

**PLATTE COUNTY
STORAGE LIEN INFORMATION & PROCESS**

**BRING THIS CHECK-OFF SHEET WITH YOU EVERY TIME YOU ARE WORKING
ON THIS STORAGE LIEN.**

Name of Customer: _____ Phone: _____

Clerk's Office employee you are working with: _____

This information is provided as a guideline for the storage lien process for titled property, which includes vehicles, watercrafts and mobile homes. If you have any questions, please refer to the statutes listed above or contact an attorney for legal advice. The Clerk's Office is prohibited from providing you legal advice.

DEFINITION OF A STORAGE LIEN: Any person is entitled to a lien on titled property when they repaired, towed or stored titled property and the owner of the property does not pay the amount due for those services.

For tow companies, this includes vehicles towed from the scene of a crash or arrest. For vehicles involved in a crash or arrest, the owner of the property is responsible for paying all costs associated with the tow and storage of that vehicle, not the law enforcement agency requesting the vehicle be towed.

Vehicles that were left on your property without your consent are considered abandoned vehicles – if this description fits the circumstance you are facing, stop this process and continue with the Abandoned Vehicle process.

REMEDIES TO COLLECT YOUR STORAGE LIEN: You have four basic remedies to collect fees due to you as a result of a storage lien:

1. The owner of the titled property, or a lienholder, pay the amount due and take possession of the vehicle.
2. You file a lien statement (STEP 3) and voluntarily release the property to its owner or lienholder. This allows you to later collect on a lien while not having to retain possession of the property. Please note, you only have 180 days to foreclose on the lien!
3. You can sell the property at a public, or private, sale in order to recoup your costs.
4. If the vehicle is wrecked, damaged, disabled or apparently inoperable, and has a value of less than \$2,000, you may apply for a junk title. To do so, complete an **Affidavit for "Junk" Vehicle Certificate of Title** (WYDOT form MV-307) and present it to the Clerk's Office with all other documentation outlined in this process.

Your right to possession of this property terminates six (6) months after the date upon which the charges for your services become due, and payable, unless you have commenced proceedings to foreclose the lien as provided in the steps below (W.S. §29-7-102(a))!

NOTE: ALL STEPS MUST BE COMPLETED IN THE FOLLOWING ORDER

STEP 1 – VIN INSPECTION

No waiting period is required to start this step. Obtain a Vehicle (VIN) or Hull (HIN) identification number (serial number) inspection by any Wyoming Law Officer. The officer will complete the lower half of the first page titled **“VIN” or “HIN” Inspection Form**. Law enforcement officers have this form, but the County Clerk’s Office can provide it to you in a digital or print format as well.

STEP 2 – TITLE SEARCH

After obtaining your VIN inspection you can do this step. Again, no waiting period is required. Complete the **Application for Abandoned Vehicle Identification Request or Vehicle Record and Privacy Disclosure Release** (WYDOT form MV-220) and send it to WYDOT along with any required documentation and fees.

STEP 3 – FILE A STORAGE LIEN STATEMENT

A lien is no longer valid, and can no longer be claimed, if one of the three things occur:

1. You voluntarily surrender possession of the property without filing a lien statement prior to releasing the property.
2. You fail to file a lien statement within 180 days after the date the bill for your services became due and payable.
3. You fail to proceed to STEP 4 within 180 days after you filed the lien statement.

Therefore, if you intend to file a lien and recoup your costs for services, make sure you begin this step within 180 days from the date that your bill for services became due and payable. In addition, a lien statement is only valid for six (6) months from the date of filing the form in the Clerk’s Office unless action to enforce or foreclose the lien has commenced.

After receiving the results from WYDOT in STEP 2 above, you will file a **Storage Lien Statement Form** (page 7) in the County Clerk’s Office (W.S. 29-1-312(a)). Please note that this is a legal document. As such, if you have any questions you will need to contact an attorney. This document must be notarized, all appropriate fees paid, and be recorded in the same county that the titled property is located.

Fees: \$12 for the first page, \$3 for each page thereafter (typically lienholders attach a bill as the itemized explanation of charges). If you are placing multiple liens on the same vehicle, \$1 will be charged for each lien after the first lien (the first lien will be placed on the title for free).

For Clerk’s Office Staff: Receipt the Storage Lien Statement Form as a Lien (NOT Lien/UCC). The charge for this recording is \$12 for the first page and \$3 for each page thereafter. An additional charge of \$1 will be assessed for each lien filed on the same vehicle. If the title listed the MV-220 is a Platte County title, add a lien to that title. If it is not a Platte County title, transmit the lien information to the county or state that issued the title (§29-7-103(b)). If no title is found, you do not need to transmit data to any other county or state. If there are multiple liens placed on the same vehicle, you will charge \$1 for each lien after the first (the first lien will be placed on the title for free). Write the recording number and recorded date below:

Recording Number: _____ Date recorded: _____

STEP 4 – PROVIDE NOTICE OF LIEN AND INTENT TO FORECLOSE

This step must be completed within 180 days from the date you filed the lien statement. Within 180 days from the date that you recorded the lien statement in STEP 3, you **MUST** send the **Notice of Intent to File, Enforce and Foreclose a Lien** (page 8) via certified mail/return receipt to all persons known to claim an interest in the property – this includes the owner of record and any lienholder(s) identified from STEP 2. **You must send a copy of the lien statement that you filed in STEP 3 (along with any attachments filed with that statement) with the notice of intent to file, enforce and foreclose a lien.** If there is no owner or lienholder(s) revealed in the title search proceed to STEP 6.

Date, Time & Location of Sale: You are required to provide notice of the date, time and location of sale to all persons known who claim an interest in the property (those identified in STEP 2). It is recommended you allow a sufficient number of days for the owner or lienholder(s) to respond to the notice.

Storage Fees: The duration of collectable storage fees shall not exceed 180 days from the date service was completed unless the above notice was sent to all interested parties. If a lienholder provides notice in this step then storage fees will continue to accrue daily and can exceed 180 days from the date the service was performed.

Payment By Owner or Lienholder(s): Before any sale, the owner or lienholder(s) may pay the amount necessary to satisfy the lien and the reasonable expenses incurred. If this happens the property must be released to the party who paid the amount due. You, the lien claimant, will then proceed to STEP 7 to release your lien.

STEP 5 – ONLY COMPLETE IF THIS IS A MOBILE HOME

Complete this step prior to holding your sale. If you are in possession of a mobile home and your lien is not satisfied, you will need to prepare for a sale. As such, you will need to see if there are any property taxes which are due. You must check with the Platte County Treasurer's office to see if there are any property taxes which are due. You can reach them at (307)322-2092. Prior to a mobile home title being released all taxes due must be paid.

If taxes are due, that information will need to be conveyed to anyone bidding on the property at your lien sale! Those interested in purchasing the property will be required to satisfy any due property taxes before a title can be issued.

STEP 6 – CONDUCT YOUR SALE

Only complete this step if your lien was not satisfied by an owner or lienholder. If your lien has not been satisfied, you will need to conduct your sale. Once you complete the sale fill out the **Storage Lien Public Sale Report** (page 9).

Is an advertisement in the newspaper required prior to a sale? No. You (lien claimant) have the ability to advertise any way you choose in order to invite people to bid on the property, but the only notice requirement is that outlined in STEP 4.

What if no one shows up for the sale? If no one is present for the sale and you wish to have the property titled in your entity’s name, you will complete the **Storage Lien Public Sale Report** and show that your entity is the purchaser of the property.

Can a lien claimant start the bidding at any amount? The purpose of your sale is to recoup any costs you have incurred relating to the property. Therefore, you have the right to start bidding at any amount in order to recoup the amount noted in the lien statement, any storage fees accrued after the lien statement was filed, and any fees associated with lien and auction prep.

What happens if the property is purchased for more than is owed to the lien claimant? If the property is sold for more than you are owed, the entity identified as the owner of the property from the title search results from WYDOT in STEP 2 has the right to request the proceeds above the amount owed to you (W.S. §29-7-105(f)). The entity identified as the owner of the property from the title search results from WYDOT in STEP 2 must specifically request those proceeds from you, **you are not required to send proceeds in excess of your lien unless requested.**

Will the purchaser be required to pay sales tax? Whether sales tax will be due, or an exemption granted, as a result of the purchase is determined by the Treasurer’s Office. Once the Clerk’s Office makes a title, they are required to obtain a sales tax receipt, or exemption, from the Treasurer’s Office before the Clerk’s Office can release the title to the purchaser. If you have questions about whether sales tax will be due, please contact the Treasurer’s Office by calling (307)322-2092.

Sale’s Price: \$ _____
Lien Amount Due: \$ _____
Balance: \$ _____

STEP 7 – RELEASE OF LIEN

Your lien has been satisfied when either of the following occur:

1. The owner or lienholder pay the amount due, and any storage costs incurred, as outlined in the notice provided to them in STEP 4.
2. You conduct a sale of the property (even if your full lien amount has not been recouped as a result of the sale).

When one of those two things occur, complete the **Release of Storage Lien Form** (page 10) and record it at the Clerk’s Office where the lien from STEP 3 was recorded. This form must be notarized, and all appropriate fees paid (\$12 for the 1st page and \$3 for each additional page) prior to the document being accepted for recording. Please note that this is a legal document. As such, if you have any questions you will need to contact an attorney.

You are required to send a copy of this release to any owners of record that were listed in the WYDOT title search in STEP 2!

For Clerk’s Office Staff: Receipt the Release of Storage Lien Form as a Release (NOT Release/UCC). The charge for this recording is \$12 for the first page and \$3 for each page thereafter. The original document will be returned to the lien claimant who has filed the lien and a copy will be recorded in property records. If the lien statement in STEP 3 was forwarded to another county or state, make sure you forward the release to that same county and/or state! If the lien statement in STEP 3 was against a vehicle titled in Platte County, make sure to release that lien in DocuPro under the title! Print one recording sticker. Place a recording sticker on the document and write the recording number and recorded date below:

Recording Number: _____ Date recorded: _____

STEP 8 – OBTAIN A CERTIFICATE OF TITLE

After filing your release of lien, the following documents to the County Clerk’s Office to obtain a certificate of title:

- Original Application for Certificate of Title (VIN/HIN Inspection) Form (Step 1)
- Original WYDOT title search results (Step 2)
- A copy of, or the original, recorded Storage Lien Statement (Step 3)
- A copy of, or the original, letter(s) & certified return (or returned unopened letters) (Step 4)
- A copy of, or the original, property tax clearance, for mobile homes ONLY (Step 5)
- Original Storage Lien Public Sale Report (Step 6)
- A copy of, or the original, Recorded Release of Storage Lien Statement (Step 7)
- If applicable, an Original Affidavit for Junk title. You will need to establish the retail value is less than \$2,000 of the vehicle by using a current national appraisal guide (Kelley Blue Book, NADA, etc.) and present that to the Clerk’s Office as well.
- All appropriate fees (\$15.00/title; \$20.00/financing statement, if applicable)

Who should present these items, the seller or purchaser? It does not matter who presents the items listed above. So long as all the required documentation is completed (remember to ensure that the purchaser signs the Storage lien Public Sale Report!) and all fees are paid it does not matter who brings those items to the Clerk’s Office for a title.

STEP 9 – TO BE COMPLETED BY CLERK’S OFFICE STAFF

Initial by each of the documents listed below. Your initial signifies that you have seen the document and it appears to be complete.

- A. _____ Original application for title (VIN/HIN Inspection) form (Step 1)
- B. _____ Original WYDOT title search results (Step 2)
- C. _____ Copy or Original recorded Storage Lien Statement (Step 3)
 - a. Ensure this was recorded within 180 days of the date payment was due. The date original charges became due and payable must be listed in the storage lien statement. If more than 180 days elapsed between the time the payment was due and the statement was filed then the lien is not valid. **If the lien is not valid then a lien sale cannot take place and we cannot make a title!**
- D. _____ Copy or Original letter(s) & certified return (or returned unopened letters) (Step 4)
 - a. Ensure all owners and lienholders in the WYDOT title search were notified via certified mail.
- E. _____ Copy or Original property tax clearance for mobile homes **ONLY**. (Step 5)
- F. _____ Original Storage Lien Public Sale Report (Step 6)
 - a. Ensure the public seller’s signature has been notarized on the public sale report! You may notarize this for the seller if they bring the report in.
- G. _____ Copy or Original recorded Release of Storage Lien Statement (Step 7)
- H. _____ If applicable, Original Affidavit for Junk title.
 - a. The applicant will need to present documentation from Kelley Blue Book, NADA or any national appraisal guide that the retail value of the vehicle is less than \$2,000
 - b. If the applicant applies for a junk title, you will need to brand the title with “JUNK”
- I. _____ All appropriate fees (\$15.00/title; \$20.00/financing statement, if applicable)

If the title in the MV-220 (Step 2) is **not** a Platte County title:

- Add regular or watercraft title
- Complete all areas you normally do when creating a new title
 - In the prior title number line enter “LIEN SALE”
 - The owner is the purchaser identified in the **Storage Lien Public Sale Report**
 - The seller is the seller/lien claimant in the **Storage Lien Public Sale Report**
 - You **do** charge for a VIN inspection unless a receipt has been presented
- Obtain a sales tax receipt from the Treasurer’s Office prior to releasing the title

If the title in the MV-220 (Step 2) **is** a Platte County title:

- Search the title in DocuPro, right click on it and press “Transfer”
- Complete all areas you normally do when creating a new title
 - In the prior title number line enter “LIEN SALE”
 - The owner is the purchaser identified in the **Storage Lien Public Sale Report**
 - The seller is the seller/lien claimant in the **Storage Lien Public Sale Report**
 - The seller is **NOT** the prior owner – it is the lien claimant/seller
 - You **do** charge for a VIN inspection unless a receipt has been presented
- Obtain a sales tax receipt from the Treasurer’s Office prior to releasing the title

Storage Lien Statement

Lienholder's Name: _____

Address/City/State/Zip: _____

Debtor's Name: _____

Address/City/State/Zip: _____

Others Interest Parties (those listed in WYDOT tile search):

Owner of Record: _____ Lienholder of Record: _____

Address: _____ Address: _____

City/State/Zip: _____ City/State/Zip: _____

Amount Claimed to be Due & Owing by Lien Claimant: \$ _____

Plus, storage fees to be assessed daily beginning on the date of this filing at a rate of \$ _____ /day, attorneys' fees and other costs incurred by lien claimant in the collection of this amount.

Explanation of Original Charges: _____ ; or,

See attached Exhibit A (this could include copies of invoices or contracts)

See attachment B for a true and accurate copy of the written contract (if applicable)

Date Original Charges Became Due & Payable: _____

Date When Services Were Last Performed: _____

Titled Property this Lien Statement Applies To:

Year _____ Make _____ Model _____

Vehicle Identification Number (VIN): _____

Title Number: _____

Location of Titled Property:

Address/City/State/Zip: _____

Legal Description (optional): _____ ; or,

See attached Exhibit C

Is the lien claimant in possession of the titled property at time of this filing? Yes No

Has the owner of the titled property consented to this lien filing? Yes No

DATED this _____ day of _____, 20_____.

Signature: _____ Title of Signatory: _____

State of _____)

) ss

County of _____)

Subscribed and sworn to before me on _____ (date) by _____

(name of signatory), and being duly sworn, did state that he/she is the _____

(title) of _____ (lien claimant) and that this lien statement was

signed on behalf of the lien claimant by authority granted to the signatory.

(seal)

Notary Public: _____

My Commission Expires: _____

Notice of Intent to File, Enforce and Foreclose a Lien

To (*interested party*): _____
Address: _____
City/State/Zip: _____

To whom it may concern,

This letter shall serve as notice to you pursuant to Wyoming State Statute §29-1-312 that a storage lien has been filed against property that you may have an interest in. Furthermore, the lien claimant identified below intends to foreclose on the lien pursuant to the Wyoming lien sale process. **Please do not ignore this notice – prompt response is necessary to resolve this matter.** If the amount due to the lien claimant is not satisfied before the “Date of Sale,” as identified below, then the lien claimant will sell the property to satisfy their lien and any claim you may have to this titled property will be gone.

Date of Lien Filing: _____

Filed in the County Clerk’s Office of: _____ **County**

Lienholder Name: _____

Address/City/State/Zip: _____

Phone number (optional): _____

Email address (optional): _____

Titled Property this Lien Statement Applies To:

Year _____ Make _____ Model _____

Vehicle Identification Number (VIN): _____

License Plate Number & State: _____

How Vehicle Was Obtained by Lienholder: Customer ordered tow; Customer delivered for repairs;

Tow was ordered by law enforcement; Other (explain): _____

Owner of Record: _____

Address/City/State/Zip: _____

Charges Due to Lienholder:

Original unpaid bill: \$ _____

Date Bill Became Due: _____

Date Services Were Performed: _____

Explanation of Charges: _____

Storage Fees (assessed daily): \$ _____/day beginning on the date of lien filing

Lien & Auction Prep: \$ _____

Explanation of Charges: _____

Sale Details: If you fail to satisfy the amounts due listed above, including storage fees and other expenses assessed, your property will be sold by public or private sale.

Date of Sale: _____

Address of Sale: _____

City/State/Zip: _____

Lienholder Signature: _____ Date: _____

Storage Lien Public Sale Report

Titled Property Sold:

Year _____ Make _____ Model _____
Vehicle Identification Number (VIN): _____

Odometer Statement (only complete if vehicle is less than 10 years old):

The seller of this vehicle hereby states that the odometer now reads _____ (no tenths) miles and to the best of my knowledge it reflects the actual mileage of the vehicle described above unless one of the following has been checked: Mileage in excess of its mechanical limits; or Odometer reading is NOT the actual mileage. WARNING – ODOMETER DISCREPENCY.

Sales Price: \$ _____ **Date of Sale:** _____

Name of purchaser: _____

Address/City/State/Zip: _____

If multiple purchasers, join tenants with the rights of survivorship (JTWROS)?

Lien Information (if purchaser obtained a lien to purchase the property):

Name of lien holder: _____

Address/City/State/Zip: _____

Lien Amount: \$ _____

I hereby swear or affirm under the penalty of perjury that all information on this storage lien public sale report is true and correct. Purchaser's signature does not need to be notarized!

Purchaser's Signature: _____

Purchaser's Signature: _____

Seller/Lien Claimant: Seller is same as purchaser

Name of seller: _____

Address/City/State/Zip: _____

I hereby swear or affirm under the penalty of perjury that all information on this storage lien public sale report is true and correct. Seller's signature does need to be notarized!

DATED this _____ day of _____, 20____.

Signature: _____ Title of Signatory: _____

State of _____)

) ss

County of _____)

Subscribed and sworn to before me on _____ (date) by _____ (signatory for seller), and being duly sworn, did state that he/she is the _____ (title) of _____ (lien claimant) and that this storage lien public sale report was signed on behalf of the lien claimant by authority granted to the signatory.

(seal)

Notary Public: _____

My Commission Expires: _____

Release of Storage Lien

State of Wyoming)
) ss
County of Platte)

Pursuant to the provisions of W.S. §29-1-313, the undersigned hereby files its notice of satisfaction of lien statement and hereby releases its lien(s), filed in the Official Records, **Book _____ Page _____**, in the office of the County Clerk and Recorder of **Platte County, Wyoming.**

Lienholder Name: _____
Address/City/State/Zip: _____

DATED this ____ day of _____, 20____.

Signature: _____ Title of Signatory: _____

State of _____)
) ss
County of _____)

Subscribed and sworn to before me on _____(date) by _____
(name of signatory), and being duly sworn, did state that he/she is the _____
(title) of _____(lien claimant) and that this satisfaction of lien
statement was signed on behalf of the lien claimant by authority granted to the signatory.

(seal) Notary Public: _____
My Commission Expires: _____

Note to lien claimant: This form, if filled out correctly and filed with the county clerk’s office within the time period specified in W.S. §29-1-314 constitutes prima facie evidence that you have fulfilled your obligation to file a notice of satisfaction of lien required by W.S. §29-1-313 and §29-1-314. If you have questions regarding how to fill out this form or whether it has been filled out properly, you should consult an attorney.