

# MEMORANDUM

---

John S. Schoene, P.A.  
341 N. Maitland Ave., Ste. 260  
Maitland, FL 32751  
[SchoeneJ@earthlink.net](mailto:SchoeneJ@earthlink.net)  
407-644-9900 - Office  
407-644-1282 - Fax

**To:** Jacob Brown, John Hutton, Jennifer Morando and Jim Moon  
**From:** John S. Schoene, Esquire  
**Date:** August 23, 2019  
**Subject:** Fraudulent Liens on Motor Vehicles - Chapter 677 - Warehouse Liens

---

## **BACKGROUND - FRAUDULENT LIENS ON MOTOR VEHICLES FOR REPAIRS AND TOWING SERVICES**

Part II of Chapter 713, Florida Statutes provides of for creation and enforcement of liens on personal property. Section 713.585 applies to liens for repair and storage charges for motor vehicles and Section 713.78 applies to liens for towing and storage charges subsequent to the tow. Both statutes have notice by certified mail and auction sale advertising provisions which are a part of the non-judicial lien enforcement process.

Most of us are more familiar with the liens for improvement of real estate provided for in Part I of Chapter 713. Generally, what we call “mechanic’s liens” on real property follow traditional, first in time rules of priority, so the typical mechanic’s lien does not have priority over prior recorded mortgages or other legal interests as such as recorded final judgment. Under Chapter 713, Part II, enforcement of the liens for repair of motor vehicles and towing services, extinguish prior legal interests, whether ownership (leased vehicles) or purchase money security interest (loan/purchase). This aspect of the repair and towing liens makes them a target for fraud because the “successful” fraudulent lien process wipes

out all other interests. The fraudulent lien process results in issuance of a Certificate of Title free and clear of all prior interests, i.e. free car - better than robbing a bank.

These fraudulent liens are sometimes referred to as "title washing". I have represented lenders in the car and trucking markets for 30+ years and there has always been some level of fraud. However in the last five years, circumstances have changed, especially in south Florida. Title fraud is out of control.

The title fraud is made possible, in part, because of problems with the repair and towing statutes i.e. brief notice of sale periods, 15 days by certified mail for car repairs §713.585(3) and for towing services, §713.585(6). When this is the only notice received by the lessor or lender, there is little time to discover whether the lien claim is valid or otherwise take legal action. This is even more difficult where vehicle location and business addresses used by "lienors" are fictitious. Often times, the vehicles cannot even be located to inspect or reclaim. I am generalizing a bit because notices can be mailed earlier. The fraudsters typically give as little notice as possible.

In the case of car repair liens, the lien claim can be bonded off pursuant to Sections 713.585(5) and 559.917 prior to the lien sale date. When the lien is bonded off by filing a cash or surety bond in the amount of the lien claim, the clerk of court is required to issue a Certificate of Release of Motor Vehicle. When the Certificate is presented to the repair shop, the repair shop is required by law to release the vehicle. The repair shop then has 60 days to file a lawsuit to enforce its lien. If no lawsuit is filed, the bond is discharged by the clerk without a court order. Section 559.917. However in many cases, this all has to be accomplished within the 15 day period prior to the sale date. A towing lien can also be bonded off, but only after suit is filed. Section 713.78(5)(b).

If either of these deadlines is missed, the repair shop or towing company, often times through a third-party lien processing company, conducts a public auction sale (no one ever shows up at such sales). On the same day, the lien paperwork and title application can be submitted to a local title agency and a clean certificate of title to the vehicle is issued.

This lightning-fast fraudulent lien/title application process is exacerbated by the existence of a private tag and title companies. County tax assessors throughout the state have authority to farm out tag and title duties to private companies. Many private tag/title companies are capable and honest, but many others are either in on the fraud or simply cannot be bothered to closely examine the lien documentation presented. Broward and Miami-Dade Counties are the heart of the problem.

Fraudulent tactics include mailing empty envelopes to the lender by certified mail. The proof of mailing is presented to the tag agency by providing a copy of the envelope and certified mail receipts, but this does not reveal that the envelope mailed to the lender was empty. The lender is left with no ability to respond within the notice period much less determine which lease or loan account is involved. This is just one example of a scam tactic. There are many more.

In the last several years fraudulent towing liens have become the more used scam through the use of "tow companies" which do not conduct any towing business whatsoever and business addresses are either post office boxes or mailbox/shipping stores. The only corporate existence is on Sunbiz.org. There are no towing services, only fraudulent paperwork. An example of a fraudulent tow lien mailing is attached as Exhibit 1. The tow company is a P.O. Box and the location of the vehicle address does not exist according to Google Maps. Unfortunately the car is real and the fraudsters got to the tag/title company

before the vehicle was located.

Without going into more detail, take my word for it, hundreds of cars and trucks are being subjected to this type of lien fraud every week and every month. Exhibit 2 is a sample of repair and towing lien sale advertisements in one publication in one week in Miami-Dade. There are four weeks each month and several other newspapers of general circulation. The level of fraud is overwhelming.

In the last session of the legislature, HB 431 was passed and signed by Governor DeSantis. HB 431 enacted major revisions to the repair and towing lien statutes providing, among other things, for extended notice periods to 30 days and more strict regulation of the notice mailing process which now must go through independent third-party. There is also a limitation on the amount that can be charged for the lien service companies. There are other revisions not relevant here, but the point is there is a big problem which motivated the legislature to act. HB 431 goes into effect January 1, 2020 and the expectation is the positive effects will be dramatic.

**WAREHOUSE LIEN FRAUD IS ALREADY HERE**  
**WITH MORE ON THE WAY**

At this point please review the provisions of Chapter 677 generally. For the most part the statutory framework of warehouse liens can involve complex business relationships dealing with goods in transit. Sections 677.09 and 677.10 are my focus, however I recognize there are many commercial dealings outside of the concerns I express here.

What is clear to me is that many of the loopholes and statutory defects which have enabled widespread fraud under the repair lien and towing lien statutes are still present in the warehouse lien statute, as it is now being applied. My fear is the title fraud will migrate to warehouse liens once the repair and towing revisions take effect on January 1, 2020.

Attached as Exhibit 3 is a copy of TL-27, which is the DMV procedures manual used by the local tax assessor or private tag company to process the warehouse lien title applications. The procedures in TL-27 do not track several key statutory requirements of Chapter 677. For instance there is no requirement for the warehouse lienor to provide anything substantial to demonstrate they are engaged “in the business of storing goods for hire”. Section 677.102(1)m. Look at Section II on Page 1 of TL-27, “Documentation and Special Instructions: after all statutory requirements are met the following documentation should be submitted ...”. What “statutory requirements”? I doubt anyone at a tag office, much less the clerk at the counter, has any idea what this might mean or require. TL-27 provides no guidance on how to determine whether a person or entity is in the business of storing goods for hire. See, Richwagen v. Lillenthal, 386 So.2d 247 (Fla. 4<sup>th</sup> DCA 1980) Marina charging boat storage may qualify as a warehouseman; See, Bernier v. Broward Marine, 504 So.2d 1379 (Fla. 4<sup>th</sup> DCA 1987) distinguishing Richwagen. See, Dathar Corp. v. Lemkin, 14 UCC Rep. 1207 (NY Supp. Ct 1974), mere one-shot storage not sufficient. In my opinion, this determination is not a ministerial task duty appropriate for a tag office clerk. Motor vehicle repair shops are required to provide a copy of their business license required by Section 559.904, Florida Statutes, which includes business location verification.

There is a reference in TL-27, Page 02, to the requirement of a “warehouse receipt”, but my experience is the notice of lien sale is all that is presented and accepted. Again Section 677.202(2) provides specific requirements for a sufficient “warehouse receipt”, the very issue litigated in Richwagen. TL-27 only requires a description of the motor vehicle to satisfy the warehouse receipt requirement. This is a critical issue. Without a valid warehouse receipt there can be no valid lien, yet TL-27 has not such requirement. See,

Dathar Corp. above, which was relied upon in Richwagen.

In my opinion a local tag office is ill equipped to evaluate and process warehouse liens on motor vehicles. In my experience, nothing is required in the way of a warehouse receipt which would satisfy Section 677.202 or a “storage agreement” referred to in Section 677.209. Couple this with no inquiry regarding actually conducting business as a warehouse, virtually anyone can obtain a car title under TL-27.

I reiterate, the proof of mailing, notice of sale requirements and notice of sale periods of TL-27 are patterned on the flawed procedures of Section 713.585 (TL-25) motor vehicle repairs) and Section 713.78 (TL-26) towing services) now in place. Presumably TL-25 and TL-26 are in the process of revision to comply with HB 431, but TL-27 with its minimal procedures for warehouse liens will still be there come January 1, 2020. With no effort, the fraud will shift over to “warehouse liens” when HB 431 goes into effect on January 1, 2020. As I hope to explain herein, it will turn out to be worse with fraudulent warehouse liens, because Section 677.09 and 677.10 have no provisions similar to repair and towing liens which provide for bonding off a disputed lien claim and obtaining a Clerk’s Certificate to secure the vehicle prior to the sale date. I have no doubt for clients like mine, combating the fraud will be more difficult.

#### **EXAMPLE OF A FRAUDULENT WAREHOUSE LIEN**

Exhibit 4 (Pages 1-3) attached includes copies of a Claim of Notice of Lien per Florida Statutes 677.09 and 677.10, and a newspaper advertisement placed by a lien processing company for a warehouse lien sale of motor vehicles. As you can see by reading the names on the Lien Notice (Page 1), these individuals are not likely to be in the business of storing goods for hire. “Owner 1” in the top left corner of the Notice is not the vehicle

owner, just a name, whether accurate or not of the person who claims to possess the car in Florida. John Doe, (my client's borrower) was the owner of the car residing out of state with a past due car loan. In this case the "Lienor" was never located and the lienor address is not a warehouse, just a residential apartment.

The Lien Sale advertisement (Page 2) provides a list of thirteen (13) vehicles all going to sale on the same date to enforce "warehouse liens". The photograph (Page 3) is where the John Doe vehicle was finally located, far from the "warehouse" address on the Lien Sale Notice and not exactly in a warehouse setting. And the entity at this location claimed a right to possession of the vehicle where it was located. But this entity is nowhere mentioned on the lien notice received by my client.

I was able to delay the sale and have a Writ of Replevin served on the vehicle. Had the sale as to my client's vehicle taken place as scheduled, the Prejudgment writ of replevin could not have been served in time.

Rote application of TL-27 procedures would have detected none of this fraud. I made several requests of the lien processor to provide a copy of a warehouse contract or warehouse receipt, but none was ever supplied. I was told the Lien Notice was all of the documentation available.

If you scan the various names in the newspaper advertisement (Page 2), none of the "Lienors" appear to be warehouse businesses. The list is predominately individuals who I am sure are not in the warehouse business. There are two business entities which were likely not in compliance with Section 713.585 or 713.78, so they went the warehouse lien route.

Warehouse lien fraud is already taking place under Chapter 677, with use of bogus

names, entities and addresses. It looks pretty easy to me. Because of the inadequate procedures of TL-27 are likely to remain in place come January 1, 2020, repair and tow lien fraud will likely migrate to “warehouse liens” on motor vehicles.

### **LIEN PRIORITY UNDER SECTION 672.209**

There is an equally important issue not addressed by TL -27, and that is priority of prior liens or prior ownership interests. If you look at a Section 677. 209 (3)(a) and (b) the lien priority provision is not the same as that provided under the repair and towing lien statutes. Section 677.209(3) provides:

- (3) A warehouse’s lien for charges and expenses under subsection 91) or a security interest under subsection (2) is also effective against any person that so entrusted the bailor with possession of the goods that a pledge of them by the bailor to a good faith purchaser for value would have been valid. However, the lien or security interest is not effective against a person that before issuance of a document of title had a legal interest or a perfected security interest in the goods and that did not:
  - (a) Deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor’s nominee with:
    - 1. Actual or apparent authority to ship, store, or sell;
    - 2. Power to obtain delivery under s. 677.403; or
    - 3. Power of disposition under s. 672.403, s. 680.304(2), s. 680.305(2), s. 679.320, or s. 679.321(3) or other statute or rule of law; or
  - (b) Acquiesce in the procurement by the bailor or its nominee of any document.

Generally the warehouseman’s lien is subordinate to prior ownership and perfected security interests unless the holder of the prior legal interest authorized or acquiesced in the warehouse bailment. Section 679.333(2) provides, “A possessory lien on goods has priority over a security interest in goods unless the lien is created by a statute that expressly provides otherwise.” Section 677.09(3) plainly “provides otherwise.”



My experience is every vehicle lease or vehicle loan/security agreement, whether consumer or commercial, has language prohibiting the lessee or the borrower from encumbering the vehicle with any charge, lien or other encumbrance. Without embarking on a lease-by-lease and loan-by-loan inquiry, the industry standard dictates that lessors and lenders have not authorized or acquiesced placement of warehouse liens on such vehicles, but rather prohibited it. See, In re: Sharon Steel Corp., 176 B.R. 384, 388 (Bankr. W.D. PA 1995), “under the loan documentation, the debtor was permitted to incur warehouseman’s ... lien’s in the ordinary course of business, and that such liens were ‘permitted liens’ under the security agreement.” This cannot be said for vehicle leases and car loans as we know them.

The tag agencies, whether county or private, are not equipped to address these issues of lien priority and the documentation required does not enable any evaluation of existing prior interests. From a review of TL-27 procedures, there is no indication these priority issues are being addressed with respect to enforcement of warehouse liens on motor vehicles, boat or trailers, etc, i.e. personal property subject to certificates of title issued pursuant to Chapter 319, Florida Statutes. It is my information under TL-27, certificates of title, free and clear of prior legal interests, are being issued as we speak. I will order title histories from DMV on several of the vehicles in the above sale advertisement (Exhibit 4). It usually takes 3-4 weeks, but I will be able to confirm what was submitted in order to process these warehouse liens. I will follow up with you on this.

### **CONCLUSION**

I welcome your analysis, feedback and criticism of my analysis. If there are any questions, call or send me an email. If my analysis above is correct, revisions need to take

place in the statutes and correspondingly in TL-27.

I will wait to receive your initial reaction, hopefully over the coming weeks. My first thought was to exempt items of property which have been previously titled under Chapter 319, Florida Statutes from judicial enforcement of warehouse liens. This would leave vehicles in transit from manufacturers, which are subject to MSO's, still subject to the warehouse lien provisions. In my opinion it is inappropriate to have individual cars, trailers or boats subject to Chapter 677. I would think that the DMV would be happy to be rid of problem. Storage charges incident to motor vehicle repairs and towing services are provided for under Sections 713.585 and 713.78.

Absent some type of exclusionary language, I would suggest the wholesale incorporation of the notice of sale and bond procedures provided in HB 431. This however would be a cumbersome task.

**DISCLAIMER:**

This memorandum is my own personal effort to address an issue of concern. It has not been ordered or authorized by any client and I have not been compensated by any client for the effort that has gone into this memorandum. I very much appreciate you providing me with the opportunity to give my view on these issues. Please let me know if I can be of further assistance.

---

JOHN S. SCHOENE, ESQUIRE  
JOHN S. SCHOENE, P.A.  
Florida Bar No.: 313203  
Primary: [Schoenej@earthlink.net](mailto:Schoenej@earthlink.net)  
341 N. Maitland Avenue, Suite 260  
Maitland, FL 32751  
(407) 644-9900-Phone  
(407) 644-1282-Fax

5001053172001

TOWING AND STORAGE  
NOTICE OF CLAIM OF LIEN AND PROPOSED SALE OF VEHICLE, MOBILE HOME OR VESSEL

TOWING OPERATOR:

DATE 4/4/19

OTHER PARTIES WITH INTEREST IN VEHICLE, MOBILE HOME OR VESSEL

● UNLIMITED LUXURY ENTERPRISES INC  
PO BOX 652511  
MIAMI, FL 33265  
(305)-370-9992

OWNER 1

~~FAIMER TRUST~~

PO BOX 685  
ROANOKE, TX 76262-0685

YEAR 2018 MAKE MERCEDES VIN 4JGDA5JB4JB099564

14449 SW 95 TERR MIAMI, FL 33186

LOCATION OF TOWED VEHICLE, MOBILE HOME OR VESSEL

EACH OF YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED VEHICLE,  
MOBILE HOME OR VESSEL WAS TOWED AT THE REQUEST OF

~~JESUS CALONES~~

(PERSON WHO AUTHORIZED TOW)

ON 3/29/19 AND THE ABOVE NAMED TOWING COMPANY OR TRANSPORT COMPANY IS IN POSSESSION OF AND CLAIMS A LIEN ON  
(DATE)

THE ABOVE DESCRIBED MOTOR VEHICLE FOR TOWING AND STORAGE CHARGES ACCUMULATED IN THE AMOUNT OF \$405

ITEMIZED CHARGES (TOWING CHARGES) \$165 (TOTAL STORAGE CHARGES) \$175 FOR 7 DAYS, AT \$25 PER DAY  
(TOTAL)

RECOVERY CHARGES \$35 (ADMINISTRATIVE FEES) \$30  
(IF APPLICABLE)

THE STORAGE CHARGES WILL CONTINUE TO ACCUMULATE AT THE RATE OF \$25 PER DAY

THE LIEN CLAIMED BY THE ABOVE NAMED TOWING COMPANY OR TRANSPORT COMPANY IS SUBJECT TO ENFORCEMENT PURSUANT TO S 713 78 OR 713 785, F S , AND UNLESS SAID VEHICLE, MOBILE HOME OR VESSEL IS REDEEMED FROM SAID TOWING COMPANY OR TRANSPORT COMPANY BY PAYMENT AS ALLOWED BY LAW, THE ABOVE DESCRIBED VEHICLE, MOBILE HOME OR VESSEL MAY BE SOLD TO SATISFY THE LIEN IF THE VEHICLE, MOBILE HOME OR VESSEL IS NOT REDEEMED AND THAT VEHICLE, MOBILE HOME OR VESSEL REMAINS UNCLAIMED, OR FOR WHICH THE CHARGES FOR RECOVERY, TOWING, OR STORAGE SERVICES REMAIN UNPAID, MAY BE SOLD FREE OF ALL PRIOR LIENS AFTER 35 DAYS IF THE VEHICLE OR VESSEL IS MORE THAN 3 YEARS OF AGE AND AFTER 50 DAYS IF THE VEHICLE OR VESSEL IS 3 YEARS OF AGE OR LESS THE MOBILE HOME MAY BE SOLD AFTER 35 DAYS THE OWNER, LIENHOLDER, OR INSURANCE COMPANY, IF ANY, HAS THE RIGHT TO A HEARING AS SET FORTH IN SUBSECTION (5) THE ABOVE DESIGNATED TOWING COMPANY OR TRANSPORT COMPANY PROPOSES TO SELL THE VEHICLE, MOBILE HOME OR VESSEL AS FOLLOWS

PUBLIC SALE TO BE HELD AT 23727 sw 133rd Road Homestead FL

COMMENCING AT 9:00 AM ON THE 18th DAY OF May, 2019

STATEMENT OF OWNERS RIGHTS

NOTICE THAT THE OWNER, LIENHOLDER OR INSURANCE COMPANY WITHIN 10 DAYS AFTER THE TIME THEY HAVE KNOWLEDGE OF THE LOCATION OF THE VEHICLE, MOBILE HOME OR VESSEL, MAY FILE A COMPLAINT IN THE COUNTY COURT IN WHICH THE VEHICLE, MOBILE HOME OR VESSEL IS STORED TO DETERMINE IF THEIR PROPERTY WAS WRONGFULLY TAKEN OR WITHHELD FROM THEM

NOTICE THAT UPON FILING A COMPLAINT, AN OWNER, LIENHOLDER, OR INSURANCE COMPANY MAY HAVE THEIR VEHICLE, MOBILE HOME OR VESSEL RELEASED UPON POSTING WITH THE COURT A CASH OR SURETY BOND OR OTHER ADEQUATE SECURITY EQUAL TO THE AMOUNT OF THE CHARGES FOR TOWING AND STORAGE TO ENSURE THE PAYMENT OF SUCH CHARGES IN THE EVENT THEY DO NOT PREVAIL

NOTICE THAT ANY PROCEEDS FROM THE SALE OF THE VEHICLE, MOBILE HOME OR VESSEL REMAINING AFTER PAYMENT OF THE AMOUNT CLAIMED TO BE DUE AND OWING TO THE TOWING COMPANY OR TRANSPORT COMPANY WILL BE DEPOSITED WITH THE CLERK OF THE CIRCUIT COURT FOR DISPOSITION UPON COURT ORDER PURSUANT TO SUBSECTION (5) OF S 713 78, F S , (FOR A VEHICLE OR VESSEL) OR 713 785, F S , (FOR A MOBILE HOME)

NOTE THE 35 OR 50 DAY TIME FRAME THAT THE VEHICLE, MOBILE HOME OR VESSEL MUST BE HELD SHOULD NOT INCLUDE THE DAY OF TOWING AND STORAGE, OR THE DATE OF THE SALE WHEN A SEPARATE NOTICE IS SENT 15 DAYS PRIOR TO THE SALE DATE, THE DATE THE NOTICE WAS MAILED OR THE DATE OF SALE SHOULD NOT BE INCLUDED IN THE 15 DAYS THE NEWSPAPER AD MUST BE PLACED 10 DAYS PRIOR TO THE SCHEDULED DATE OF SALE, BUT THE 10 DAYS SHOULD NOT INCLUDE THE DATE THE NOTICE WAS PLACED IN THE NEWSPAPER OR THE DATE OF THE SALE

DATED THIS 4 DAY OF April, 2019

TOWING COMPANY OR TRANSPORT COMPANY

(AUTHORIZED AGENT)

TL-26 (ADD123 COM - 06/26/2018)



NO legible signature - still SUFFICIENT FOR THE PRIVATE TAGITITLE COMPANY.

MEMORANDUM FOR THE DIRECTOR

RE: [Illegible]

[Redacted]

[Redacted]

[Illegible body text]







**Florida**  
**Department of Highway Safety**  
**and Motor Vehicles**  
*Division of Motorist Services*



PROCEDURE  TL-27	SUBJECT:  TRANSFER OF CERTIFICATE OF TITLE UPON SALE BY A WAREHOUSEMAN'S LIEN		
DESCRIPTION AND USE: THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST OF TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN PROCESSING APPLICATIONS FOR TRANSFER OF CERTIFICATE OF TITLE UPON SALE BY A WAREHOUSEMAN'S LIEN.			
<p>I. PROVISIONS OF LAW:</p> <p><u>Section 677.102(1)(h), Florida Statutes, defines, "warehouseman," as a person engaged in the business of storing goods for hire.</u></p> <p>Section 677.209, Florida Statutes, provides for a warehouseman's lien for charges and expenses or a security interest for charges such as for money advances and interest.</p> <p>Section 677.210, Florida Statutes, provides for the enforcement of a warehouseman's lien.</p> <p><u>Section 50.011, Florida Statutes, provides that a newspaper which is printed and published periodically once a week (or more often) is considered to be in general circulation.</u></p> <p><u>Section 50.031, Florida Statutes, provides that a newspaper of "general circulation" is a newspaper (business) that (at the time of publication) has been in existence for at least one (1) year.</u></p> <p>II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:</p> <p>* <u>After all statutory requirements have been met, the following documentation should be submitted to the tax collector's office or license plate agency to be screened for completeness and accuracy:</u></p> <p><b>A. <u>If the motor vehicle is CURRENTLY TITLED IN FLORIDA:</u></b></p> <p style="padding-left: 40px;">1. Form HSMV 82040, Application for Certificate of Title with/without Registration, <u>or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the purchaser(s).</u></p> <p style="padding-left: 40px;">* 2. <u>A copy of the notice which was delivered in person or sent by registered or certified mail to all persons known to claim an interest in the motor vehicle, including the registered owner and lienholder(s) of record, to the address shown on the motor vehicle records of this or any other state. This notice must include:</u></p> <p style="padding-left: 80px;">a. An itemized statement of the claim (<u>amount due</u>).</p> <p style="padding-left: 80px;">b. An accurate description of the motor vehicle including, the make, year and vehicle identification number.</p>			
DIVISION DIRECTOR	EFFECTIVE DATE  10/01/89	REVISION DATE  10/23/02	PAGE #  TL-27-01



**STATE OF FLORIDA**  
**Division of Motorist Services**

<b>PROCEDURE #</b>  TL-27	<b>SUBJECT:</b>  TRANSFER OF CERTIFICATE OF TITLE UPON SALE BY A WAREHOUSEMAN'S LIEN
<p><i>SAME AS THE NOTICE</i></p> <p>c. A demand for payment within a specified time (not less than 10 days after delivery/receipt of the notification), <b>AND</b></p> <p>d. A clear statement advising that unless the claim is paid within that time the motor vehicle will be advertised for sale and sold by auction at a specified time and place, <u>(pursuant to section 677.210, Florida Statutes).</u></p> <p><b>NOTE:</b> If the notice was mailed, <u>the original or certified copy of the post office return receipt card for the registered or certified mail or the returned unclaimed and unopened registered or certified letter(s) must be submitted with all other required documentation.</u></p> <p><b>OR</b></p> <p>If the notice was delivered in person, a <u>notarized or perjury clause affidavit</u> attesting to that fact must be submitted <u>with all other required documentation.</u></p> <p><i>SAME AS THE NOTICE</i></p> <p>3. <u>A copy of the warehouse receipt which shows a description of the motor vehicle, including the make year and vehicle identification number.</u></p> <p>4. A copy of the newspaper advertisement (<u>dated after the specific date which was given for payment of the claim, as shown in the notice</u>) which was published once a week for 2 consecutive weeks in a newspaper of general circulation where the sale is to be held. <u>The sale must be held at the nearest suitable place to where the motor vehicle is held or stored.</u></p> <p><b>NOTE:</b> <u>The sale may take place 15 calendar days after the 1<sup>st</sup> newspaper publication.</u></p> <p><b>OR</b></p> <p><u>If there is no newspaper of general circulation where the sale is to be held:</u></p> <p><u>Submit a copy of the posted advertisement which was posted at least 10 calendar days before the sale in not less than 6 conspicuous (visible) places in the neighborhood of the proposed sale.</u></p> <p><b>NOTE:</b> <u>The 10 calendar days do not include the date of the posting or the date of the sale.</u></p> <p><b>The advertisement must include the following:</b></p> <p>a. An accurate description of the motor vehicle, including the make, year and vehicle identification number,</p> <p>b. The name of the person (warehouse tenant) on whose account it is being held,</p> <p>c. The time and place of the sale, (sale must take place at least 15 <b>calendar</b> days after the first publication)</p> <p>and,</p>	
<b>PAGE #</b>  TL-27-02	<b>REVISION DATE</b>  10/23/02

**STATE OF FLORIDA**  
***Division of Motorist Services***

<b>PROCEDURE #</b>  TL-27	<b>SUBJECT:</b>  TRANSFER OF CERTIFICATE OF TITLE UPON SALE BY A WAREHOUSEMAN'S LIEN
<p>d. The dates the advertisements were published or posted.</p> <p><b><u>5.</u></b> <b><u>If the vehicle is sold, a bill of sale from the warehouseman to the purchaser showing the selling price and a complete description of the vehicle. If the vehicle is not sold at the sale, the warehouseman MUST get a title issued in their name.</u></b></p> <p><b><u>6.</u></b> Lien satisfaction(s) for any lien(s), as shown on the motor vehicle records of this or any other state.</p> <p><b><u>7.</u></b> Florida sales tax or <b><u>specify the sales tax information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration, or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</u></b></p> <p><b><u>8.</u></b> The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.</p> <p><b><u>9.</u></b> Title Fees.</p> <p><b><u>B.</u></b> <b><u>If the motor vehicle was PREVIOUSLY TITLED OUT OF STATE:</u></b></p> <p><b><u>1.</u></b> Form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by the applicant(s) with the motor vehicle identification number verified by one of the four officials shown on the lower portion of the form.</p> <p>Form HSMV 82040, Application for Certificate of Title with/without Registration, may be used in lieu of the above listed form.</p> <p>Or,</p> <p>An affidavit from the seller(s) and the purchaser(s) verifying that the identification number shown on the affidavit is identical to the identification number shown on the motor vehicle.</p> <p>Verification is not required on any mobile home; any trailer or semi-trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.</p> <p><b><u>2.</u></b> Verification of ownership and lien status information from the motor vehicle division of the state of previous registration, if applicable. Verification may be one of the following:</p> <p>(a.) A computer generated printout from the out-of-state motor vehicle division.</p>	
<b>PAGE #</b>  TL-27-03	<b>REVISION DATE</b>  10/23/02

**STATE OF FLORIDA**  
***Division of Motorist Services***

<b>PROCEDURE #</b>  TL-27	<b>SUBJECT:</b>  TRANSFER OF CERTIFICATE OF TITLE UPON SALE BY A WAREHOUSEMAN'S LIEN
<p>(b.) A letter on original letterhead stationery from the out-of-state motor vehicle division.</p> <p>(c.) A photocopy of the current out-of-state certificate of title.</p> <p>(d.) A copy of the teletype printout or a statement which shows the ownership information, lien status and the name of the law enforcement agency who provided the verification information.</p> <p>3. When the state in which the motor vehicle was previously registered is unknown, submit a <b><u>notarized or perjury clause</u></b> affidavit signed by an authorized representative of the warehouse company stating that fact. The affidavit must state that at the time the motor vehicle was left at the warehouse, no license plate was on the motor vehicle.</p> <p><b><u>4. Documentation as listed under II, A, 1-9, is also required.</u></b></p> <p>III. MISCELLANEOUS INFORMATION:</p> <p><b><u>A. Before the sale, any person claiming a right to the motor vehicle may pay the amount necessary to satisfy the lien and the reasonable expenses incurred. In this case, the motor vehicle must NOT be sold, but must be retained by the warehouseman subject to the terms of the receipt and Florida Statutes.</u></b></p> <p><b><u>B. The warehouseman may satisfy his/her lien from the proceeds of the sale, but must hold the balance, if any, for delivery on demand to any person to whom he/she would have been bound to deliver the goods.</u></b></p> <p><b><u>C.</u></b> A documentation check list is attached to this procedure as Exhibit A.</p> <p><b><u>D.</u></b> A time line has been attached to this procedure as Exhibit <b><u>B.</u></b></p> <p><b><u>E.</u></b> See Forms Appendix for a sample of the HSMV forms referred to in this procedure.</p>	
<b>PAGE #</b>  TL-27-04	<b>REVISION DATE</b>  10/23/02

EXHIBIT A

WAREHOUSEMAN'S LIEN CHECK LIST

FORMS

FLORIDA RECORD

OUT-OF-STATE

\_\_\_\_\_ HSMV 82040 or 82041

\_\_\_\_\_ HSMV 82040 or 82041

\_\_\_\_\_ HSMV 82042, or the VIN verification section on form HSMV 82040

\_\_\_\_\_ Verification of title/lien status or affidavit stating previous state is "UNKNOWN."

\_\_\_\_\_ Copy of written notice which must contain:

\_\_\_\_\_ Itemized statement of claim.

\_\_\_\_\_ Description of motor vehicle, including the year, make and VIN.

\_\_\_\_\_ Demand for payment within a specified time (not less than 10 days after receipt of the notification).

\_\_\_\_\_ A statement that unless the claim is paid within that time, the goods will be advertised for sale and sold by auction at a specified time and place, pursuant to s. 677.210, Florida Statutes.

\_\_\_\_\_ Proof that the written notice was:

\_\_\_\_\_ Mailed (original or certified copy of the post office returned receipt card for the registered or certified mail OR the returned unclaimed and unopened registered or certified letter(s)).

or,

\_\_\_\_\_ Hand delivered (notarized or perjury clause affidavit, stating notice was hand delivered).

\_\_\_\_\_ Copy of warehouse receipt which shows description of motor vehicle including year, make and vehicle identification number (VIN).

\_\_\_\_\_ Copy of ONE of the following Notices of Public Sale:

\_\_\_\_\_ Newspaper advertisement showing the name of the newspaper and the dates published.

or,

\_\_\_\_\_ Posted notice.

\_\_\_\_\_ If the vehicle is sold, a bill of sale from the warehouseman to the purchaser, showing the selling price and a complete description of the vehicle.

\_\_\_\_\_ Lien satisfaction(s), if applicable.

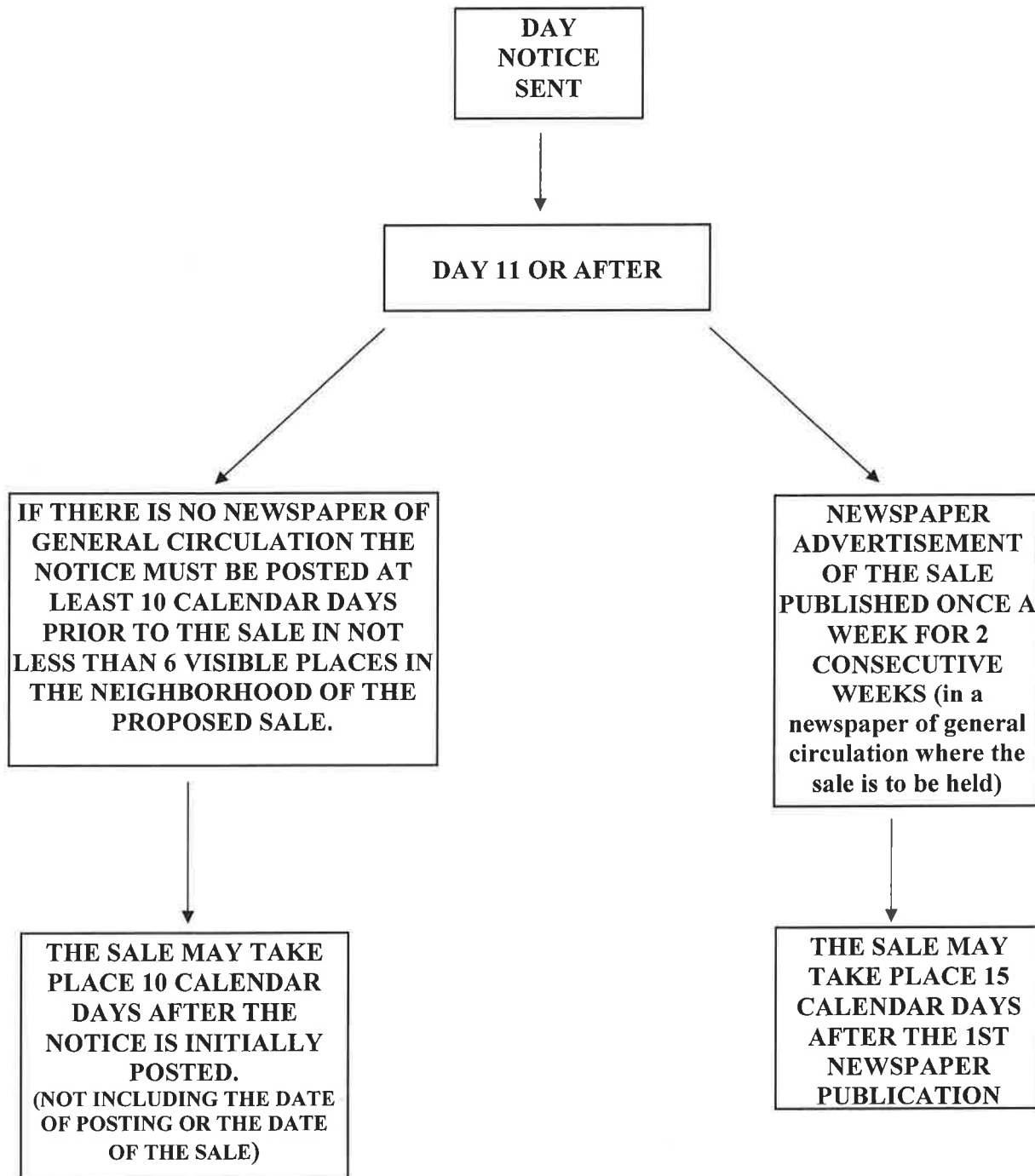
\_\_\_\_\_ Florida Sales Tax or specify sales tax information on form HSMV 82040 or HSMV 82041.

\_\_\_\_\_ Florida license plate number or non-use affidavit.

\_\_\_\_\_ Title Fees.

**EXHIBIT B**

**WAREHOUSEMAN'S LIEN  
TIME LINE**



**CLAIM OF NOTICE OF LIEN  
PER FLORIDA STATUTES 677.209, 677.210**

<b>CASE:</b> W19133	<b>DATE:</b> FEBRUARY 28, 2019
<b>OWNER 1:</b> NAME: OSMARO BLANCO RUIZ ADDRESS: 17145 NW 11TH ST CITY, STATE, ZIP: PEMBROKE PINES, FL 33028	<b>CUSTOMER:</b> NAME: SAME AS OWNER ADDRESS: CITY, STATE, ZIP:
<b>LIENHOLDER:</b> NAME: MERCEDES-BENS FINANCIAL SERVICES LLC ADDRESS: 13650 HERITAGE PKWY CITY, STATE, ZIP: FORT WORTH, TX 76177	<b>OTHER INTERESTED PARTY:</b> NAME: NOEL [REDACTED] <b>JOHN DOE</b> ADDRESS: [REDACTED] CITY, STATE, ZIP: [REDACTED] WILMINGTON, MA 01890
<b>REGISTRANT:</b> NAME: SAME AS OWNER ADDRESS: CITY, STATE, ZIP:	<b>LIENOR:</b> NAME: TUYE ESPINAS REGUEIRO ADDRESS: 15315 SW 76TH TER #108 CITY, STATE, ZIP: MIAMI, FL 33193

NOTICE IS HEREBY GIVEN THAT THE LIENOR CLAIMS A LIEN ON THE VEHICLE/VESSEL DESCRIBED BELOW FOR WAREHOUSE CHARGES. THE CASH SUM TO BE PAID THE LIENOR TO REDEEM THE VEHICLE/VESSEL FROM THE LIEN CLAIMED BY THE LIENOR IS THE AMOUNT SET FORTH BELOW. THE LIEN CLAIMED BY THE LIENOR SUBJECT TO ENFORCEMENT PURSUANT TO SECTION 677.209, 677.210 FLORIDA STATUTES. LIEN TAG TITLE AS AGENT FOR THE LIENOR, WILL SELL AT PUBLIC SALE THE FOLLOWING VEHICLE/VESSEL TO THE HIGHEST BIDDER PURSUANT TO SECTION 677.209, 677.210 OF THE FLORIDA STATUTES FOR THE PURPOSE OF ENFORCING THE LIEN OF THE LIENOR. YOU AND EACH OF YOU ARE HEREBY NOTIFIED THAT WE CLAIM A LIEN ON YOUR VEHICLE/VESSEL FOR STORAGE AND COSTS WHICH ENFORCEABLE UNDER FLORIDA STATUTES 677.209, 677.210.

<b>DESCRIPTION:</b>	<b>TAG:</b>
<b>YEAR:</b> 2010	<b>MAKE:</b> MERCEDES
<b>TYPE:</b> 4DR	<b>COLOR:</b> BLACK
<b>VIN#</b> WDDHF8HB5AA [REDACTED]	

**AMOUNT OF LIEN:** \$ 13,545.00  
**TOGETHER WITH SAID COSTS:** \$ 1,000.00  
**TOTAL:** \$ 14,545.00

YOU HAVE THE RIGHT, WITHIN 35 DAYS, IF THE VEHICLE/VESSEL IS 3 YEARS OF AGE OR OLDER AND/OR 50 DAYS IF THE VEHICLE/VESSEL IS 3 YEARS OF AGE OR NEWER OF THIS NOTICE, TO SATISFY IN FULL, ALL THE ABOVE MENTIONED CLAIMS BY CONTACTING LIEN TAG TITLE, AGENT FOR THE LIENOR.

**WILL SELL AT PUBLIC SALE**  
**THE ABOVE MENTIONED VEHICLE/VESSEL ON APRIL 10, 2019 AT THE HOUR OF 10:00 A.M.**  
**LOCATION: 5830 MAYO STREET, HOLLYWOOD, FL 33023**

FROM THE PROCEEDS, WILL FIRST BE PAID ALL STORAGE CHARGES PLUS ALL COSTS INCLUDING COSTS FOR THIS SALE. ANY EXCESS PROCEEDS WILL BE DEPOSITED WITH THE CLERK OF COURT. YOU AND EACH OF YOU ARE URGED TO MAKE SATISFACTORY ARRANGEMENTS TO PAY ALL CHARGES AND TO TAKE POSSESSION OF SAID VEHICLE/VESSEL. IN ORDER TO OBTAIN A RELEASE OF THE VEHICLE/VESSEL YOU MUST PRESENT PERSONAL IDENTIFICATION, DRIVE LICENSE, AND PROOF OF OWNERSHIP (TITLE, REGISTRATION, ETC.) AT THE BELOW ADDRESS. THE CHARGES HAVE ACCRUED FOR THE AMOUNT THEREOF; THAT THE LIEN IS SUBJECT TO ENFORCEMENT, AND THAT THE OWNER OR LIEN HOLDER, IF ANY, IS WAIVING THE RIGHT TO A HEARING, AND THAT ANY EQUIPMENT/VEHICLE/VESSEL WHICH REMAINS UNCLAIMED OR FOR WHICH THE CHARGES FOR STORAGE REMAIN UNPAID MAY BE SOLD IN 35 DAYS IF THE VEHICLE/VESSEL IS MORE THAN 3 YEARS OF AGE OR OLDER AND 50 DAYS IF THE VEHICLE/VESSEL IS 3 YEARS OF AGE OR NEWER FREE OF ALL PRIOR LIENS. SALE OF THIS VEHICLE/VESSEL DOES NOT RELIEVE YOU OF THE LEGAL OBLIGATION OF PAYING STORAGE CHARGES PLUS COSTS THEREON.

NOTICE THAT THE OWNER OF THE MOTOR VEHICLE HAS A RIGHT TO RECOVER POSSESSION OF THE VEHICLE WITHOUT INSTITUTING JUDICIAL PROCEEDINGS BY POSTING A BOND IN ACCORDANCE WITH SECTION 559.917, FLORIDA STATUTES.

**XEL**  
**LIEN TAG TITLE**  
 AS AGENT FOR THE LIENOR  
**5830 MAYO STREET, HOLLYWOOD, FL 33023**  
**(954) 985-9070 FAX (954) 985-9080**



██████████  
██████████  
██████████

██████████

**LEGAL NOTICE - SALE**

LIEN TAG TITLE will sell at public sale the following vehicles (or) vessels to satisfy lien pursuant to section 677.210, 677.209, 328.17, of the Florida statutes on APRIL 10, 2019 AT 10:00 A.M. Inspect at lienors address 1 week prior to the auction, as is, where is. Auction will occur at 5830 Mayo St, Hwd, FL 33023 Lot: 19129 2011 mercedes VIN# WDDKK5GF2BF049734

Lienor: auto buy  
Owner: timothy gannon

**Lien Amt: \$3250.00**  
Lot: 19130 2000 toyota VIN# JT3GN87R4Y0137932

Lienor: earls auto electric ll inc  
Owner: jennifer vasquez

**Lien Amt: \$4300.00**  
Lot: 19131 2006 chrysler VIN# 2C3KA53G86H106538

Lienor: arrigo dcj sawgrass inc  
Owner: sharon anthony

**Lien Amt: \$2000.00**  
Lot: 19132 2012 bmw VIN# WBAKB4C51CC575645

Lienor: int'l logistics corp  
Owner: karen cordero

**Lien Amt: \$10598.80**  
Lot: 19133 2010 mercedes VIN# WDDHF8HB5AA

Lienor: tuye regueiro  
Owner: osmaro ruiz Other: XXXXXXXXXX **JOHN DOE**

**Lien Amt: \$14545.00**  
Lot: 19134 1997 mazda VIN# 1YVGE22D3V5644379

Lienor: joseph muir  
Owner: michael caputi

**Lien Amt: \$7000.00**  
Lot: 19135 2005 kenworth VIN# 1XKDD09X05J098362

Lienor: jesus suarez  
Owner: I & I transportation llc

Cust: raul barrio  
**Lien Amt: \$16000.00**  
Lot: 19136 2006 bmw VIN# WBAHN83506DT62077

Lienor: derrick ballantine jr  
Owner: vernon jones

**Lien Amt: \$9760.00**  
Lot: 19137 2009 toyota VIN# 4T1BE46K79U919845

Lienor: joe ann jones  
Owner: morris griffin

**Lien Amt: \$8296.00**  
Lot: 19138 2002 ford VIN# 3FAFP31352R231128

Lienor: pablo roman la-santa  
Owner: kareen wilson

**Lien Amt: \$8248.00**  
Lot: 19139 2006 chevrolet VIN# 2CNDL73F566055153

Lienor: storage solution I  
Owner: eric shurts

**Lien Amt: \$5424.00**  
Lot: 19141 2007 jeep VIN# 1J4FA24177L122976

Lienor: luis moreno  
Owner: matthew firth

**Lien Amt: \$9528.00**  
Lot: 19142 2013 toyota VIN# 4T1BF1FK1DU233286

Lienor: swift recovery & transport inc  
Owner: ducange joseph

**Lien Amt: \$6402.00**

Pursuant to Florida Statute 677.610, 677.209, 328.17, the preceding claim a lien on vehicles (or) vessels shown for Storage and/or Storage, labor and/or services. Unless charges are paid in cash, said vehicles (or) vessels will be sold for cash by public auction on date at time shown, where vehicle (or) vessels is located. Owners or any one claiming an interest have a right to a hearing prior to the scheduled auction which can be set by filing demand with Clerk of the Circuit Court in their county



2016-01-01

XXXXXXXXXX

XXXXXX

