

Staple Attachments Here

# MECHANIC'S LIEN SALE AFFIDAVIT

**COMPLETE THE INFORMATION THAT PERTAINS TO THE LIEN BEING CLAIMED**

<b>Vehicle Information</b>	VIN	Year	Make	Repairs/Storage Requested by:		
	Approximate Vehicle Value \$	License Plate Number	State Registered	License Expiration Date		
	I, lien claimant, certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked: <input type="checkbox"/> Excess mechanical limits <input type="checkbox"/> Not Actual - <b>Warning: Odometer Discrepancy</b>					
<b>Purchaser Information</b>	Purchased Date	Vehicle Selling Price \$	Name of Purchaser			
	Address		City	State	ZIP	
<b>Business Information</b>	Business/Claimant's Name	Owner/Agent's Name				
	Address	City	State	ZIP		
<b>Lien Information</b>	Date Vehicle Came into Possession	Date Owner was Billed for Services/Storage	Date Work or Services Completed	Date Storage Fee Assessed*		
	Date of Auction	Storage Fee To Date \$	At the Rate of \$ Per Day	Total Cost of Repairs \$	Cost of Conducting Lien Sale \$	

\* Mechanics that charge a storage fee for the protection, storage or safekeeping of a vehicle and such storage fees have accumulated for 30 days, and the owner and lienholder are known, shall provide notice by certified mail to the owner and lienholder of record of such vehicle. Failure to give such notice shall stop the imposition of storage fees until the notice provisions described in this section are complied with. Notice shall not be required to be given to an owner or to a lienholder of record who has prior notice or actual knowledge that such fees could be charged or imposed or were in fact being charged or imposed. [KSA 58-247](#)

**Checked (✓) Items Must be ATTACHED to this Affidavit.**

		Must be Sold at Public Auction	MVE-1 Required <i>See 2 Below</i>	1 Registered Mail Receipt	2 Verification Owner/Lien Holder	3 Newspaper Notice	4 Posted Sales Notice	5 Itemized Statement of Repairs or Improvements
<b>Vehicle was Disposed of in the Following Manner:</b>	<b>Mark one</b> ▼ <input type="checkbox"/> <b>A</b>	Owner Known (Value Exceeds \$100)	Yes	Yes	✓	✓	✓	✓
	<input type="checkbox"/> <b>B</b>	Owner Not Known (Value Exceeds \$100)	Yes	Yes		✓	✓	✓
	<input type="checkbox"/> <b>C</b>	Owner Not Known (Value Does Not Exceed \$100)	Yes	Yes		✓		✓
	<input type="checkbox"/> <b>D</b>	Owner Known (Mechanic Only, Retains Vehicle)	See 1. Below	Yes	✓	✓		✓

- Mechanic can retain vehicle without public auction, **UNLESS** an objection is received from the owner and/or lienholder within 15 days of mailing. If an objection is received, vehicle must be disposed meeting the requirements of Condition "A" above.
- A Motor Vehicle Examination, form MVE-1, issued by the Kansas Highway Patrol is required before applying for title.

I, the undersigned, certify that at the owner's request or consent, work was performed, repairs made, or improvements completed and that reasonable value for materials and services performed were charged. The vehicle has been in my possession since the date the repairs were completed to the present. Therefore, I claim a lien of said vehicle based on these charges.

Further, I, the undersigned, do hereby certify under penalty of perjury that, I am a: mechanic or vehicle repair service located and doing business in the State of Kansas at the address shown above. That the information contained on this affidavit is true and correct and that I have complied with all requirements and Kansas statutes.

Lien Claimant's Signature \_\_\_\_\_ Handprint Name \_\_\_\_\_ Date \_\_\_\_\_

**WARNING!** *KSA 21-3711 provides that FALSIFYING INFORMATION ON ANY REQUIRED DOCUMENT IS A SEVERITY LEVEL 8, NONPERSON FELONY. KSA 21-3710 deals with forgery; forgery is knowingly and with intent to defraud and is a severity level 8 nonperson felony.*

All documents indicated above in addition to this affidavit must be presented to the purchaser for the purpose of making application for title and registration at the local county treasurer's motor vehicle office where purchaser resides. If "D" is marked above or if vehicle fails to sale at auction, the claimant must apply for a title in business name. **Application for title and registration must be made within 30 days from the "purchased date" above.**

# INSTRUCTION FOR REQUIREMENTS ON FRONT OF FORM

1. KSA [58-211](#) and [58-247](#) Registered mail return receipt(s) as proof of written notice to last registered owner and lienholder(s) indicating that said vehicle will be sold at public auction (to include date, time and place) if amount is not paid within 15 days from date of mailing. Name(s) and address(es) on receipt must match verification information. If a mechanic is charging storage fees in addition to the parts and labor, when such fee has accumulated for 30 days, notice must be sent by **CERTIFIED** mail to owner and lienholder of record. If the notice is not mailed before the 31<sup>st</sup> day, no additional storage fee beyond the 30 days charge can be assessed until such notice is mailed. Attach registered and/or certified mail receipt as proof.
2. Verification of last registered owner and lienholder(s) must be obtain by submitting a completed "Request for Access to Vehicle Records," [TR/DL-302](#), for processing to the Kansas Department of Revenue, Title and Registration Bureau, Topeka, Kansas 66626-0001, or to the county treasurer's motor vehicle office. Verifications obtained from [www.Kansas.gov](http://www.Kansas.gov) are also expectable. **MECHANICS CHARGING STORAGE, IN ORDER TO COMPLY WITH 30 DAY STORAGE FEE NOTICE STATUTE, IT IS RECOMMENDED VERIFICATION BE REQUESTED AT LEAST 10 DAYS PRIOR TO THE 30<sup>TH</sup> DAY.** Attach the verification or No Record Verification as proof.
3. KSA [58-211](#) and [58-212](#) Published newspaper notice shall contain the vehicle's year, make, complete VIN, the date, time and place of sale. **If the owner is not known**, (to notify the owner or lienholder of claimant's lien, and to advertise the public auction) the notice shall be published at least once a week for a period of three (3) consecutive weeks in the county where the sale is advertised to take place. **If the owner is known**, (as declaration of public auction) the same newspaper notice information noted above applies except the notice only needs to be published once prior to the public auction. If there is no newspaper published in the county, notice shall be published in a newspaper of general circulation. Attach the newspaper clipping of ad as proof of publication. If owner is not known, also attach copy of newspaper invoice indicating ad was run for 3 consecutive weeks. If more than one vehicle is listed in the newspaper ad, highlight or underline the vehicle information in the ad for the vehicle listed on this affidavit.
4. KSA [58-211](#) Written or printed handbills posted in 5 public places within the township or city where mechanic is located or the sale is to take place may give as notice of public sale. One handbill shall be posted in a conspicuous part of the mechanic place of business. Attach a copy of handbill as proof. A handbill notice must contain the vehicle's year, make and complete VIN, the date, time and place of sale and the following statement: Notice is hereby given that I, (*business owner's name*) forwarding merchant, warehouse keeper, stage, express or railway company, hotel keeper, carrier or other bailee, under the firm name of (*business name*) at, (*city*), Kansas, will offer for public sale and will sell to the best and highest bidder for cash, with the purpose of satisfying service and storage thereupon, the above referenced vehicle. The same is sold as the property of one (*business name*) and affiant does hereby receive the right to bid upon said vehicle.  
Date \_\_\_\_\_ Affiant Signature \_\_\_\_\_

5. An itemized statement covering all expenditures for repairs or improvements (parts, labor, storage) to the vehicle **must** be attached to the Mechanic Lien Affidavit. If the owner signed a work order (estimate), attach a copy to this affidavit.

## REQUIREMENTS

- a) **PUBLIC AUCTION SALE REQUIRED; MECHANIC:** Means of disposal of vehicle A, B, or C (D if applicable), on the front of this form require that all sales shall be at PUBLIC AUCTION for cash. KSA [58-212](#)
- b) A Motor Vehicle Examination, form **MVE-1**, issued by the Kansas Highway Patrol is required before applying for title and registration. (Minimum charge for MVE-1, \$10.00 as per KSA [8-116a](#).)
- c) **PROCEEDS OF SALE; MECHANIC:** Should the owner be absent, the proceeds of such sale, after the payment of charge and expenses of publication and sale, shall be deposited with the Treasurer of the County where the sale is conducted. This shall be done by the person making the sale and the person shall receive the Treasurer's receipt therefore. The proceeds then shall be subject to the order of the person legally entitled thereto. K.S.A. [58-213](#).
- d) When a storage fee is charged for the protection, storage or safekeeping of a vehicle and the storage fees have accumulated for 30 days, the mechanic shall provided notice by certified mail to the owner and lienholder of record of such vehicle. Failure to give such notice shall stop the imposition of storage fees until the notice provisions described in this section are complied with. Notice shall not be required to be given to an owner or to a lienholder of record who has prior notice or actual knowledge that such fees could be charged or imposed or were in fact being charged or imposed. KSA [58-247](#)
- e) The purchaser at a mechanics lien sale must apply for title and registration within 30 days of the date of the purchase date on this affidavit. All documents attached to this affidavit by lien claimant, including the affidavit, must be submitted to the county treasurer's motor vehicle office when making application for title and registration. KSA [8-135](#)

**STATUTES:** KSA 58-201, 58-202, 58-210, 58-211, 58-212, 58-213, 58-214, 58-215, 58-247, 8-135 AND 8-116A.

Previous versions of this form are subject to requirements listed herein. Division of Vehicles will make the final determination if the form is properly completed

**All Requirements Subject to Change without Notice. The DMV web site, [www.ksrevenue.org](http://www.ksrevenue.org) will have the most up to date forms.**