



30 (2) After the occupant has been in default continuously for a period of 30 days, the  
31 owner may begin enforcement action if the occupant has been given notice in writing. The  
32 notice shall be delivered in person or sent by certified mail to the last known address of the  
33 occupant~~[, and a]~~. If the property to be sold in an enforcement action includes a vehicle,  
34 vessel, or outboard motor, as those terms are defined in Section 41-1a-102, or an aircraft as  
35 defined in Section 72-10-102, the notice shall also be delivered to the last known address of the  
36 registered owner and any lienholder, as disclosed by the records of the Motor Vehicle Division.  
37 A copy of the notice shall, at the same time, be sent to the sheriff of the county where the  
38 self-service storage facility is located. Any lienholder with an interest in the property to be sold  
39 or otherwise disposed of, of whom the owner has knowledge either through the disclosure  
40 provision on the rental agreement or through the existence of a validly filed and perfected  
41 UCC-1 financing statement with the Division of Corporations and Commercial Code, or  
42 through other written notification, shall be included in the notice process as set forth in this  
43 section.

44 (3) This notice shall include:

45 (a) an itemized statement of the owner's claim showing the sum due at the time of the  
46 notice and the date when the sum became due;

47 (b) a brief and general description of the personal property subject to the lien, which  
48 description shall be reasonably adequate to permit the person notified to identify the property;  
49 except that any container including, but not limited to, a trunk, valise, or box that is locked,  
50 fastened, sealed, or tied in a manner which deters immediate access to its contents may be  
51 described as such without describing its contents;

52 (c) a notification of denial of access to the personal property, if such denial is permitted  
53 under the terms of the rental agreement, which notification shall provide the name, street  
54 address, and telephone number of the owner or his designated agent whom the occupant may  
55 contact to respond to the notification;

56 (d) a demand for payment within a specified time not less than 15 days after delivery of  
57 the notice; and

58 (e) a conspicuous statement that, unless the claim is paid within the time stated in the  
59 notice, the personal property will be advertised for sale or other disposition and will be sold or  
60 otherwise disposed of at a specified time and place.

61 (4) Any notice made under this section shall be presumed delivered when it is  
62 deposited with the United States postal service and properly addressed with postage prepaid.

63 (5) (a) After the expiration of the time given in the notice, an advertisement of the sale  
64 or other disposition shall be published:

65 (i) (A) if there is a newspaper of general circulation in the county where the  
66 self-service storage facility is located, once a week for two consecutive weeks in a newspaper  
67 of general circulation in that county; or

68 (B) if there is not a newspaper of general circulation in the county where the  
69 self-service storage facility is located, by posting the advertisement of sale or other disposition  
70 in not less than six conspicuous places in the neighborhood where the self-service storage  
71 facility is located; and

72 (ii) in accordance with Section 45-1-101 for two weeks.

73 (b) The advertisement described in Subsection (5)(a) shall include:

74 (i) a brief and general description of the personal property reasonably adequate to  
75 permit its identification as provided for in Subsection (3)(b); the address of the self-service  
76 storage facility and the number, if any, of the space where the personal property is located; and  
77 the name of the occupant and his last known address; and

78 (ii) the time, place, and manner of the sale or other disposition, which sale or other  
79 disposition shall take place not sooner than 15 days after the first publication.

80 (6) Any sale or other disposition of the personal property shall conform to the terms of  
81 the notice provided for in this section.

82 (7) Any sale or other disposition of the personal property shall be held at the  
83 self-service storage facility or at the nearest suitable place to where the personal property is  
84 held or stored.

85 (8) Before any sale or other disposition of personal property under this section, the

86 occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred  
87 under this section and thereby redeem the personal property; upon receipt of this payment, the  
88 owner shall return the personal property, and thereafter the owner shall have no liability to any  
89 person with respect to that personal property.

90 (9) A purchaser in good faith of the personal property sold to satisfy a lien as provided  
91 for in this chapter takes the property free of any rights of persons against whom the lien was  
92 valid and free of any rights of a secured creditor, despite noncompliance by the owner with the  
93 requirements of this section.

94 (10) In the event of a sale under this section, the owner may satisfy his lien for the  
95 proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior  
96 lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good  
97 faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge  
98 for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for  
99 delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or  
100 other person in interest does not claim the balance of the proceeds within one year of the date  
101 of sale, it shall become the property of the Utah state treasurer as unclaimed property with no  
102 further claim against the owner.

103 (11) If the requirements of this chapter are not satisfied, if the sale of the personal  
104 property is not in conformity with the notice of sale, or if there is a willful violation of this  
105 chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any  
106 other person.