

38-8-2 Lien against stored property -- Attachment and duration -- Search for financing statement prerequisite to enforcement of lien.

- (1) When an owner and an occupant enter into a rental agreement, the owner and the owner's heirs, executors, administrators, successors, and assigns have a lien upon all personal property located at the self-service storage facility for rent, labor, or other charges, present or future, in relation to the personal property and for expenses necessary for its preservation or expenses reasonably incurred in its sale under this chapter.
- (2) The lien described in Subsection (1) attaches on the date the personal property is brought to the self-service storage facility and continues so long as the owner retains possession and until any default is corrected or a sale pursuant to a default is conducted to satisfy the lien.
- (3) A rental agreement shall state that:
 - (a) an owner is entitled to sell all personal property stored at the self-service storage facility pursuant to the rental agreement if the occupant is in default for a continuous 30-day period; and
 - (b) the occupant shall disclose to the owner any lienholders that have an interest in the property that will be stored at the self-service storage facility.
- (4) If a rental agreement states a maximum, aggregate value of the personal property that may be stored at the occupant's storage space, the occupant may not assert that the value of the personal property actually stored at the occupant's storage space exceeds the maximum amount stated in the rental agreement.
- (5)
 - (a) Before an owner takes enforcement action under Section 38-8-3, the owner shall determine if a financing statement filed in accordance with Title 70A, Chapter 9a, Part 5, Filing, has been filed with the Division of Corporations and Commercial Code concerning the property to be sold.
 - (b) A security interest evidenced by a financing statement filed in accordance with Title 70A, Chapter 9a, Part 5, Filing, has priority over the lien provided by this section.

Amended by Chapter 163, 2013 General Session