006(c) [see Evidence of Compliance with Texas Property Code, Sections 70.004(c) and 70.006(c) requirements above].

NOTE: FOR WRECKER/TOW SERVICE - Under Texas Property Code, Section 70.004(a), a holder of a lien on a vessel/outboard motor who obtains possession of the vessel/outboard motor under the provisions of state law or city ordinance, must send notification not later than the fifth day after possession. If the vessel/outboard motor is registered outside Texas, the notice must be sent not later than the 14th day after possession.

Form PWD 309C

Under Texas Occupations Code, Section 2303.151, notification must be mailed to all owner(s) and lienholder(s) of the vessel and/or outboard motor not earlier than 24 hours and not later than the fifth day after possession, if the vessel/outboard motor was last registered in Texas. If the vessel/outboard motor was last registered outside of Texas, the notice must be sent not earlier than 24 hours and not later than the 14th day after possession. The notice must include:

- (1) the date the vessel/outboard motor was accepted for storage;
- (2) the first day for which a storage fee is assessed;
- (3) the daily storage rate;
- (4) the type and amount of any other charge to be paid when the vessel/outboard motor is claimed;
- (5) the full name, street address, and telephone number of the vehicle storage facility;
- (6) the hours during which the owner may claim the vessel/outboard motor; and
- (7) the facility license number preceded by "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TDLR VSF Lic. No."

All notifications must be sent certified mail, return receipt requested, or electronic certified mail, to their respective addresses according to TPWD records or other state's records.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing must be provided to TPWD. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

- (1) Notice by newspaper publication may be given if unable to obtain title/registration owner verification. A notice by publication must include:
 - a) the vessel/outboard motor description;
 - b) the total charges;
 - c) full name, street address, and telephone number of the facility; and
 - d) the department registration number.

First Notification to Non-Recorded Owner(s) (Form PWD 309A)

Under Texas Property Code, Section 70.006(a), notification by certified mail, return receipt requested, must be sent to all known non-recorded owner(s), including the individual whose name appears on the written agreement/contract/work order, when the charges are due. The notice must be mailed to all known addresses, including the address listed on the signed agreement/contract/work order. The notice must include the amount of charges due and a request for payment.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

DESCRIPTION OF REQUIRED DOCUMENTS

First Notification to Non-Recorded Owner(s) (Form PWD 309A) (Continued)

- (1) Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Property Code, Sections 70.004(c) and 70.006(c) [see Evidence of Compliance with Texas Property Code, Sections 70.004(c) and 70.006(c) requirements above].

NOTE: FOR WRECKER/TOW SERVICE - Under Texas Property Code, Section 70.004(a), a holder of a lien on a vessel/outboard motor who obtains possession of the vessel/outboard motor under the provisions of state law or city ordinance, must send notification not later than the fifth day after possession. If the vessel/outboard motor is registered outside Texas, the notice must be sent not later than the 14th day after possession.

First Notification to Lien Holder(s) of Record

Form PWD 309A

Under Texas Property Code, Section 70.006(a), notification by certified mail, return receipt requested, must be sent to the lien holder(s) at the address(s) on TPWD or other state's record when the charges are due. The notice must include the amount of charges due and a request for payment.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

- (1) Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Property Code, Sections 70.004(c) and 70.006(c) [see Evidence of Compliance with Texas Property Code, Sections 70.004(c) and 70.006(c) requirements above].

NOTE: FOR WRECKER/TOW SERVICE - Under Texas Property Code, Section 70.004(a), a holder of a lien on a vessel/outboard motor who obtains possession of the vessel/outboard motor under the provisions of state law or city ordinance, must send notification not later than the fifth day after possession. If the vessel/outboard motor is registered outside Texas, the notice must be sent not later than the 14th day after possession.

Form PWD 309C

Under Texas Occupations Code, Section 2303.151, notification must be mailed to all owner(s) and lienholder(s) of the vessel and/or outboard motor not earlier than 24 hours and not later than the fifth day after possession, if the vessel/outboard motor was last registered in Texas. If the vessel/outboard motor was last registered outside Texas, the notice must be sent not earlier than 24 hours and not later than the 14th day after possession. The notice must include:

- (1) the date the vessel/outboard motor was accepted for storage;
- (2) the first day for which a storage fee is assessed;
- (3) the daily storage rate;
- (4) the type and amount of any other charge to be paid when the vessel/outboard motor is claimed;
- (5) the full name, street address, and telephone number of the vehicle storage facility;
- (6) the hours during which the owner may claim the vessel/outboard motor; and
- (7) the facility license number preceded by "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TDLR VSF Lic. No."

All notifications must be sent certified mail, return receipt requested, or electronic certified mail, to their respective addresses according to TPWD records or other state's records.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing must be provided to TPWD. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

DESCRIPTION OF REQUIRED DOCUMENTS

First Notification to Lien Holder(s) of Record (Continued)

- (1) Notice by newspaper publication may be given if unable to obtain title/registration owner verification. A notice by publication must include:
- a) the vessel/outboard motor description;
 - b) the total charges;
 - c) full name, street address, and telephone number of the facility; and
 - d) the department registration number.

Second Notification to Owner(s) of Record

Form PWD 309A

Under Texas Property Code, Section 70.006(a), if the charges due are not paid, the possessory lien holder must send second notification of charges due by certified mail not later than 30 days after the first notification is sent. The notice must be sent, return receipt requested, to the owner(s) at the address on TPWD or other state's record. The notification must also be mailed to all other known addresses, including the address on the signed agreement/contract/work order. The notice must include the amount of charges due and a request for payment. It is preferable, but not required, that the notice disclose the possessory lien holder's intent to sell at public sale if not paid in full within 30 days.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

- (1) Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Property Code, Sections 70.004(c) and 70.006(c) [see Evidence of Compliance with Texas Property Code, Sections 70.004(c) and 70.006(c) requirements above].

Form PWD 309C

Under Texas Occupations Code, Section 2303.154(d), if the law enforcement agency either did not require notification, or did require notification but took no action, a second notification must be mailed to all owner(s) and lienholder(s) of the vessel and/or outboard motor not earlier than the 15th day and not later than 21 days after the first notification is sent. The notice must include:

- (1) the date the vessel/outboard motor was accepted for storage;
- (2) the first day for which a storage fee is assessed;
- (3) the daily storage rate;
- (4) the type and amount of any other charge to be paid when the vessel/outboard motor is claimed;
- (5) the full name, street address, and telephone number of the vehicle storage facility;
- (6) the hours during which the owner may claim the vessel/outboard motor;
- (7) the facility license number preceded by "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TDLR VSF Lic. No.";
- (8) a statement of the right of the facility to dispose of the vessel/outboard motor under Texas Occupations Code, Section 2303.157; and
- (9) a statement that the failure of the owner or lienholder to claim the vessel/outboard motor before the 30th day after the date the notice is provided is:
 - a) a waiver by that person of all right, title or interest in the vessel/outboard motor; and
 - b) consent to the sale of the vessel/outboard motor at a public sale.

All notifications must be sent certified mail, return receipt requested, or electronic certified mail, to their respective addresses according to TPWD records or other state's records.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing must be provided to TPWD. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

DESCRIPTION OF REQUIRED DOCUMENTS

Second Notification to Owner(s) of Record (Continued)

- (1) Notice by newspaper publication may be given if unable to obtain title/registration owner verification. A notice by publication must include:
- a) the vessel/outboard motor description;
 - b) the total charges;
 - c) full name, street address, and telephone number of the facility;
 - d) the department registration number; and
 - e) a statement that the failure of the owner or lien holder to claim the vessel/outboard motor before the date of sale is:
 - 1) a waiver by that person of all right, title or interest in the vessel/outboard motor; and
 - 2) a consent to the sale of the vessel/outboard motor at a public sale.

Second Notification to Non-Recorded Owner(s) (Form PWD 309A)

Under Texas Property Code, Section 70.006(a), if the charges due are not paid, the possessory lien holder must send second notification of charges due by certified mail not later than 30 days after the first notification is sent. The notice must be sent, return receipt requested, to all known non-recorded owner(s), including the individual whose name appears on the signed agreement/contract/work order. The letters must also be mailed to all known addresses, including the address listed on the written agreement/contract/work order. The notice must include the amount of charges due and a request for payment. It is preferable, but not required, that the notice disclose the possessory lien holders intent to sell at public sale if not paid in full within 30 days.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s);
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

- (1) Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Property Code, Sections 70.004(c) and 70.006(c) [see Evidence of Compliance with Texas Property Code, Sections 70.004(c) and 70.006(c) requirements above].

Second Notification to Lien Holder(s) of Record

Form PWD 309A

Under Texas Property Code, Section 70.006(a), if the charges due are not paid, the possessory lien holder must send second notification of charges due by certified mail not later than 30 days after the first notification is sent. The notice must be sent, return receipt requested, to the lien holder(s) at the address(s) on TPWD or other state's record. The notice must include the amount of charges due and a request for payment. It is preferable, but not required, that the notice disclose the possessory lien holders intent to sell at public sale if not paid in full within 30 days.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

- (1) Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Property Code, Sections 70.004(c) and 70.006(c) [see Evidence of Compliance with Texas Property Code, Sections 70.004(c) and 70.006(c) requirements above].

DESCRIPTION OF REQUIRED DOCUMENTS

Second Notification to Lien Holder(s) of Record (Continued)

Form PWD 309C

Under Texas Occupations Code, Section 2303.154(d), if the law enforcement agency either did not require notification, or did require notification but took no action, a second notification must be mailed to all owner(s) and lienholder(s) of the vessel and/or outboard motor not earlier than the 15th day and not later than 21 days after the first notification is sent. The notice must include:

- (1) the date the vessel/outboard motor was accepted for storage;
- (2) the first day for which a storage fee is assessed;
- (3) the daily storage rate;
- (4) the type and amount of any other charge to be paid when the vessel/outboard motor is claimed;
- (5) the full name, street address, and telephone number of the vehicle storage facility;
- (6) the hours during which the owner may claim the vessel/outboard motor;
- (7) the facility license number preceded by "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TDLR VSF Lic. No.";
- (8) a statement of the right of the facility to dispose of the vessel/outboard motor under Texas Occupations Code, Section 2303.157; and
- (9) a statement that the failure of the owner or lienholder to claim the vessel/outboard motor before the 30th day after the date the notice is provided is:
 - a) a waiver by that person of all right, title or interest in the vessel/outboard motor; and
 - b) a consent to the sale of the vessel/outboard motor at a public sale.

All notifications must be sent certified mail, return receipt requested, or electronic certified mail, to their respective addresses according to TPWD records or other state's records.

The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing must be provided to TPWD. One of the following must be submitted:
 - The signed, certified mail return receipt PS Form 3811(original or photocopy of green card); or
 - Evidence of electronic confirmation of mailing by certified mail, return receipt requested from the USPS website; or
 - UNOPENED certified letter(s) returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

- (1) Notice by newspaper publication may be given if unable to obtain title/registration owner verification. A notice by publication must include:
 - a) the vessel/outboard motor description;
 - b) the total charges;
 - c) full name, street address, and telephone number of the facility;
 - d) the department registration number; and
 - e) a statement that the failure of the owner or lien holder to claim the vessel/outboard motor before the date of sale is:
 - 1) a waiver by that person of all right, title or interest in the vessel/outboard motor; and
 - 2) a consent to the sale of the vessel/outboard motor at a public sale.

Evidence of Filing Second Notice(s) With Local Tax Assessor-Collector

Under Texas Property Code, Section 70.006(f), the possessory lien holder must file a copy of the second notification(s) of charges due with their local county tax assessor-collector's office in order to be eligible to sell the vessel or outboard motor at a public sale. The dated receipt, or other evidence, provided by the county office at the time of filing must be submitted to TPWD.

NOTE: A statutory lien holder that cannot obtain a filed copy of the second notification(s) of charges due from their local county Tax Assessor-Collector's office may submit an Affidavit of Fact (PWD 314) to explain the situation.

Affidavit of Fact (Form PWD 314)

Is used to provide explanations of specific situations. All affidavits must include:

- (1) the date of the statement;
- (2) the description of the vessel and/or outboard motor (make, TX or serial number, and year built);
- (3) details explaining your situation; and
- (4) required signature.

NOTE: When a statutory lienholder cannot obtain a filed copy of the second notification(s) of charges due from their local county Tax Assessor-Collectors office, the PWD 314 must include:

- 1) the date the statutory lien holder went into the Tax Assessor-Collector's office (date must be on or after the date the second notice is mailed);
- 2) what office they went to; and
- 3) a statement that the office refused to file the notice.

Photocopy or Proof of Newspaper Publication

Form PWD 309A

Under Texas Property Code, Section 70.006(f), if the charges are not paid before the 31st day after the date a copy of the second notification to the person shown on the storage/repair agreement, and to all owner(s) and lien holder(s), is filed with the local county tax assessor-collector's office, the statutory lien holder may sell the vessel/outboard motor at a public sale and apply the proceeds to the charges. If the proceeds of the sale are greater than the amount of the charges, then the statutory lien holder must pay the excess to the person entitled to them.*

The advertisement must be published in a newspaper of general circulation. The notice must include:

- (1) A description of the vessel/outboard motor (make, TX or serial number, and year built); and
- (2) The date, location, and terms of the sale.

A copy or proof of the publication must be submitted. Acceptable proof of publication is written documentation provided by the newspaper that provides the date(s) and contents of the publication.

*In accordance with Texas Property Code, Section 70.007, if the person entitled to the excess is not known or has moved from this state or the county in which the lien accrued, the statutory lien holder shall pay it to the county treasurer of the county in which the lien accrued. If the excess is not claimed within two years of the date it was paid to the treasurer, the excess becomes a part of the county's general fund.

Form PWD 309C

Under Texas Occupations Code, Section 2303.157, if vessel/outboard motor is not claimed by a person entitled to claim the asset or taken into custody by a law enforcement agency under Chapter 683, Transportation Code before the 30th day after the date the second notification is mailed to all owner(s) and lien holder(s), the statutory lien holder may sell the vessel/outboard motor at a public sale and apply the proceeds to the charges. If the proceeds of the sale are greater than the amount of the charges, then the statutory lien holder must pay the excess to the person entitled to them.

The advertisement must be published in a newspaper of general circulation. The notice must include:

- (1) A description of the vessel/outboard motor (make, TX or serial number, and year built); and
- (2) The date, location, and terms of the sale.

A copy or proof of the publication must be submitted. Acceptable proof of publication is written documentation provided by the newspaper that provides the date(s) and contents of the publication.

Notification to Law Enforcement for Licensed Vehicle Storage Facility

Under Texas Occupations Code, Section 2303.154(a), if a vessel and/or outboard motor is not claimed by a person permitted to claim the asset(s) before the 10th day after the first notification is mailed or published, the operator of the vehicle storage facility shall consider the asset(s) to be abandoned and, if required by the law enforcement agency with jurisdiction where the asset(s) are located, report the abandonment to the law enforcement agency. Evidence of the law enforcement notification must be provided to TPWD.

One of the following is required:

- Dated acknowledgement of the report from the law enforcement agency; or
- Completion of the "Law Enforcement Certification" on page 2 of the Affidavit Of Statutory Lien Foreclosure Sale By Licensed Vehicle Storage Facility (PWD 309C); or
- Evidence of mailing certified mail with return receipt requested or electronic certified mail to the law enforcement agency.

DESCRIPTION OF REQUIRED DOCUMENTS

Notice to Tenant(s) for Self-Service Storage Facility Lien (Form PWD 309B)

Under Texas Property Code, Section 59.043, notification must be sent to the tenant(s) listed on the self-service storage agreement (lease).

This notice of claim to the tenant(s) must contain:

- (1) an itemized account of the claim;
- (2) the name, address, and phone number of the storage facility or the storage facility's agent;
- (3) a statement that the contents of the self-service storage facility have been seized under the contractual landlord's lien;
- (4) a statement that if the tenant fails to satisfy the claim on or before the 14th day after the date the notice is delivered, the property may be sold at public auction or towed to a vehicle storage facility and disposed of by the vehicle storage facility under Subchapter D, Chapter 2303, Occupations Code; and
- (5) a statement underlined or printed in conspicuous bold print requesting a tenant who is in military service immediately notify the lessor of the tenant's current military service status.*

The notice must be hand delivered or sent by verified mail to the tenant's last known postal or e-mail address as stated in the rental agreement or in a written notice from the tenant furnished after the execution of the rental agreement. The notice may only be delivered by e-mail if the written rental agreement between the lessor and the tenant contains language underlined or in conspicuous bold print that notice may be given by e-mail.

The following must be submitted to TPWD:

- (1) Photocopy of notice of claim to tenant(s);
- (2) Evidence of mailing. One of the following must be submitted:
 - Any official evidence of mailing issued by the USPS or a common carrier [such as a receipt, copy of receipt, green card (USPS form 3811), or website tracking printout]; or
 - UNOPENED letter(s) returned as undeliverable, unclaimed, or no forwarding address; or
 - Proof of hand delivery. (Dated document signed by the tenant with delivery receipt, photocopy of signed notice of claim, affidavit, etc.)

OR

- (1) A photocopy of the email notification, if sent electronically.

*Servicemembers are entitled to the protections and rights relating to the enforcement of storage liens under the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501 et seq.).

Notice to Owner(s) of Record for Self-Service Storage Facility Lien (Form PWD 309B)

Under Texas Property Code, Section 59.0445, notification to the owner(s) of the vessel or outboard motor must be mailed not later than 30 days after the notification to the tenant(s) and/or date of seizure. The notice must include:

- (1) the amount of charges;
- (2) a request for payment; and
- (3) a statement of the storage facility's intent to sell at public auction if charges owed are not paid in full within 30 days.

The notification to all owner(s) must be sent by verified mail to their respective addresses according to TPWD records or other state's records. The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing. One of the following must be submitted:
 - Any official evidence of mailing issued by the USPS or a common carrier [such as a receipt, copy of receipt, green card (USPS form 3811), or website tracking printout]; or
 - UNOPENED letter(s) returned as undeliverable, unclaimed, or no forwarding address.

OR

- (1) Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Property Code, Section 59.0445(d) [see Evidence of Compliance with Texas Property Code, Section 59.0445(d) requirements above].
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DESCRIPTION OF REQUIRED DOCUMENTS

Notice to Lien Holder(s) of Record for Self-Service Storage Facility Lien (Form PWD 309B)

Under Texas Property Code, Section 59.0445, notification to the lien holder(s) of the vessel or outboard motor must be mailed not later than 30 days after the notification to the tenant(s) and/or date of seizure.

The notice must include:

- (1) the amount of charges;
- (2) a request for payment; and
- (3) a statement of the storage facility's intent to sell at public auction if charges owed are not paid in full within 30 days.

The notification to all lien holder(s) must be sent by verified mail to their respective addresses according to TPWD records or other state's records. The following must be submitted to TPWD:

- (1) Photocopy of notice(s); and
- (2) Evidence of mailing. One of the following must be submitted:
 - Any official evidence of mailing issued by the USPS or a common carrier [such as a receipt, copy of receipt, green card (USPS form 3811), or website tracking printout]; or
 - UNOPENED letter(s) returned as undeliverable, unclaimed, or no forwarding address.

OR

- (1) Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Property Code, Section 59.0445(d) [see Evidence of Compliance with Texas Property Code, Section 59.0445(d) requirements above].

Photocopy of Both Newspaper Publications of Public Sale for Self-Service Storage Facility Lien

Under Texas Property Code, Section 59.0045(g), if the charges are not paid before the 31st day after the date the notice to the owner(s) and lien holder(s) is mailed or published, as applicable, the lessor may sell the vessel/outboard motor at a public sale and apply the proceeds to the charges.*

Under Texas Property Code, Section 59.044, the lessor must publish the notice once in each of two consecutive weeks in a newspaper of general circulation in the county in which the self-service storage facility is located. The notice advertising the sale must contain:

- (1) a general description (make, TX or serial number, and year built) of the property;
- (2) a statement that the property is being sold to satisfy a landlord's lien;
- (3) the tenant(s) name;
- (4) the address of the self-service storage facility; and
- (5) the time, place, and terms of the sale.

*In accordance with Texas Property Code, Section 59.046, if the proceeds of the sale are greater than the amount of the lien and the reasonable expenses of the sale, then the self-service storage facility must deliver written notice of the excess to the tenant's last known address. The excess must be provided to the tenant if the tenant requests it before two years after the date of the sale.

Verification of Vessel or Outboard Motor Serial Number (PWD 504)

Is required for verification of hull identification (HIN) and/or outboard motor identification (MIN) number(s). A separate form is required for each vessel or outboard motor. You must take a photograph of the serial number located on the vessel or outboard motor and attach it to the form PWD 504. The entire serial number must be legible in the photograph. The form PWD 504 must be signed by the applicant/purchaser or the selling dealer.

*By law, the identifying serial number must be attached to the vessel or outboard motor. If the vessel or outboard motor does not have a serial number, inspection by a Game Warden is required. After the inspection, the Game Warden will either assign and attach a new serial number or will verify and attach the original serial number. The possessory lien holder must contact their local TPWD Law Enforcement Office to review documentation to begin the process for arranging a Game Warden inspection. This must be done prior to any notice to the owner(s) and/or lien holder(s). Contact your local TPWD Law Enforcement Office for a review of documentation that will initiate the inspection process. An Affidavit for Proof of Ownership of Vessel or Outboard Motor (Form PWD 736 - available only at TPWD offices) must be completed by the applicant (possessory lien holder) and then signed by the Game Warden at the time of the inspection.

Letter of Authorization (Form PWD 581)

Is used to designate another person to submit and pick up associated paperwork when the owner of record or applicant/purchaser cannot come in person. **This form is not a power of attorney and does not provide signature authority to the person bringing in the paperwork.** The PWD 581 must be accompanied by completed and signed applications required for the type of transaction being requested. The letter of authorization can be used as the application for registration renewal, decal, and card replacements; however, all other associated requests and applications must be signed by the owner of record.

In place of the form PWD 581, a handwritten letter from the owner of record or applicant/purchaser is acceptable. This letter must include:

- (1) a statement authorizing someone other than the owner of record or applicant/purchaser to conduct a specific registration and titling transaction for the owner of record or applicant/purchaser;
- (2) the name of the person authorized to do business for the owner of record or applicant/purchaser;
- (3) a description of the vessel and/or outboard motor (make, TX or serial number, and year built); and
- (4) the signature of the owner of record or applicant/purchaser.

Power of Attorney (Form PWD 1055)

Is a legal document used to designate a representative (an individual or company) to conduct business (sign) on behalf of another. Signatures must be notarized.
