

INFORMATION ABOUT JUDICIAL SALES TO SATISFY STORAGE/REPAIR LIENS

A Magistrate can order the public sale of property to satisfy liens for repairs, materials for repairs, or storage only when the terms of Section 29-15-10 of the South Carolina Code of Laws are met. The following conditions under Section 29-15-10 are as follows:

1. There must have been a contract (oral or written) between the repairman/storageman and the owner for repairs or storage.

2. The property must have been continuously in the possession of the repairman/storageman since completion of the repairs or expiration of the storage contract.

3. The repairman/storageman must have given written notice to the owner that the repairs are completed or that storage charges are due (the court recommends that you send the notice by certified mail), and that the charges must be paid within thirty (30) days after the mailing of the letter or the property will be sold at action to satisfy the repair bill/storage bill. A copy of the letter sent to the owner must accompany the filing of the Petition for Judicial Sale.

4. Written notice must be given to any lienholder (just like the owner as stated in section 3) with a perfected security interest in the property. A copy of the letter sent to the lienholder must accompany the filing of the Petition for Judicial Sale.

5. Form TR-2 must be sent to the South Carolina Department of Highways & Public Transportation if you are proceeding against a vehicle. The Title Research Report received from the Department of Highways must accompany the filing of the Petition for Judicial Sale.

6. NOTE: Only storage charges which accrue after the date on which written notice was given to the lienholder will constitute a lien against the property. Oral notice is not proper notice for storage charges under Section 29-15-10 of the South Carolina Code.

7. When you fill out the Petition for Judicial Sale, you need to have the information typed or printed very neatly in order for the information to be clearly understood. You will need to describe the property listed on the Petition in as much detail as possible. You will need to list the owner of the vehicle and the name (s) of any lienholders, the VIN number on the vehicle, the model and make of the vehicle, as well as any additional information on the vehicle or item.

8. When the affiant (person requesting the judicial sale of the property) signs the Petition requesting the Judicial Sale, he or she is stating that all requirements listed in Section 29-15-10 of the South Carolina Code of Laws have been met by them. If the affiant has not followed all of the requirements stated in Section 29-15-10 of the South Carolina Code of Laws, the requirements of the Spartanburg County Magistrate Court, or has not written down the correct information in the Petition for Judicial Sale, the affiant will be held responsible because the Court is relying on the information provided by the affiant before ordering the Judicial Sale.

9. When you receive the Bill of Sale from the Civil Division of the Magistrate Court, please look and check to see if the information is correct on the Bill of Sale before you take it to the Department of Motor Vehicles.

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

**AFFIDAVIT FOR SALE OF VEHICLE
PURSUANT TO OWNER / OPERATOR
REQUESTED TOW AND/OR REPAIRS**

The Plaintiff states the following:

1. On _____ (date) the Plaintiff received the following vehicle:

Vehicle Make: _____
Vehicle Model: _____
Vehicle Year: _____
Vehicle VIN: _____
Tag on Vehicle: State: _____
No.: _____

2. As of today, the following amount is owed for services:

Towing: \$ _____
Repairs: \$ _____
Storage: \$ _____ from _____ (date) at the following rate:

Total: \$ _____

3. Towing and / or repairs were ordered by _____ (name of person) and my services were completed on _____ (date).

4. A TR-2 form was filed with the South Carolina Department of Motor Vehicles reporting this vehicle as unclaimed and requesting owner and lienholder information. A copy of the response is attached hereto.

5. A. On _____ (date), a certified, return receipt notice was mailed to the owner and all lienholders regarding the above charges on this vehicle and its location. This notice stated that unless these charges and other allowable costs were paid within 30 days, all rights, title, and interest in this vehicle would be waived and consent would be assumed for the sale of this vehicle at public auction;

OR

B. It is impossible to determine with reasonable certainty the identity and addresses of all owners and lienholders. The notice contained in section 5A was therefore published in the _____ newspaper on _____ (date). A copy of the publication is attached hereto.

6. Thirty one days have passed since the above notice was mailed / published (circle one) and no one has reclaimed the vehicle.

7. I state under penalty of perjury that the above is correct and true.

Sworn to before me on _____

Signature

Notary Public for South Carolina
My Commission expires: _____

Print Name

Name of Business

Address of Business

Address of Business

Telephone

Business: _____

Address: _____

City, St., Zip: _____

Phone: _____

To Owner and/
Or Customer: 1. _____ 2. _____

To Lienholder: 2. _____ 2. _____

RE: Vehicle Make: _____
Vehicle Model: _____
Vehicle Year: _____
Vehicle VIN: _____
Tag on Vehicle: State: _____
No.: _____
Location of Vehicle: _____

The above vehicle was towed and / or delivered for repairs and no one has paid our accrued charges. As of this date, the total amount due is as follows:

Towing: \$ _____
Repairs: \$ _____
Storage: \$ _____ from _____ (date) at the following rate:
Total: \$ _____

There is a lien on this vehicle for this amount and any additional storage or costs that accrue from the date of this notice. You have a right to reclaim this vehicle upon payment of all towing, preservation, storage charges, notification, publication, and court costs. Failure to exercise your right to reclaim this vehicle within thirty days, beginning the day after this notice is mailed, will be considered a waiver by you of all rights, title, and interest in this vehicle and will be considered as your consent to the sale of this vehicle at a public auction through the magistrate court. You have until the day of the auction to reclaim this vehicle by paying the charges due plus any additional charges that accrue after the mailing of this notice.

Date of Notice

Business Representative



South Carolina Department of Motor Vehicles

Report of Abandoned, Derelict, or Unclaimed Vehicles or Mobile Homes

TR-2
(Rev. 1/07)

This DMV form is used to report abandoned, derelict or unclaimed vehicles or mobile homes. If you are reporting information, complete and sign page 1 of the form only. If you are reporting and requesting information, you must complete and sign page 1 and 2 of the form before information is released.

I certify that (check the appropriate box):

- This information is for use in an abandoned or derelict mobile home court proceedings.
- I am a proprietor, owner, or operator of a towing company, storage facility, garage, or repair shop, or a person who repairs vehicles, or the authorized agent of such a business or individual.

I am (check the appropriate box):

- Reporting Only- No Information: Requested/Report will be filed (Complete Page 1 only)
- Reporting and Requesting Information (\$6.00 fee) (Complete Page 1 and 2)

Printed Name of Person Reporting Information _____

Signature of Person Reporting Information _____

Date _____

Entities authorized to report abandoned vehicles or mobile homes must complete this section.

If an entity uses an authorized agent, both sections must be completed below. Authorized Agent (if applicable)

Name or Business Name _____

Account # with DMV _____

Name of Authorized Agent _____

Account # with DMV _____

Address _____

Address _____

City _____

State _____

Zip _____

State _____

Zip _____

Telephone _____

Fax _____

Telephone _____

Fax _____

As of the date(s) listed below, the described vehicle(s) or mobile home(s) has been unclaimed. I am reporting the vehicle(s) or mobile home(s) as abandoned.

Date	VIN	Year	Make	Model	VEHICLES ONLY	
					Odometer Reading	Last State of Registration Plate Number
1						
2						
3						
4						
5						
6						

REQUEST FOR INFORMATION

This section must be completed and signed before information will be released.

NOTE: The fee is \$6.00 for each request. For a request to be processed within 72 business hours, please include an additional \$20.00 (expedited fee) for each request. Under Federal Law (18 USC, Chapter 123) personal vehicle owner information may be obtained only for certain uses. If you are submitting this form to obtain someone else's record, please refer to the Federal Law. Listed below are the only permissible use of vehicle information for abandoned/derezzed/unclaimed vehicles or mobile homes. Please check the box that applies to you:

- 1. For use in providing notice to owners of towed or impounded vehicles.
- 2. For use in connection with any court proceeding or investigation in anticipation of litigation. (Applies to abandoned or derezzed mobile home proceedings and liens for repairs or storage of vehicles)

Under penalty of perjury, I state that I am entitled to receive and use this information as permitted under the Driver's Privacy Protection Act of 1984 (18 USC, Chapter 123 as amended). I further acknowledge that if I misuse this information or give it to someone who uses it for an unauthorized purpose, I may be subject to Federal criminal law as well as a civil lawsuit where the minimum award is \$5,000.00.

Printed Name of Person Requesting Information _____	Signature of Person Requesting Information _____	Date _____
<p>NOTE: 66-19-840 An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, or a person who repairs or furnishes material for the repair of a vehicle where a vehicle remains unclaimed for a period of thirty days shall within five days after the expiration of that period, report the vehicle as unclaimed to the Department. Such report shall be on a form prescribed by the Department.</p> <p>A vehicle is considered "unclaimed" when the owner of the vehicle has not reclaimed it within thirty days after notification pursuant to Sections 28-16-10 and 66-6-5630. A person who fails to report a vehicle as unclaimed in accordance with this section forfeits all claims and liens for its garaging, parking, and storing.</p> <p>16-24-110 Failing to report unclaimed vehicle in garage, etc. A person who fails to report a vehicle as unclaimed in accordance with 66-19-840 is guilty of a misdemeanor and punishable by a fine of not more than twenty-five dollars (\$25.00).</p>		
<p>NOTE: Contact your local magistrate's office after receiving the necessary correspondence from the DMV to obtain a magistrate's order of sale. This order can be used to apply for a South Carolina title. Once a vehicle has been declared salvaged -- non-rebuildable, or junked in the DMV files, no further titles will be issued.</p>		
<div style="border: 1px solid black; padding: 5px; text-align: center;"> Mail Completed Form To: Titles Mail-In Unit PO Box 1498 Blythewood, SC 29016-0024 </div>		
Office Code _____	Printed Name of Employee Processing Request _____	Signature of Employee Processing Request _____
HEADQUARTERS USE ONLY		
Date _____		