

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H2/15/11

A Bill

HOUSE BILL 1384

5 By: Representatives Allen, Kerr
6

For An Act To Be Entitled

8 AN ACT TO IMPROVE THE PROCESS FOR NOTICE OF SALE OF
9 PROPERTY IN DEFAULT OF SELF-STORAGE PAYMENTS; AND FOR
10 OTHER PURPOSES.
11

Subtitle

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14 AN ACT TO IMPROVE THE PROCESS FOR NOTICE
15 OF SALE OF PROPERTY IN DEFAULT OF SELF-
16 STORAGE PAYMENTS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 18-16-407(a), concerning notice of sale in
22 default of self-storage, is amended to read as follows:

23 (a) Before conducting a sale under § 18-16-406, the operator shall:

24 (1) Notify the occupant in writing of the default. The notice
25 *shall be sent by ~~certified mail, return receipt requested,~~ first class mail*
26 *with certificate of mailing* to the occupant at the occupant's last known
27 address, and shall include:

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

30 (B) A statement of the operator's claim, indicating the
31 charges due on the date of the notice, the amount of any additional charges
32 ~~which~~ that shall become due before the date of sale, and the date those
33 additional charges shall become due;

34 (C) A demand for payment of the charges due within a
35 specified time, not less than fourteen (14) days after the date that the
36 notice was mailed;



1 (D) A statement that unless the claim is paid within the
2 time stated, the contents of the occupant's space will be sold at a specified
3 time and place;

4 (E) The name, street address, and telephone number of the
5 operator or his or her designated agent, whom the occupant may contact to
6 respond to the notice; and

7 (F) Designation of the date, time, and place where the
8 contents will be sold unless the default is remedied prior to sale;

9 (2) Publish one (1) advertisement in a newspaper of general
10 circulation in the county in which the storage facility is located at least
11 seven (7) days prior to sale; and

12 (3)(A) Contact the circuit clerk in the county where the
13 personal property is stored to determine the name and address of any holder
14 of liens or security interests in the personal property being sold.

15 (B)(i) The owner shall notify by ~~certified mail, return~~
16 ~~receipt requested, first class mail with certificate of mailing each holder~~
17 ~~of a lien or security interest~~ of the time and place of the proposed sale at
18 least ten (10) days prior to conducting the sale.

19 (ii) The owner shall be required to notify the
20 holder of a lien or security interest only if the lien or security interest
21 is filed under the name of the occupant.

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23 SECTION 2. Arkansas Code § 18-16-409(a), concerning the default
24 mailing rule for notices regarding self storage, is amended to read as
25 follows:

26 (a) Unless otherwise specifically provided, all notices required by
27 this subchapter shall be sent by ~~certified mail, return receipt requested,~~
28 first class mail with certificate of mailing.

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30 /s/Allen
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