

**Oregon Statutes**

**Title 9. MORTGAGES AND LIENS**

**Chapter 87. Statutory Liens**

**SELF-SERVICE STORAGE FACILITY LIEN**

**§ 87.685. [Effective 1/1/2014] Definitions for ORS 87.685 to 87.693**

As used in ORS 87.685 to 87.693 :

- (1) 'Default' means a failure to perform in a timely manner any obligation or duty set forth in a rental agreement.
- (2) 'Last known address' means a physical or electronic mail address that an occupant provided in the latest rental agreement or the physical or electronic mail address the occupant provided in a subsequent written notice of a change of address.
- (3) 'Occupant' means a person or a sublessee, successor or assignee of the person who is entitled, under a rental agreement, to the exclusive use of specified individual storage space at a self-service storage facility.
- (4) 'Owner' means an owner, operator, lessor or sublessor of a self-service storage facility or an agent or any other person that the owner, operator, lessor or sublessor authorizes to manage the facility or to receive rent from an occupant under a rental agreement.
- (5) 'Personal property' means movable property that is not affixed to land and includes, but is not limited to, goods, merchandise, household items and watercraft.
- (6) 'Rental agreement' means a written agreement or lease that establishes or modifies terms, conditions, rules or any other provisions concerning an occupant's use and occupancy of a self-service storage facility.
- (7)
  - (a) 'Self-service storage facility' means real property that is designed and used for renting or leasing individual storage space to occupants who have exclusive access to the storage space to store or remove personal property.
  - (b) 'Self-service storage facility' does not include:
    - (A) A warehouse or other facility that a person uses to store personal property for which the person that operates the facility issues a warehouse receipt, bill of lading or other document of title under ORS chapter 77 ; or
    - (B) Real property that a person uses for residential purposes.
- (8) 'Verified mail' means any method of mailing that the United States Postal Service or a private delivery service offers that provides evidence of mailing.

**§ 87.686. [Effective 1/1/2014] Rental agreement; statement of insurance held by owner**

- (1) A rental agreement must state whether the owner holds an insurance policy that protects personal property that is stored at the self-service storage facility identified in the rental agreement.
- (2) If the owner holds an insurance policy that protects personal property stored at the self-service storage facility, the rental agreement must describe the nature of the insurance coverage.
- (3) If the owner does not hold an insurance policy that protects personal property stored at the self-service storage facility, the rental agreement must state that the occupant's personal property is not protected by insurance held by the owner.
- (4) At the time the occupant signs the rental agreement, the occupant shall initial the applicable statement described in subsection (2) or (3) of this section .

**§ 87.687. Self-service storage facility owner's possessory lien; attachment of lien; priority of lien**

- (1) The owner of a self-service storage facility has a lien upon all personal property, whether or not owned by the occupant, that is located in a specified storage space rented by an occupant at the facility to secure payment for rent, reasonable or agreed charges for labor, materials or other services provided by the owner at the request of the occupant, expenses necessarily incurred in preserving the personal property and expenses reasonably incurred in the sale or other disposition of the personal property under ORS **87.689**. The owner may retain the personal property until the rent and other charges and expenses are paid.
- (2) The lien created by this section attaches to personal property of an occupant at the time at which the personal property is stored at the self-service storage facility.
- (3) Except for a lien or security interest that is perfected prior to the attachment of the lien created by this section, the lien created by this section has priority over any other lien or security interest or encumbrance on the personal property subject to the lien.

**§ 87.689. [Effective 1/1/2014] Notice of foreclosure and sale**

- (1) An owner may foreclose a lien created by ORS 87.687 upon the occupant's default .
- (2) Before an owner may foreclose by sale a lien created by ORS 87.687 , the owner shall notify the occupant of the foreclosure and sale by sending registered or certified mail or other verified mail to the occupant's last known address or by sending electronic mail to the occupant's last known address.
- (3) A notice provided under this section must include:
  - (a) An itemized statement of the owner's claim that shows the sum due on the date of the notice.
  - (b) An identification of the specific individual storage space that the occupant rented at the self-service storage facility.
  - (c) A statement that denies the occupant access to the occupant's personal property stored at the self-service storage facility , if the terms of the rental agreement allow the owner to deny access.

- (d) A demand for payment within a specified time that is not earlier than 30 days after the default.
  - (e) A conspicuous statement that declares that, unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale and will be sold at a specified time and place.
  - (f) The name, street address and telephone number of the owner or the owner's designated agent whom the occupant may contact to respond to the notice.
- (4) Any notice given under this section is presumed delivered if the notice is properly addressed with postage prepaid and is deposited with the United States Postal Service or if the owner has a record or other evidence that shows that the owner sent the notice to an electronic mail address that the occupant designated in the rental agreement for receiving electronic mail.

**§ 87.691. [Effective 1/1/2014] Sale of property subject to lien; advertisement of sale; satisfaction of lien before sale; use of sale proceeds**

- (1) After the time specified in the notice given under ORS 87.689 expires, if the owner determines, based on the owner's previous experience, that the personal property subject to the lien created by ORS 87.687 has a value of \$300 or less, the owner may dispose of the property at the owner's sole discretion .
- (2) After the time specified in the notice given under ORS 87.689 expires, if the owner determines, based on the owner's previous experience, that the personal property subject to the lien created by ORS 87.687 has a value of more than \$300, the owner shall cause an advertisement of the sale to be published once a week for two consecutive weeks in a newspaper of general circulation in the city or county in which the self-service storage facility is located. If there is no newspaper of general circulation in the city or county, the advertisement must be posted in not fewer than six conspicuous places in the neighborhood in which the self-service storage facility is located. The advertisement must include:
  - (a) The address of the self-service storage facility, the number, if any, of the space where the personal property is located and the name of the occupant.
  - (b) The time, place and manner of the sale.
- (3) The sale of the personal property may not take place earlier than 15 days after the first advertisement, publication or posting concerning the sale. The sale must conform to the terms stated in the advertisement published or posted under this section.
- (4) The owner may conduct the lien sale without obtaining a license and may offer the personal property for sale on a publicly accessible website that regularly offers personal property for auction or sale, but the owner shall complete the sale of the personal property at the self-service storage facility or at a suitable place closest to where the personal property is held or stored.
- (5)
  - (a) If the owner does not receive any bids at the public sale held under this section, the owner may dispose of the personal property in another manner at the owner's sole discretion . The owner may satisfy the lien created by ORS 87.687 and reasonable expenses associated with the disposition from the proceeds of the disposition but shall hold the balance, if any, for delivery on demand to the occupant. If the occupant does not claim the balance of the proceeds within two years after the date of the disposition, the owner shall presume the balance is abandoned and shall report and deliver the balance as provided in ORS 98.352.

- (b) The owner, an employee of the owner, an affiliate or relative of the owner or an associate or relative of the employee may not acquire, directly or indirectly, property that is subject to disposal under this section.
- (6)
- (a) If personal property that is subject to the lien is a motor vehicle, watercraft or trailer, the owner may have the personal property towed away from the self-service storage facility if:
    - (A) Rent and other charges for storing the personal property at the self-service storage facility remain unpaid for 60 days or more; and
    - (B) The owner sends notice as provided in ORS 87.689.
  - (b) An owner is not liable for damage to personal property that a tower removes from the self-service storage facility once the tower takes possession of the personal property.
  - (c) A tower has a lien on personal property the tower removes from the self-service storage facility for reasonable towing and storage charges as provided in ORS 98.812.
- (7) Before a sale or other disposition of personal property under this section, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section and thereby redeem the personal property. Upon receiving payment, the owner shall return the personal property, and thereafter the owner has no liability with respect to the personal property.
- (8) After a sale under this section, the owner may satisfy the lien created by ORS 87.687 from the proceeds of the sale, but shall hold the balance, if any, for delivery on demand to the occupant. If the occupant does not claim the balance of the proceeds within two years after the date of sale, the owner shall presume that the balance of the proceeds is abandoned and shall report and deliver the balance as provided in ORS 98.352.
- (9) A purchaser in good faith of the personal property sold to satisfy a lien created by ORS 87.687 takes the property free of any rights of persons against whom the lien was valid, even if the owner does not comply with the requirements of this section and ORS 87.689.

**§ 87.693. ORS 87.687 as exclusive law for creating lien; exception**

- (1) Except as provided in subsection (2) of this section, ORS **87.687** is the sole and exclusive statute creating a lien applicable to personal property in self-service storage facilities.
- (2) If a motor vehicle is stored or parked at a self-service storage facility, upon default, the owner may proceed as an owner of a parking facility under ORS **98.810** to **98.818**.

**§ 87.695. Short title**

ORS **87.685** to 87.695 shall be known as the Oregon Self-Service Storage Facility Act.