

1 ~~58-817. Sale of stored property; procedure; redemption; notices.~~ (a)(1) If the occupant is in default for a
2 period of more than 45 days, the operator may enforce the lien by selling the property stored in the leased space for
3 cash. Sale of the property stored on the premises may be by public or private proceedings and may also be as a unit
4 or in parcels, or by way of one or more contracts and at any time or place, and on any terms as long as the sale is
5 commercially reasonable. The operator may otherwise dispose of any property which has no commercial value.

6 (2) The proceeds of such sale shall then be applied to satisfy the lien, with any surplus disbursed as provided
7 in subsection (d).

8 (b) Before conducting a sale under subsection (a), the operator shall:

9 (1) Notify the occupant of the default by first-class mail ~~at the occupant's last-known address or by electronic~~
10 ~~mail if the occupant has provided an electronic mail address to the operator at the occupant's last-known address;~~

11 ~~(2) Send a second notice by certified mail, first-class mail with certificate of mail or by electronic mail, not~~
12 ~~less than seven days after the notice required by subsection (b)(1), to the occupant at the occupant's last-known~~
13 ~~address or electronic mail address if the occupant has provided an electronic mail address to the operator.~~

14 ~~(3) The notice in (b)(2) shall include:~~

15 ~~(2) send a second notice of default, not less than seven days after the notice required by subsection (b)(1), by~~
16 ~~restricted mail to the occupant at the occupant's last-known address which includes:~~

17 (A) A statement that the contents of the occupant's leased space are subject to the operator's lien;

18 (B) a statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any
19 additional charges which shall become due before the date of release for sale and the date those additional charges
20 shall become due;

21 (C) a demand for payment of the charges due within a specified time, not less than 10 days after the date of
22 the notice;

23 (D) a statement that unless the claim is paid within the time stated, the contents of the occupant's space will
24 be sold after a specified time; and

25 (E) the name, street address and telephone number of the operator, or a designated agent whom the occupant
26 may contact to respond to the notice.

27 (3) At least seven days before the sale, advertise the time, place, *items that will be released for sale* and terms
28 of the sale. *The advertisement shall be in the classified section in* of a newspaper of general circulation in the
29 jurisdiction where the sale is to be held *or in any other commercially reasonable manner that results in three*
30 *independent bidders attending the sale at the designated time and place advertised. Independent bidder shall mean*
31 *a bidder is not related to, shares no business interest with or common financial interest with the owner or operator.*

32 ~~Such advertisement shall be in the classified section of the newspaper. The ad shall state the items that will be~~
33 ~~released for sale.~~

34 (c) At any time before a sale under this section, the occupant may pay the amount necessary to satisfy the lien
35 and redeem the occupant's personal property.

36 (d) If a sale is held under this section, the operator shall:

37 (1) Satisfy the lien from the proceeds of the sale; and

1 (2) hold the balance, if any, for delivery on demand to the occupant or any other recorded lienholders for a
2 period of one year after receipt of proceeds of the sale and satisfaction of the lien. Thereafter, the proceeds
3 remaining after satisfaction of the lien shall be considered abandoned property to be reported and paid to the state
4 treasurer in accordance with the disposition of unclaimed property act.

5 (e) A purchaser in good faith of any personal property sold under the self-service storage act takes the
6 property free and clear of any rights of:

7 (1) Persons against whom the lien was valid; and

8 (2) other lienholders.

9 (f) If the operator complies with the provisions of the self-service storage act, the operator's liability:

10 (1) To the occupant shall be limited to the net proceeds received from the sale of the personal property, and

11 (2) to other lienholders shall be limited to the net proceeds received from the sale of any personal property
12 covered by the other lien, and

13 (3) to the occupant or any other parties the operator shall not be liable for the disclosure, discovery or
14 dissemination of any personal or private information, including but not limited to, personal descriptors,
15 identification numbers, health and medical, financial, criminal, credit, employment, and education resulting from
16 the sale of the personal property.

17 (g) If an occupant is in default, the operator may deny the occupant access to the leased space.

18 (h) Unless otherwise specifically provided, all notices required by the self-service storage act shall be sent by
19 ~~restricted~~ first class mail or by electronic mail if the occupant has provided an electronic mail address to the
20 operator ~~mail~~. Notices sent to the operator shall be sent to the self-service storage facility where the occupant's
21 property is stored. Notices to the occupant shall be sent to the occupant at the occupant's last known address.
22 Notices shall be deemed delivered when deposited with the United States postal service, properly addressed, as
23 provided in subsection (b), with postage prepaid.