

**TEXAS PARKS AND WILDLIFE DEPARTMENT REGISTRATION AND TITLING REQUIREMENTS FOR
VESSELS AND OUTBOARD MOTORS SOLD UNDER STATUTORY LIEN FORECLOSURE**

<p>Sold Under Statutory Lien Foreclosure</p> <p>Legend X = Required Item. ● = One of the Two Marked is a Required Item.</p> <p>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 By Self-Service Storage Facility (PWD 309B)	Affidavit Of Statutory Lien Foreclosure Sale For Storage Or Mechanic's Lien (PWD 309)	Agreement/Contract For Storage/Repair/Wrecker Service	Ownership Verification from State/Government Agency	Evidence of Compliance With Texas Property Code, Section 70.006(c)	Notice to Tenant(s)	Notice to Owner(s) of Record	Notice to Lien Holder(s) of Record	Photocopy of Both Newspaper Publications of Public Sale	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	Photocopy or Proof of Newspaper Publication	Verification of Vessel or Outboard Motor Serial Number (PWD 504)	Letter of Authorization (PWD 581) and/or Power of Attorney (PWD 1055)	
	Self-Storage Facility Lien - Vessel	X		X		X	●	●	X	X	IA	X									X
Self-Storage Facility Lien - Outboard Motor		X	X		X	●	●	X	X	IA	X									X	IA
Storage Lien - Vessel	X			X	X	●	●					X	IA	IA	X	IA	IA	X	X	X	IA
Storage Lien - Outboard Motor		X		X	X	●	●					X	IA	IA	X	IA	IA	X	X	X	IA
Garageman/Mechanic Lien - Vessel	X			X	X	●	●					X	IA	IA	X	IA	IA	X	X	X	IA
Garageman/Mechanic Lien - Outboard Motor		X		X	X	●	●					X	IA	IA	X	IA	IA	X	X	X	IA

Forms available at www.tpwd.state.tx.us/boat/forms.htm
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 65 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.

TEXAS PARKS AND WILDLIFE DEPARTMENT REGISTRATION AND TITLING REQUIREMENTS FOR
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Description of Required Documents (Continued):

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. Separate application forms are required for each vessel and/or outboard motor. Instructions for Transfer of Title of Vessel or Outboard Motor After Foreclosure Sale Under Self-Service Storage Lien (Form PWD 309C) lists each step required in filing a self-service storage lien, as well as any additional forms that may be required.

Affidavit Of Statutory Foreclosure Sale For Storage Or Mechanic's Lien (Form PWD 309) - is completed when transferring ownership to the purchaser of a vessel and/or outboard motor sold due to a storage or mechanic's lien. Separate application forms are required for each vessel and outboard motor. The Instructions For Foreclosure Sale Under Storage Or Mechanic's Lien (Form PWD 309A) lists each step required in filing a storage or mechanic's lien, as well as any additional forms that may be required. (Self-service storage liens use Affidavit of Statutory Lien Foreclosure Sale By Self-Service Storage Facility forms PWD 309B and 309C.)

Agreement/Contract For Storage/Repair/Wrecker Service - Statutory lien foreclosure requires a complete copy of the 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 Storage Lien procedures (PWD 309B & 309C), otherwise use the Storage or Mechanic Lien procedures (PWD 309 & 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:

- (1) the agency web site at www.tpwd.state.tx.us/fishboat/ (select Request Ownership Information listed under Boating). You will need to provide your name and address and either the TX number or serial number; or
- (2) a TPWD or participating Tax Assessor Collector office by submitting an Ownership/Lien Holder Information Printout request (PWD 763); or
- (3) the mail by submitting an Ownership/Lien Holder Information Printout request (form PWD 763).

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

TEXAS PARKS AND WILDLIFE DEPARTMENT REGISTRATION AND TITLING REQUIREMENTS FOR
VESSELS AND OUTBOARD MOTORS SOLD UNDER STATUTORY LIEN FORECLOSURE

Description of Required Documents (Continued):

Evidence of Compliance with Texas Property Code, Section 70.006(c) - If you are unable to obtain the title/registration or ownership verification, you must submit evidence that you have given notice to the owner(s) and lien holder(s) of record by publication in accordance with Texas Property Code, Section 70.006(c). The following must be submitted to TPWD:

- (1) The signed, certified mail return receipt PS Form 3811 (original or photocopy of green card), or evidence of electronic confirmation of certified mailing, return receipt requested from the USPS website, or any unopened certified letters returned by the post office, submitted to the governmental entity as a request under Section 70.006(c)(1); and
- (2) The original response letter from the appropriate governmental entity pursuant to Section 70.006(c)(2)(A) or Affidavit of Fact (Form PWD 314) signed statement from the statutory lien holder 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
- (3) Affidavit of Fact (Form PWD 314) signed statement from the statutory lien holder that all requisites of Section 70.006(c) have been met; and
- (4) Photocopy of the published notice.

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

Notice to Tenant(s) - 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 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 lien 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 to the tenant's last known address as stated in the rental agreement or in a written notice from the tenant. The following must be submitted to TPWD:

- (1) Photocopy of notice of claim to tenant(s), and
- (2) Evidence of mailing. One of the following must be submitted:
 - The certified mail return receipt PS Form 3800(original or photocopy), or
 - Evidence of electronic confirmation of certified mailing from the USPS website, or
 - Any unopened certified mail letter(s) returned by the post office, or
 - Proof of hand delivery.

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VESSELS AND OUTBOARD MOTORS SOLD UNDER STATUTORY LIEN FORECLOSURE

Description of Required Documents (Continued):

Notice to Owner(s) of Record - Under Texas Property Code, Section 70.006, 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) date of seizure. The notification to all owner(s) must be sent certified mail, return receipt requested, to their respective addresses according to TPWD records or other state's records. 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. The following must be submitted to TPWD:

- (1) Photocopy of notice to all owner(s) and lienholder(s), and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The 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
 - Any unopened certified mail letter(s) returned by the post office.

OR

- Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Property Code, Section 70.006(c) (see Evidence of Compliance with Texas Property Code, Section 70.006(c) requirements above)

Notice to Lien Holder(s) of Record - Under Texas Property Code, Section 70.006, notification to the lienholder(s) of the vessel or outboard motor must be mailed **not later than** 30 days after the notification to the tenant(s)/date of seizure. The notification to all lienholder(s) must be sent certified mail, return receipt requested, to their respective addresses according to TPWD records or other state's records. 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. The following must be submitted to TPWD:

- (1) Photocopy of notice to all owner(s) and lienholder(s), and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The 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
 - Any unopened certified mail letter(s) returned by the post office.

OR

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

Photocopy of Both Newspaper Publications of Public Sale - The foreclosure sale by the self-service storage facility must take place at least 31 days after the notification to all owners and lien holders of record. Under Texas Property Code, Section 59.044, 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.

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 proceeds of the sale should be applied to the charges. The self-service storage facility should pay any excess proceeds to the person entitled to them (ie. tenant/owner/lienholder).

TEXAS PARKS AND WILDLIFE DEPARTMENT REGISTRATION AND TITLING REQUIREMENTS FOR
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Description of Required Documents (Continued):

First Notification to Owner(s) of Record - Notification by certified mail, return receipt requested, must be sent to the owner(s) at the address on TPWD or other state's record. The notice must also be mailed to all other known addresses including the address listed on the written agreement/contract/work order. The notice must include the amount of charges, and a request for payment. The following must be submitted to TPWD:

- (1) Photocopy of notice to all owner(s) and lienholder(s), and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The 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
 - Any unopened certified mail letter(s) returned by the post office.

OR

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

NOTE: FOR WRECKER/TOW SERVICE - 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 Non-Recorded Owner(s) - 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. The notice must 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, and a request for payment. The following must be submitted to TPWD:

- (1) Photocopy of notice to all owner(s) and lienholder(s), and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The 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
 - Any unopened certified mail letter(s) returned by the post office.

OR

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

NOTE: FOR WRECKER/TOW SERVICE - 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.

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VESSELS AND OUTBOARD MOTORS SOLD UNDER STATUTORY LIEN FORECLOSURE

Description of Required Documents (Continued):

First Notification to Lien Holder(s) of Record - 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. The notice must include the amount of charges, and a request for payment. The following must be submitted to TPWD:

- (1) Photocopy of notice to all owner(s) and lienholder(s), and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The 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
 - Any unopened certified mail letter(s) returned by the post office.

OR

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

NOTE: FOR WRECKER/TOW SERVICE - 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.

Second Notification to Owner(s) of Record - If the charges are not paid, the possessory lien holder must send second notification by certified mail **not later than** 30 days after the first notification, 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 written agreement/contract/work order. The notice must include the amount of charges, and a request for payment. It is preferable, but not required, that the notice disclose the possessory lien holders intent to sell at foreclosure if not paid. The following must be submitted to TPWD:

- (1) Photocopy of notice to all owner(s) and lienholder(s), and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The 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
 - Any unopened certified mail letter(s) returned by the post office.

OR

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

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VESSELS AND OUTBOARD MOTORS SOLD UNDER STATUTORY LIEN FORECLOSURE

Description of Required Documents (Continued):

Second Notification to Non-Recorded Owner(s) - If the charges are not paid, the possessory lien holder must send second notification by certified mail **not later than** 30 days after the first notification, return receipt requested, to all known non-recorded owner(s), including the individual whose name appears on the written 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, and a request for payment. It is preferable, but not required, that the notice disclose the possessory lien holders intent to sell at foreclosure if not paid. The following must be submitted to TPWD:

- (1) Photocopy of notice to all owner(s) and lienholder(s), and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The 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
 - Any unopened certified mail letter(s) returned by the post office.

OR

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

Second Notification to Lien Holder(s) of Record - If the charges are not paid, the possessory lien holder must send second notification by certified mail **not later than** 30 days after the first notification, 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, and a request for payment. It is preferable, but not required, that the notice disclose the possessory lien holders intent to sell at foreclosure if not paid. The following must be submitted to TPWD:

- (1) Photocopy of notice to all owner(s) and lienholder(s), and
- (2) Evidence of mailing certified mail with return receipt requested. One of the following must be submitted:
 - The 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
 - Any unopened certified mail letter(s) returned by the post office.

OR

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

Photocopy or Proof of Newspaper Publication - If the charges are not paid before the 31st day after the day the second notice is mailed, the possessory lien holder may sell the vessel and/or outboard motor at a public sale. The advertisement must be published in a newspaper of general circulation. The notice must include a description of the vessel/outboard motor (make, TX or serial number, and year built), date and location 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. The proceeds of the sale should be applied to the charges. The storage or mechanic facility should pay any excess proceeds to the person entitled to them (ie. owner/lienholder).

TEXAS PARKS AND WILDLIFE DEPARTMENT REGISTRATION AND TITLING REQUIREMENTS FOR
VESSELS AND OUTBOARD MOTORS SOLD UNDER STATUTORY LIEN FORECLOSURE

Description of Required Documents (Continued):

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). You must attempt to trace these number(s) by placing the form PWD 504 on top of the serial number(s) and rubbing a pencil across the paper so that an impression appears on the form. If the number(s) are not clearly legible after tracing, please write the number(s) in the area provided. In lieu of the pencil tracing, you may attach a photograph of the serial number(s) to the form PWD 504. If a photograph is supplied, the number(s) must be legible in the photo. The form PWD 504 must be signed by the applicant/purchaser or the seller/donor.

* **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 can not 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.

In lieu of the form PWD 581, a handwritten letter from the owner of record or applicant/purchaser is acceptable. This letter must include 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; the name of the person authorized to do business for the owner of record or applicant/purchaser; a description of the vessel and/or outboard motor (make, TX or serial number, and year built); and 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 (individual or company) to conduct business (sign) on behalf of another. Signatures must be notarized.