



DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1505 LANA AVE NE, SALEM OREGON 97314

CERTIFICATE OF POSSESSORY LIEN FORECLOSURE (ORS 87.152 - LIEN FOR LABOR AND MATERIALS)

This certification is for use in support of Oregon title applications where transfer results from the foreclosure of a possessory lien created under ORS 87.152. That statute provides for a lien for labor or materials expended on a chattel (including a vehicle) in situations where **at the request of the owner or lawful possessor of a chattel (e.g., vehicle)**, a person makes, alters, repairs, transports, stores, pastures, cares for, provides services for, supplies materials for or performs labor on a chattel.

ORS 822.093 requires lien claimants to keep records sufficient to establish that all vehicles being sold or offered for sale were acquired by the lien claimant as the result of a possessory lien. Records, including a signed and dated copy of this DMV certificate of possessory lien foreclosure form, must be retained for a period of five years by the lien claimant.

I certify that:

- I, or the firm I represent, at the request of the owner or lawful possessor, expended labor or materials on the following described vehicle pursuant to ORS 87.152 and 87.166.
- I foreclosed the possessory lien in accordance with the provisions of ORS 87.172 and ORS 87.176 to 87.206, and
- I complied with **all** applicable statutory requirements, including notification of all security interest holders as listed on the *Certificate of Title*, in accordance with ORS 87.196.

PLATE NUMBER	STATE OF ISSUE	VEHICLE YEAR	MAKE	BODY STYLE	MODEL
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VEHICLE IDENTIFICATION NUMBER

I further certify that:

- The vehicle was sold at public auction to:

_____ (Buyer's printed name)

_____ (Date of auction)

Not valid unless buyer's name and date of auction completed.

I (the lien claimant) further certify that all information given above is true and accurate and that I am making this certification in support of an application for title. I understand it is a crime under ORS 803.075, to certify the truth of a statement when I know the statement is not true. Such a crime is a Class A Misdemeanor punishable by a jail sentence of up to 1 year and a fine of up to \$6,250, or both.

PRINTED NAME OF LIEN CLAIMANT (A TOWER MUST HAVE A VALID TOW BUSINESS CERTIFICATE ISSUED UNDER ORS 822.205)			PHONE NUMBER	
STREET ADDRESS		CITY	STATE	ZIP CODE

SIGNATURE OF LIEN CLAIMANT
X

NOT VALID UNLESS FORM COMPLETED IN FULL AND SIGNED.

This form must be submitted to DMV with the application for title.

2015 ORS 87.192¹

Notice of foreclosure sale to lien debtor

- **public notice**

(1) (a) Before a lien claimant forecloses by sale a lien created under ORS 87.152 (Possessory lien for labor or material expended on chattel) to 87.162 (Landlord's lien), the lien claimant shall give notice of the foreclosure sale to the lien debtor by first class mail with certificate of mailing, registered mail or certified mail sent to the lien debtor at the lien debtor's last-known address. The lien claimant shall give notice of the foreclosure sale to the lien debtor:

(A) Except as otherwise provided in this paragraph, at least 30 days before the foreclosure sale.

(B) If the lien is for the cost of removing, towing or storing a vehicle that a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate) has appraised at a value of \$1,000 or less, at least 15 days before the foreclosure sale.

(b) If the chattel to be sold at a foreclosure sale is chattel for which the Department of Transportation has issued a certificate of title under ORS 803.045 (Issuance of title), for which the State Marine Board requires a certificate of title under ORS 830.810 (Certificate of title) or for which the Oregon Department of Aviation requires a certificate of registration under ORS 837.040 (Persons required to register aircraft), the lien claimant shall include with the notice described in paragraph (a) of this subsection a copy of an invoice, work or repair order, authorization for towing, official form that authorizes a law enforcement agency to impound the chattel or any other record or document that is evidence of the basis for the lien.

(c) If a lien claimant fails to give notice in accordance with this subsection to a lien debtor concerning chattel described in paragraph (b) of this subsection, the lien claimant is liable to the lien debtor for a sum equal to the fair market value of the chattel sold at the foreclosure sale. The lien debtor may bring an action to recover the sum and reasonable attorney fees.

(2) The lien claimant shall give public notice of the foreclosure sale by posting notice of the foreclosure sale in a public place at or near the front door of the county courthouse of the county in which the sale is to be held and, except as provided in paragraph (b) of this subsection, in a public place at the location where the lien claimant obtained possession of the chattel to be sold from the lien debtor. The following apply to notice under this subsection:

- (a) The lien claimant shall give notice under this subsection not later than the time required for notice to a lien debtor under subsection (1) of this section.
- (b) This subsection does not require the lien claimant to post notice at the location where the lien claimant obtained the chattel if the chattel is a chattel for which the Department of Transportation has issued a certificate of title under ORS 803.045 (Issuance of title), for which the State Marine Board requires a certificate of title under ORS 830.810 (Certificate of title) or for which the Oregon Department of Aviation requires a certificate of registration under ORS 837.040 (Persons required to register aircraft).
- (3) If the chattel to be sold at a foreclosure sale is something other than an abandoned vehicle and has a fair market value of \$1,000 or more, or if the chattel to be sold is an abandoned vehicle and has a fair market value of \$2,500 or more, the lien claimant, in addition to the notice required by subsection (2) of this section, shall have a notice of foreclosure sale printed once a week for two successive weeks in a daily or weekly newspaper, as defined in ORS 193.010 (Definitions for ORS 193.010 and 193.020), published in the county in which the sale is held or, if there is none, in a daily or weekly newspaper, as defined in ORS 193.010 (Definitions for ORS 193.010 and 193.020), generally circulated in the county in which the sale is held.
- (4) The notice of foreclosure sale required under this section must contain a particular description of the property to be sold, the name of the owner or reputed owner of the property, the amount due on the lien, the time and the place of the sale and the name of the person foreclosing the lien. [1975 c.648 §10; 1981 c.861 §2; 1983 c.436 §1; 1983 c.338 §882; 1993 c.326 §10; 1995 c.758 §19; 2005 c.738 §8; 2014 c.65 §1]

¹ Legislative Counsel Committee, *CHAPTER 87—Statutory Liens*, https://www.oregonlegislature.gov/bills_laws/ors/ors087.html (2015) (last accessed Jul. 16, 2016).

2015 ORS 87.172¹

Time period before foreclosure allowed

- (1) Except as otherwise provided in this section, a person claiming a lien under ORS 87.152 (Possessory lien for labor or material expended on chattel) to 87.162 (Landlord's lien) must retain the chattel that is subject to the lien for at least 60 days after the lien attaches to the chattel before foreclosing the lien.
- (2) Except as otherwise provided in this subsection, a person claiming a lien under ORS 87.152 (Possessory lien for labor or material expended on chattel) for cost of care, materials and services bestowed on an animal must retain the animal for at least 30 days after the lien attaches to the animal before foreclosing the lien. If the lien is for veterinary services to a domestic animal, the person must retain the animal for at least five days after the lien attaches to the animal before foreclosing the lien. As used in this subsection, "domestic animal" means an animal that is not livestock as defined in ORS 72.1030 (Definitions and index of definitions) and for which the veterinary services were requested by an owner or other person with apparent authority regarding care of the animal.
- (3) A person claiming a lien under ORS 87.152 (Possessory lien for labor or material expended on chattel) for the cost of removing, towing or storage of a vehicle that is appraised by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate) to have a value of:
 - (a) \$1,000 or less but more than \$500, must retain the vehicle at least 30 days after the lien attaches to the vehicle before foreclosing the lien.
 - (b) \$500 or less, must retain the vehicle at least 15 days after the lien attaches to the vehicle before foreclosing the lien. [1975 c.648 §7; 1979 c.401 §1; 1981 c.861 §1; 1983 c.338 §881; 1993 c.326 §9; 1995 c.758 §18; 2005 c.738 §7; 2011 c.399 §2]

¹ Legislative Counsel Committee, *CHAPTER 87—Statutory Liens*, https://www.oregonlegislature.gov/bills_laws/ors/ors087.html (2015) (last accessed Jul. 16, 2016).