

Oregon Self Storage

SELF-SERVICE STORAGE FACILITY LIEN

87.685 Definitions for ORS 87.685 to 87.693. As used in ORS 87.685 to 87.693, unless the context requires otherwise:

- (1) “Default” means the failure to perform in a timely manner any obligation or duty set forth in the rental agreement.
- (2) “Last known address” means the address provided by the occupant in the latest rental agreement or the address provided by the occupant 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 storage space at a self-service storage facility.
- (4) “Owner” means the owner, operator, lessor or sublessor of a self-service storage facility or an agent or any other person authorized by the owner, operator, lessor or sublessor to manage the facility or to receive rent from an occupant under a rental agreement.
- (5) “Personal property” means movable property not affixed to land and includes, but is not limited to, goods, merchandise, household items and watercraft.
- (6) “Rental agreement” means any written agreement or lease that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a self-service storage facility.
- (7) “Self-service storage facility” means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the storage space for the purpose of storing and removing personal property. The term does not include a warehouse or other facility used for storage of personal property and at which a warehouse receipt, bill of lading or other document of title covering the personal property is issued under ORS chapter 77 by the warehouseman or other person operating the facility. The term “self-service storage facility” does not include real property used for residential purposes. [1997 c.374 §2]

Note: 87.685 to 87.695 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 87 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

87.686 Rental agreement; statement of insurance held by owner. (1) Each rental agreement shall describe whether personal property of the occupant stored at the self-service storage facility is protected by insurance held by the owner.

(2) If the personal property is protected by insurance held by the owner, the rental agreement shall contain a statement describing the nature of the insurance coverage.

(3) If the personal property is not protected by insurance held by the owner, the rental agreement shall contain

a statement indicating that the personal property of the occupant 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 regarding insurance. [1999 c.719 §2]

Note: See note under 87.685.

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. [1997 c.374 §3]

Note: See note under 87.685.

87.689 Notice of foreclosure and sale. (1) The lien created by ORS 87.687 may be foreclosed upon default by the occupant.

(2) Before an owner may foreclose a lien created by ORS 87.687 by sale, the owner shall give notice of the foreclosure and sale to the occupant by registered or certified mail sent to the occupant at the last known address of the occupant.

(3) Notice provided under this section shall include:

(a) An itemized statement of the owner's claim showing the sum due at the time of notice.

(b) An identification of the specific unit rented by the occupant at the self-service storage facility.

(c) A statement that access to the occupant's personal property stored at the self-service storage facility is denied, if such denial is permitted under the terms of the rental agreement.

(d) A demand for payment within a specified time not earlier than 30 days after default.

(e) A conspicuous statement declaring 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 when it is properly addressed with postage prepaid and deposited with the United States Postal Service. [1997 c.374 §4]

Note: See note under 87.685.

87.691 Sale of property subject to lien; advertisement of sale; satisfaction of lien before sale; use of sale proceeds. (1) After the expiration of the time specified in the notice given under ORS 87.689, if the personal property subject to the lien created by ORS 87.687 has a fair market value of \$100 or less, the owner may dispose of the property in the sole discretion of the owner.

(2) After the expiration of the time specified in the notice given under ORS 87.689, if the personal property subject to the lien created by ORS 87.687 has a fair market value of more than \$100, an advertisement of the sale shall 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 such city or county, the advertisement shall be posted in not less than six conspicuous places in the neighborhood in which the self-service storage facility is located. The advertisement shall 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 shall not take place earlier than 15 days after the first publication or posting. The sale shall conform to the terms stated in the advertisement published or posted under this section.

(4) The sale of the personal property shall be held at the self-service storage facility or at a suitable place closest to where the personal property is held or stored.

(5) If no bids are received at the public sale held under this section, the owner may otherwise dispose of the property in the sole discretion of the owner.

(6) Before any sale or other disposition of the 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 receipt of such payment, the owner shall return the personal property, and thereafter the owner shall have no liability to any person with respect to the personal property.

(7) 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 balance of the proceeds shall become the property of the owner without further recourse by the occupant.

(8) 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, despite noncompliance by the owner with

the requirements of this section and ORS 87.689. [1997 c.374 §5]

Note: See note under 87.685.

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. [1997 c.374 §6]

Note: See note under 87.685.

87.695 Short title. ORS 87.685 to 87.695 shall be known as the Oregon Self-Service Storage Facility Act. [1997 c.374 §1; 1999 c.59 §253]

Note: See note under 87.685.