

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  
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## 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

12  
13 AN ACT TO IMPROVE THE PROCESS FOR NOTICE  
14 OF SALE OF PROPERTY IN DEFAULT OF SELF-  
15 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.

29  
30 /s/Allen

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33 **APPROVED: 03/04/2011**