

# Sample Lien Sale Timeline

## 63 Days

Updated September 20, 2023

Ensure all information provided below lines up with what is provided in the lease the occupant signed.  
This document is **NOT INTENDED AS LEGAL ADVICE.**

**Day 1- Rent is due (as stated in the rental agreement).**

**Day 3- Mail the Past Due Notice.**

See Past Due Notice.

**Day 6- Deny occupant access or overlock the unit. Reminder to occupant that rent is due. Late fee is assessed if applicable.** Assess late charge only if this is provided in the rental agreement. Use all communication methods as provided in the rental agreement.

[A.C.A. § 18-16-411](#)

[A.C.A. § 18-16-405](#)

**Day 8- Check military status** (See [Service Members Civil Relief Act](#) and use Defense Manpower Data Center)

*Do not proceed if the occupant is on active duty.*

**Day 15- Search for lienholders.** Per [SB36](#), Contact the Circuit Clerk in the county where the personal property is stored to determine the name and address of any holder of liens or security interests in the personal property being sold.

[A.C.A. § 18-16-407](#)

**Day 20- Send Cut Lock Notice**

**Day 32- Inventory the unit and check for liens (see day 15) on items not in original lien search if necessary.**

**Day 33- Attempt to contact occupant with the information they provided in the rental agreement.**

**Day 32 -Send Lien Notice** (Default Letter) by First Class Mail with Certificate of Mailing to the occupant at their last known address provided by the occupant, unless the occupant provided their email address in the lease and requested to be contacted through the email that they provided. Letter must include a “demand for payment within a specified time not less than fourteen (14) days after delivery of the notice.” (Doherty, J. and Bryant, D.)

[A.C.A. § 18-16-407](#)

See [HB1384](#), [SB377](#), [SB36](#). See also *Sample Lien Letter for Online Sales for necessary requirements for that letter.*

**Day 40- Notify any lienholders.** “Contact the Circuit Clerk in the county where the personal property is stored to determine the name and address of any holder of liens or security interests in the personal property being sold. The owner shall notify by certified mail return receipt requested each such holder of a lien or security interest of the time and place of the proposed sale **at least ten (10) days prior** to conducting such sale. The owner shall be required to notify the holder of a lien or security interest only if the lien or security interest is filed under the name of the occupant.” (SB36). Also, check the rental agreement to see if there are any lienholders listed there. [A.C.A. § 18-16-407](#)

**Day 50- Publish advertising.**

See [HB 1027/Act 363](#)

**Day 62- Towing of personal property can take place if applicable. Taking pictures is advised.** [A.C.A. § 18-16-406](#)

**Day 63- Have the sale/auction.**

*Day 63 satisfies 46 days in default and completes the fourteen (14) days after the demand for payment, ten (10) days after notification of any lienholders, and seven (7) days after the start of the advertisement of the sale.*

### **Additional Considerations**

- The operator shall retain a copy of all notices and return receipts required (by subsection (b) of this section in 18-16-407) for six (6) months following the date of the lien sale or removal of the personal property from the self-service storage facility. [A.C.A. § 18-16-407](#) (lien letter, certificate of mailing, emailed notices).
- The operator shall hold the balance, if any, for delivery on demand to the occupant or any other recorded lienholders. If demand is not made within two (2) years after the date of the sale, the surplus shall escheat to the county.
- If the operator has a reasonable belief that the space contains personal information relating to the clients, customers, or others with whom the occupant does business, the operator has the right to inspect the space once the occupant is in default for more than 45 days. In those circumstances, the operator may want to delay the sale for a few additional days to inspect the space and dispose of any personal information. [A.C.A. § 18-16-407](#)

See [ARSSA.org Member Downloads](#) for more details and links to resources and the laws pertaining to the steps above.

### **Sources**

Doherty, Joseph L. and Bryant, Daniel T. *The Arkansas Self Storage Lien Law Annotated*. (August 2021).

Code of Arkansas Public Access. Arkansas Bureau of Legislative Services. [www.advance.lexis.com](http://www.advance.lexis.com)