



AFFIDAVIT OF STATUTORY LIEN FORECLOSURE SALE BY LICENSED VEHICLE STORAGE FACILITY (PWD 309C)

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This form is completed when transferring ownership to the purchaser of a vessel and/or outboard motor sold under a storage lien (due to non-payment of charges) by a licensed vehicle storage facility that acquired the asset(s) from a self-service storage facility in accordance with Texas Property Code, Section 59.052. The form must be completed by the vehicle storage facility and include their notarized signature. For a description of each step and the additional forms required, see the Transfer of Title Checklist – Required Documents and Instructions for Statutory Foreclosure Lien Form & Process listed on pages 4-7. (If the vehicle storage facility did not acquire the asset(s) from a self-service storage facility, then they must use the Affidavit of Statutory Lien Foreclosure Sale for Storage or Mechanic's Lien form PWD 309A.)

A. THIS STATUTORY FORECLOSURE LIEN PROCESS CANNOT BE USED IF:

- (1) You did not acquire the asset(s) from a self-service storage facility in accordance with Texas Property Code, Section 59.052;
- (2) You cannot obtain owner and lienholder information from TPWD or comparable agency from another state [unless you have complied with Texas Occupations Code Section 2303.152];
- (3) You are unable to obtain a pencil tracing, legible photograph, or game warden verification of the hull identification number (HIN) and/or outboard motor identification number (MIN); or
- (4) You have not followed all the required statutory procedures for the foreclosure sale.

WARNING: FALSIFYING INFORMATION ON DOCUMENTS IS A PUNISHABLE OFFENSE.

Texas Penal Code, Section 37.10. Any person who knowingly makes a false entry in or false alteration of a governmental record is guilty of a felony of the third degree punishable by confinement in jail for any term of not more than 10 years or less than 2 years and punished by a fine not to exceed \$10,000.

B. GENERAL INFORMATION.

(1) This information is about the foreclosure of a: VESSEL OUTBOARD MOTOR

(2) Vessel Description: _____

	Make	Year Built	Length
HIN/Serial Number	State Registration Number	Horsepower	

(3) Outboard Motor Description: _____

	Make	Year Built	
MIN/Serial Number	State Registration Number	Horsepower	

(4) Name and address of self-service storage facility transferring possession to vehicle storage facility:

Name	Street Address	City, State and Zip
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C. VEHICLE STORAGE FACILITY INFORMATION.

(1) Vehicle storage facility and license number: _____

Name	License Number
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(2) Date vessel and/or outboard motor was towed to vehicle storage facility: _____

Date

(3) Physical address of vehicle storage facility: _____

Street Address	City, State and Zip
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Mailing address (if different): _____

Street Address	City, State and Zip
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D. TITLE/REGISTRATION OWNER VERIFICATION.

Title/registration owner verification in writing from TPWD or comparable agency from another state is attached.

Or

Documentation of compliance with Texas Occupations Code, Section 2303.152 is attached.

E. FORECLOSURE NOTICES AND PUBLIC SALE.

(1) Date all owner(s) and lienholder(s) of record were given first notice to claim the vessel and/or outboard motor and pay any charges due under Texas Occupations Code, Sections 2303.151 or 2303.152, as applicable:

(2) Date law enforcement was given notification of abandonment of asset(s) under Texas Occupations Code, Section 2303.154(a), if applicable: _____

(3) Date all owner(s) and lienholder(s) of record were given second notice to claim the vessel and/or outboard motor and pay any charges due under Texas Occupations Code, Section 2303.154(d): _____

(4) Name of newspaper and publication date of foreclosure sale: _____
Newspaper Name Publication Date

(5) Location of public (foreclosure) sale and date it was held: _____
Street Address City, State and Zip Date

F. LAW ENFORCEMENT CERTIFICATION [Only required if evidence of law enforcement notification is unavailable].

Law Enforcement Agency Street Address City, State and Zip

On behalf of the law enforcement authority listed, I certify the above-described vessel and/or outboard motor was reported abandoned by the listed vehicle storage facility in accordance with Texas Transportation Code, Chapter 683, on the date above. Further, I certify no action was taken by our agency with regards to the vessel and/or outboard motor described above within 30 days after we were notified by the vehicle storage facility.

Printed Name (Same as Signature) Position

Signature of Officer/Authorized Agent Date

OR – A VSF must complete this certification if the law enforcement agency does not require notice of abandonment.

On behalf of the licensed vehicle storage facility listed above, I certify the law enforcement agency listed above did not require notification of vessel and/or outboard motor abandonment at the time this vessel and/or outboard motor was determined to be abandoned.

Signature of Agent Printed Name Date

G. AFFIDAVIT OF REPRESENTATIVE OF STATUTORY LIENHOLDER.

As a duly authorized representative of the undersigned statutory lienholder, I certify that the following facts are true and correct:

- (1) The vessel and/or outboard motor described above was transferred to the vehicle storage facility by a self-service storage facility in accordance with Texas Property Code, Section 59.052;
- (2) The vehicle storage facility sent notice to the recorded owner(s) and the lienholder(s), as required by statute, or complied with alternative notice procedures in accordance with Texas Occupations Code, Section 2303.152;
- (3) The vehicle storage facility sent a second notice of intent to sell to the recorded owner(s) and the lienholder(s) not earlier than 15 days and before the 21st day after the first notification, as required by statute; and
- (4) All other statutory lien sale procedures have been complied with.

In consideration of the issuance of a Certificate of Title being applied for, the statutory lienholder agrees to indemnify and hold harmless Texas Parks and Wildlife Department, its employees and officers from and against all claims, demands, and judgments because of or in connection with the issuance of the requested Certificate of Title for the above-described vessel or outboard motor.

Name of Vehicle Storage Facility Street Address City, State and Zip

Mailing Address (if different) Street Address City, State and Zip

Signature of Affiant (representative of Vehicle Storage Facility): _____

Subscribed and sworn to before me this _____ day of _____, _____.
Month Year

NOTARY SEAL

Notary Public, _____ County, Texas

H. BILL OF SALE [Sales price must be the same as shown on the PWD 143/144. Do not include price of trailer.]

By virtue of the Public Sale outlined above and in accordance with the laws of the State of Texas, I, as representative of the undersigned statutory lienholder, for the sum of \$ _____, hereby sell and assign the above-described vessel and/or outboard motor to the highest bidder at said sale, namely:

Name of Purchaser	Street Address	City, State and Zip
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Signature of Seller or Agent (representative of Vehicle Storage Facility) _____

Subscribed and sworn to before me this _____ day of _____, _____.

 Month Year

NOTARY SEAL

_____ Notary Public, _____ County, Texas

I. TRANSFER TITLE OF VESSEL AND/OR OUTBOARD MOTOR.

As the statutory lien holder, it is your responsibility to ensure all required forms and attachments are present and completed correctly. (See the Transfer of Title Checklist – Required Documents on the next page for a complete list of the required forms and attachments to submit.)

For additional information on submitting the transaction, see Step Eight (Section H) – Transfer Title of Vessel and/or Outboard Motor.

If all required documentation is not provided, the asset will not be titled. Tax is due within 45 working days of the date of sale. If not paid within that time, penalty and interest will accrue.

Texas Parks and Wildlife Department maintains the information collected through this form. With few exceptions, you are entitled to be informed about the information we collect. Under Sections 552.021 and 552.023 of the Texas Government Code, you are also entitled to receive and review the information. Under Section 559.004, you are also entitled to have this information corrected.

AFFIDAVIT OF STATUTORY LIEN FORECLOSURE SALE BY LICENSED VEHICLE STORAGE FACILITY (PWD 309C)
Transfer of Title Checklist – Required Documents

Use the following checklist to ensure all required forms and attachments are submitted to transfer title of the vessel and/or outboard motor:

- 1) **PWD 309C** - Affidavit of Statutory Lien Foreclosure Sale by Licensed Vehicle Storage Facility for the vessel and/or outboard motor (pages one and two of this form);
- 2) **PWD 143** - Vessel/Boat Application, and/or **PWD 144** - Outboard Motor Application, as appropriate; Application form(s) must be completed in full with the same purchaser name, address, sales date and sales price as shown on the second page of this form (PWD 309C – Affidavit of Statutory Lien Foreclosure Sale by Licensed Vehicle Storage Facility). The vehicle storage facility must sign and date the application form(s) as the seller. If the vehicle storage facility receives no bids, or is the highest or only bidder on the vessel and/or outboard motor, the purchase price is considered to be the full amount of the charges due to the facility when calculating sales tax owed. List the amount of charges due in the sales price section of the PWD 143 and/or PWD 144 (section N1), and PWD 309C. When a licensed marine 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 the PWD 143 and/or PWD 144.
- 3) **PWD 504** - Verification of Vessel or Outboard Motor Serial Number; A pencil tracing or legible photograph of the hull identification number/motor identification number/serial number on form PWD 504. If the vessel or outboard motor does not have a serial number, inspection by a Game Warden is required.
- 4) Photocopy of newspaper publication of public (foreclosure) sale;
- 5) First notice to all owner(s)* and lienholder(s)* under Texas Occupations Code, Section 2303.151, as evidenced by the following:
 - Photocopy of notice(s);
 - 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 mailing by certified mail, return receipt requested from the USPS website; or
 - Unopened certified letters returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

- * Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Occupations Code, Section 2303.152(a) [see item #8 Title/Registration Owner Verification requirements below].
- 6) Notification to Law Enforcement, as evidenced by **one** of the following:
 - Dated acknowledgement of the report from the law enforcement agency; or
 - Completion of the “Law Enforcement Certification” on page 2; or
 - Evidence of mailing certified mail with return receipt requested or electronic certified mail to the law enforcement agency.
- 7) Second notice to all owner(s)* and lienholder(s)* under Texas Occupations Code, Section 2303.154(d), as evidenced by the following:
 - Photocopy of notice(s);
 - 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 mailing by certified mail, return receipt requested from the USPS website; or
 - Unopened certified letters returned by the post office as undeliverable, unclaimed, or no forwarding address.

OR

- * Notice by newspaper publication if unable to obtain title/registration owner verification under Texas Occupations Code, Section 2303.152(a) [see item #8 Title/Registration Owner Verification requirements below].
- 8) Title/Registration Owner Verification, as evidenced by **one** of the following:
 - Written verification from TPWD or state agency of another state.

OR

- Evidence the identity and/or address of the last known owner(s) and lienholder(s) cannot be determined. The following items must be submitted:
 - A photocopy of the published notice.
 - 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 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
 - 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 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.

**AFFIDAVIT OF STATUTORY LIEN FORECLOSURE SALE BY LICENSED VEHICLE STORAGE FACILITY (PWD 309C)
- Instructions for Statutory Foreclosure Lien Form & Process -**

STEP ONE (Section A) – THIS STATUTORY FORECLOSURE LIEN PROCESS CANNOT BE USED IF:

Determine if you (as the statutory lien holder) can use this process to foreclose on the boat and/or motor in your possession. If you do not have one of the items listed, or are unable to perform one of the steps involved, you cannot use this process.

STEP TWO (Section B) – GENERAL INFORMATION.

- (1) Select the asset type (vessel and/or outboard motor) that is being foreclosed.
- (2) If a vessel is being foreclosed, include the complete description.
- (3) If an outboard motor is being foreclosed, include the complete description.
- (4) List the name and complete address of the self-service storage facility that is transferring possession to the vehicle storage facility.

STEP THREE (Section C) – VEHICLE STORAGE FACILITY INFORMATION.

- (1) List the name and the license number of the vehicle storage facility.
- (2) List the date that the vessel and/or outboard motor was towed to the vehicle storage facility.
- (3) List the name and complete address of the vehicle storage facility, and the mailing address if it differs from the physical location address.

STEP FOUR (Section D) – TITLE/REGISTRATION OWNER VERIFICATION.

You must obtain the title/registration owner 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.

* You can obtain Owner of Record Information free from TPWD through:

- (1) 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
- (2) In person at a TPWD or participating Tax Assessor Collector office, or through the mail, by submitting an Ownership/Lien Holder Information Printout request (form PWD 763).

If this process is used, select "Title/registration owner verification in writing from TPWD or comparable agency from another state is attached".

In the alternative, if you are unable to obtain the above information regarding current owner(s) and lienholder(s) and/or the identity/address of the last known owner(s) and lienholder(s) cannot be determined, you must submit evidence that you have provided notice by publication to the owner(s) and lienholder(s) in accordance with Texas Occupations Code, Section 2303.152. The notice must be published once in a newspaper of general circulation in the county in which the vessel/outboard motor is stored. If such notice is used, appropriate evidence must be submitted to TPWD. [See the Transfer of Title Checklist – Required Documents, item #8 for acceptable forms of documented evidence.]

If this process is used, select "Documentation of compliance with Texas Occupations Code, Section 2303.152 is attached".

STEP FIVE (Section E) – FORECLOSURE NOTICES AND PUBLIC SALE.

(1) FIRST NOTIFICATION TO OWNER(S) AND LIENHOLDER(S).

List the date the first notice(s) were mailed to all recorded owner(s) and lienholder(s).

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 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 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. Evidence of mailing must be provided to TPWD. [See the Transfer of Title Checklist – Required Documents, item #5 for acceptable forms of documented evidence.]

* Notice by newspaper publication may be given if unable to obtain title/registration owner verification [see Step Four (Section D) - Title/Registration Owner Verification (second paragraph)]. A notice by publication must include:

- (1) the vessel/outboard motor description;
- (2) the total charges;
- (3) the full name, street address, and telephone number of the facility; and
- (4) the department registration number.

(2) LAW ENFORCEMENT NOTIFICATION.

List the date law enforcement was given notification of abandonment, if applicable.

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. [See the Transfer of Title Checklist – Required Documents, item #6 for acceptable forms of documented evidence.]

(3) SECOND NOTIFICATION TO OWNER(S) AND LIENHOLDER(S).

List the date the second notice(s) were mailed to all recorded owner(s) and lienholder(s).

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 waiver by that person of all right, title or interest in the vessel/outboard motor and a consent to the sale of the vessel/outboard motor at a public sale."

All notifications must be sent certified mail, return receipt requested, to their respective addresses according to TPWD records or other state's records. Evidence of mailing must be provided to TPWD. [See the Transfer of Title Checklist – Required Documents, item #7 for acceptable forms of documented evidence.]

* Notice by newspaper publication may be given if unable to obtain title/registration owner verification [see Step Four (Section D) - Title/Registration Owner Verification (second paragraph)]. A notice by publication must include:

- (1) the vessel/outboard motor description;
- (2) the total charges;
- (3) the full name, street address, and telephone number of the facility;
- (4) the department registration number; and
- (5) a statement that "the failure of the owner or lienholder to claim the vessel/outboard motor before the date of sale is a waiver by that person of all right, title or interest in the vessel/outboard motor and a consent to the sale of the vessel/outboard motor at a public sale."

(4) NEWSPAPER PUBLICATION OF PUBLIC (FORECLOSURE) SALE.

List the name of the newspaper in which the notice advertising the sale was posted and the date of publication.

The notice advertising the sale must contain a general description (make, TX or serial number, year built) of the property and the time, place and terms of the sale. The advertisement must be published in a newspaper of general circulation. (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.)

(5) PUBLIC (FORECLOSURE) SALE.

List the address of the location at which the sale was held and the date of the sale.

Under Texas Occupations Code, Section 2303.157, if the vessel/outboard motor is not claimed by the owner/lienholder(s) or taken into custody by a law enforcement agency before the 30th day after the date the second notice is mailed or published, the vehicle storage facility 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 vehicle storage facility must pay the excess to the person entitled to them.

STEP SIX (Section F) – LAW ENFORCEMENT CERTIFICATION.

If evidence of law enforcement notification [see Step Five (Section E) – Foreclosure Notices and Public Sale – (2) Law Enforcement Notification] is unavailable, **one** of the following is required:

- (1) If the law enforcement agency with jurisdiction where the vessel and/or outboard motor are located required the vehicle storage facility to report the abandonment of the asset(s) to the law enforcement agency, but took no action, then the law enforcement agency must complete the applicable certification; or
- (2) If the law enforcement agency did not require notification of abandonment, then the vehicle storage facility must complete the applicable certification.

STEP SEVEN (Section G) – AFFIDAVIT OF REPRESENTATIVE OF STATUTORY LIENHOLDER.

The authorized representative of the statutory lienholder must complete the affidavit in this section attesting that they have complied with all required procedures for the statutory foreclosure lien. The name and complete address of the vehicle storage facility, and the mailing address if it differs from the physical location address, must be listed and the signature of the authorized representative must be notarized.

STEP EIGHT (Section H) – BILL OF SALE.

The authorized representative of the statutory lienholder must complete the bill of sale, including the purchase amount, the purchaser's name and complete address. The sales price must be the same as shown on the PWD 143/144 (do not include the price of the trailer). The signature of the authorized representative must be notarized.

STEP NINE (Section I) – TRANSFER TITLE OF VESSEL AND/OR OUTBOARD MOTOR.

As the statutory lien holder, it is your responsibility to ensure all required forms and attachments are present and completed correctly. In addition to pages 1-3 of this form, the following TPWD forms are required:

- (1) PWD 143 – Vessel/Boat Application and/or PWD 144 – Outboard Motor Application, as applicable; and
- (2) PWD 504 – Verification of Vessel or Outboard Motor Serial Number.

[See the Transfer of Title Checklist – Required Documents on page 4 of this form for a complete list of the required forms and attachments to submit.]

It is strongly recommended that you either:

- (3) meet the purchaser at a TPWD office or participating county tax office to complete the transaction to ensure that the required documents are submitted; or
- (4) submit all documentation, with the required title, registration and sales tax fees, to TPWD or your participating county tax collector on behalf of the purchaser in case of any unresolved issues. To submit the transaction on behalf of the purchaser, you will need to have the purchaser sign a completed Letter of Authorization (PWD 581) form and the PWD 143 and/or PWD 144, or a Limited Power of Attorney (PWD 1055) so you can sign on their behalf.

If all required documentation is not provided, the asset will not be titled. Tax is due within 45 working days of the date of sale. If not paid within that time, penalty and interest will accrue.