

Indiana Lien Law

Indiana

IC 26-3-8

Chapter 8. Self-Service Storage Facilities

IC 26-3-8-1

"Default" defined

Sec. 1. As used in this chapter, "default" means the failure of a renter to perform, in a timely fashion, any duty imposed by section 10 of this chapter or by a rental agreement.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-2

"Emergency" defined

Sec. 2. As used in this chapter, "emergency" means any sudden, unexpected occurrence or circumstance at or near a self-service storage facility that requires immediate action to avoid injury to persons or property at or near the self-service storage facility.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-3

"Last known address" defined

Sec. 3. As used in this chapter, "last known address" means the address provided to the owner by the renter:

- (1) for the purposes of the latest rental agreement; or
- (2) in a written notice of a change of address after the latest rental agreement.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-4

"Rented space" defined

Sec. 4. As used in this chapter, "rented space" means the individual storage space at a self-service storage facility that is rented to a renter under a rental agreement.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-5

"Renter" defined

Sec. 5. As used in this chapter, "renter" means:

- (1) a person who is entitled to the use of a rented space in a self-service storage facility under a rental agreement; or
- (2) the sublessee, successor, or assignee of a person described in subdivision (1).

As added by P.L.265-1987, SEC.1.

IC 26-3-8-6

"Owner" defined

Sec. 6. As used in this chapter, "owner" means:

- (1) the owner, operator, lessor, or sublessor of a self-service storage facility;

- (2) the agent of a person described in subdivision (1); or
- (3) any person authorized by a person described in subdivision

(1) to manage a self-service storage facility or to receive rent from a renter under a rental agreement.

As added by P.L.265-1987, SEC.1. Amended by P.L.5-1988, SEC.140.

IC 26-3-8-7

"Personal property" defined

Sec. 7. As used in this chapter, "personal property" means movable property not affixed to land. The term includes goods, wares, merchandise, and household items.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-8

"Rental agreement" defined

Sec. 8. As used in this chapter, "rental agreement" means any written agreement or lease that establishes or modifies the terms under which a renter may store personal property in a rented space in a self-service storage facility.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-9

"Self-service storage facility" defined

Sec. 9. As used in this chapter, "self-service storage facility" means any real property designed and used for the renting of space under a rental agreement that provides a renter access to rented space for the storage and retrieval of personal property.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-10

Entry of owner into rented space

Sec. 10. A renter, upon a reasonable request from the owner, shall allow the owner to enter a rented space for the purpose of:

- (1) inspection;
- (2) repair;
- (3) alteration;
- (4) improvement; or
- (5) providing other services that are necessary or were agreed to by the renter.

If an emergency occurs, an owner may enter a rented space for any purpose set forth in this section without notice to or consent from the renter.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-11

Lien of owner of facility upon personal property; priority; attachment; statement

Sec. 11. (a) The owner of a self-service storage facility has a lien upon all personal property present in the self-service storage facility for:

- (1) rent, labor, or other charges that accrue in connection with

the personal property under the rental agreement;

(2) expenses necessary for the preservation of the personal property; and

(3) expenses reasonably incurred in the sale or other disposition of the personal property under this chapter.

(b) The lien described in subsection (a) is superior to any other lien or security interest, except for:

(1) a lien or security interest perfected before any sale or other disposition of the personal property; and

(2) any tax lien, as provided by law.

(c) The lien described in subsection (a) attaches on the date on which personal property is placed in a rented space. Every rental agreement must contain a statement in bold type notifying the renter of the existence of the lien and of the method by which the owner may enforce the lien under this chapter.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-12

Enforcement of owner's lien; notice

Sec. 12. (a) After a renter has been in default continuously for thirty (30) days, an owner may begin enforcement of the owner's lien under this chapter.

(b) An owner enforcing the owner's lien under this chapter may:

(1) deny the renter access to the rented space; and

(2) move the renter's personal property from the rented space to another storage space pending its redemption, sale, or other disposition under this chapter.

(c) An owner enforcing the owner's lien shall send the renter, by registered or certified mail (return receipt requested) addressed to the last known address of the renter, a written notice that includes:

(1) an itemized statement of the owner's claim showing the amount due at the time of the notice and the date when the amount became due;

(2) a demand for payment of the amount due before a specified time at least thirty (30) days after the date of the mailing of the notice;

(3) a statement that the contents of the renter's rented space are subject to the owner's lien;

(4) a statement advising the renter that the owner has denied the renter access to the rented space, if the owner has done this under subsection (b);

(5) a statement advising the renter that the owner has removed the renter's personal property from the rented space to another suitable storage space, if the owner has done this under subsection (b);

(6) the name, street address, and telephone number of the owner or of any other person the renter may contact to respond to the notice; and

(7) a conspicuous statement that unless the owner's claim is paid within the time stated under subdivision (2), the personal

property will be advertised for sale, or will be otherwise disposed of, at a specified place and time, which must be at least ninety (90) days after the renter's default.

(d) Any sale or other disposition of the personal property to enforce the owner's lien must conform to the notice given under subsection (c)(7).

As added by P.L.265-1987, SEC.1.

IC 26-3-8-13

Redemption of personal property

Sec. 13. Before any sale or other disposition of the personal property under this chapter, the renter may redeem the personal property by paying the owner an amount sufficient to satisfy the owner's lien. Upon the payment of this amount, the owner shall immediately return the personal property to the renter. After returning the personal property under this section, the owner has no liability to any person with respect to the personal property.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-14

Sale of personal property; advertisement; notice of other disposition

Sec. 14. (a) After the expiration of the time stated in the owner's notice under section 12(c)(2) of this chapter, if the personal property has not been otherwise disposed of under a notice provided under section 12(c)(7) of this chapter, an owner enforcing the owner's lien shall prepare for a sale of the personal property under this section.

(b) The owner shall cause an advertisement of sale to be published one (1) time before the date of the sale in a newspaper of general circulation in the county in which the self-service storage facility is located. The advertisement must include:

(1) a statement that the personal property stored in the renter's rented space will be sold to satisfy the owner's lien;

(2) the address of the self-service storage facility, the number or other designation (if any) of the space where the personal property is located, and the name of the renter; and

(3) the time, place, and manner of the sale.

(c) The sale must be held at least ten (10) days after the publication under subsection (b). If, after the publication of notice under this section, the sale of the personal property is not consummated, the owner shall notify the renter in writing at the renter's last known address of the other disposition the owner intends for the property.

As added by P.L.265-1987, SEC.1.

IC 26-3-8-15

Place of sale; owner as buyer; proceeds of sale

Sec. 15. (a) Any sale of the personal property under this chapter shall be held at the self-service storage facility or, if that facility is not a suitable place for a sale, at the suitable place nearest to where

the property is held or stored.

(b) The owner may buy the personal property at any sale under this chapter.

(c) An owner may satisfy the owner's lien from the proceeds of a sale under this chapter. If the proceeds of a sale under this chapter exceed the amount of the owner's lien, the owner shall hold the balance for delivery, upon demand, to the renter. If the renter does not claim the balance of the proceeds within one (1) year after the sale, the balance shall be treated as unclaimed property under IC 32-34-1.

As added by P.L.265-1987, SEC.1. Amended by P.L.31-1995, SEC.6; P.L.2-2002, SEC.81.

IC 26-3-8-16

Rental agreements; rights of owner additional to creditor's rights

Sec. 16. This chapter does not impair the power of the parties to a rental agreement to create rights, duties, or obligations that do not arise from this chapter. The rights provided to an owner by this chapter are in addition to all other rights provided by law to a creditor against a debtor.

As added by P.L.265-1987, SEC.1.