



SPECIAL TITLE PROCEDURES FOR MECHANIC'S, LANDLORD'S, STORAGE or ABANDONED VEHICLE LIEN PROCESS

Persons/Companies in the business of performing repair work may claim a **Mechanic's Lien** on a vehicle when the owner fails to pick up the vehicle and pay authorized repair fees within a reasonable period of time. Persons/Companies in the business of renting may claim a **Landlord's Lien** on a vehicle (including mobile home or trailer) which has been placed in or upon the claimant's business, when the owner fails to pay authorized rent fees including gas, water, electricity or other services within a reasonable period of time. Lien claimant may be the owner or operator of a rental dwelling, auto/trailer court or campground. Persons/Companies in the business of storage may claim a **Storage Lien** on a vehicle when the owner fails to pick up the vehicle and pay authorized fees within a reasonable period of time. Persons/Companies may claim a **Abandoned Vehicle Lien** on a vehicle that was abandoned on their property and left for an unreasonable period of time, generally at least thirty (30) days. If the lien claimant chooses to dispose of the vehicle (eight years and older) to a licensed dismantler he/she need only provide the licensed dismantler with an NCIC Clearance (Instruction #3 below) and no further action is necessary. If the lien claimant chooses to sell the vehicle, or if the vehicle is not eight (8) years and older, lien claimant must follow instructions below. The lien process on the above types of liens starts when the accounts become due and payable. This process applies to residents or businesses operating in **New Mexico only**.

IMPORTANT: Effective July 1, 1996, New Mexico came under a cloak of confidentiality (state statute Sec. 66-2-7.1, NMSA 1978) as required by Federal mandate. As a result, the Motor Vehicle Division is prohibited from providing registered owner names and addresses to lien claimants. If the lien claimant is unable to obtain the registered owner's name and address the lien process **cannot** be completed.

LIEN CLAIMANT MUST SUBMIT THE FOLLOWING DOCUMENTS:

1. **A COPY OF THE WORK REPAIR ORDER** itemizing work performed and associated costs. (**Mechanic's Lien only**)
2. **PROOF OF PROFESSION:** Lien claimant must furnish a notarized affidavit attesting that they are the owner or operator of a rental dwelling, auto/trailer court or campground. (**Landlord's Lien only**)
3. **N.C.I.C. CLEARANCE:** An NCIC Clearance is a statement from the State Police indicating that the vehicle is not listed as "Stolen" on their files. **Note:** Submit either a completed Form 10468, N.C.I.C. Certificate of Clearance (that includes a statement verifying the serial number) or a state police NCIC computer printout (that must be accompanied by a completed Form - 10861, Affidavit of V.I.N. or H.I.N. Inspection, signed by a New Mexico law enforcement officer, a MVD employee or a certified inspection officer).
4. **NOTICE OF LIEN:** Lien claimant must complete Form 10058, Notice of Lien, and send it by certified or registered mail, return receipt requested, to the registered owner, lienholder (if any) and all other parties involved, advising them of the amount due for services and allowing them ten (10) days to pay the accrued debt. **Note:** Lien claimant must keep a copy of each notice that was mailed along with the certified or registered mail receipt and the Return Receipt (green card).

5. **ADVERTISEMENT OF PUBLIC SALE:** The lien claimant must advertise the vehicle for sale if no one pays off the debt and recovers the vehicle within ten (10) days of notification. Advertising must be done in one of the following ways:
- a. **POSTING OF HANDBILLS:** A handbill is a sign which is 8" x 11". Lien claimant must post six (6) hand bills in six (6) conspicuous public locations in the county where the auction will be held; or
 - b. **ADVERTISING IN A NEWSPAPER:** Advertisement must be done for two (2) consecutive weeks in a newspaper of general circulation in the county where the auction will be held.

NOTE: Handbills or advertisement must contain the following information: *full description of vehicle, why the vehicle is being sold at public auction, the amount due and the time, date, and location of sale* (refer to item #6 of these instructions for assistance determining auction date). The handbills or advertisement must indicate the date that posting or advertising took place.

Lien claimant must submit a sample of either the handbill or proof of advertisement as part of the documentation for title and registration.

6. **HOW TO DETERMINE THE DATE OF AUCTION:**

- a. **NEW MEXICO REGISTERED VEHICLES** - The date of auction may not be less than 44 days from the date indicated on the certified mail receipt; or 34 days from the date handbills were posted (example: 34 + 10 = 44); or 34 days from the last date of publication.
- b. **VEHICLES REGISTERED IN ANOTHER STATE** - The date of auction may not be less than seventy (70) days from the date indicated on the certified mail receipt.
- c. **TITLE VERIFICATIONS WHICH COME BACK WITH A "NO RECORD" RESPONSE** - Immediately upon receipt of the "No Record" response the lien claimant must advertise the vehicle for sale at public auction in a newspaper of general circulation. The date of sale must be at least sixty (60) days from the date of the second newspaper publication.

After the required time has passed, lien claimant must sell the vehicle at public auction at the date, time, and public place designated in the advertisement.

7. **AFFIDAVIT OF RESALE:** The Affidavit of Resale is a summary of the entire process. This form also includes an Odometer Mileage Statement and Assignment or Bill of Sale. After the auction has been completed, the lien claimant must complete Form 10059, Affidavit of Resale in its entirety.
- a. If a person successfully bids for the vehicle, lien claimant checks off the appropriate space and enters the purchaser's name. **NOTE:** Purchaser must apply for a title in his/her name and pay excise tax on purchase price, title and registration fee. Odometer disclosure must be made on the Affidavit of Resale form.
 - b. If no one bids for the vehicle or bids were unacceptable, lien claimant checks off appropriate space and applies for the title and pays registration and title fee. **NO TAX** is applicable. Lien claimant **CANNOT SELL** the vehicle until he/she acquires a title in his/her name within thirty (30) calendar days from date of auction or penalty will apply.