

STEPS TO TAKE TO FILE FOR A MAGISTRATE'S STORAGE SALE

1. Submit the enclosed TR-2, Report of Abandoned, Derelict, or Unclaimed Vehicles or Mobile Homes to the SC Department of Motor Vehicles with the appropriate fee to obtain the owner and lienholder information. Keep a copy for your records. A copy of this form will be needed to file for the Magistrates sale.
2. When you receive the printout from the SC DMV you must send a certified letter to all owners and lienholders listed on the title information. This notice must be mailed by certified, return receipt requested mail. Keep a copy of this letter to submit to the court and the proof of mailing. We will also need the return signed receipt and/or the letter returned unclaimed. (A sample letter is enclosed).
3. If you receive a printout from the DMV stating that the vehicle is not registered in South Carolina you will need to contact the Dorchester County Sheriff's Department at (843) 832-0300 to have them conduct a 50 state search to find out what state the vehicle is located in. You will then need to contact that state for owner/lienholder information and return to step 2 above. Only after a 50 state search comes back with no record may the vehicle be posted in the newspaper as notice to all owners/lienholders.
4. If the abandoned property is a mobile home you will also need to include a statement from the Delinquent Tax Office showing that there are no unpaid taxes due. If there are taxes due you will not be able to apply for the sale.
5. To apply for the storage sale the filing fee is \$35. You will need to complete and sign the enclosed Affidavit of Compliance. You will need to submit the following documents:
 - a. Affidavit of Compliance or Petition and Affidavit for Discarded/Abandoned Vehicles/Property/Mobile Home
 - b. Copy of TR-2 form
 - c. Printout from DMV(s)
 - d. Copy of 50 state search (if applicable)
 - e. Copy of letter sent to all owners/lienholders
 - f. Certified mail return receipt or returned letter
 - g. Copy of invoice establishing lien
 - h. Affidavit of publication (if applicable)
 - i. Statement from Delinquent Tax Office (if applicable)
6. Sales will be conducted normally on the last Friday of each month at 10:00 am on the court house steps at the LEC located at 212 Deming Way, Summerville, SC. You must be present or the sale will be dismissed. Vehicle sales must be filed by the first Wednesday of each month to be placed on that month's sale. Once the vehicle has been filed for the sale the list will be posted in three public places. The highest bidder will receive a Magistrate's order for sale to take to the Highway Department.

STATE OF SOUTH CAROLINA

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CIVIL CASE NO:

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COUNTY OF DORCHESTER

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IN THE MAGISTRATE'S COURT

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PETITION AND AFFIDAVIT FOR

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DISCARDED/ABANDONED

)

VEHICLES/PROPERTY/MOBILE HOME

I, _____, the Plaintiff in this civil action do make the following claims:

The name of the Plaintiff/Plaintiff's business/Plaintiff local official is _____, which is located in the _____ Magisterial District in DORCHESTER County. The business license number is _____ (if applicable). I make the following claims based on 1, 2, 3, 4, or 5 below.

1. VEHICLE TOWED BY LAW ENFORCEMENT ORDER/REQUEST:

On _____ (date), the Plaintiff received a _____ (vehicle VIN and description) for towing and/or storage and as of _____ (current date), an amount of _____ is owed on the above vehicle. This total amount represents: \$ _____ Towing, \$ _____ Repairs and/or \$ _____ Storage.

- a) Did this vehicle have a colored tag or other notice advising that the vehicle had been declared abandoned or derelict? (Yes/No) If YES attach tag or Law Enforcement Report.
- b) Highway Patrol/Sheriff/Municipal Police (circle one) called to tow a vehicle from the public roadway/public property/private property (circle one) as a result of abandonment/accident/breakdown/after an arrest (circle one) or _____ (other).
- c) I reported the vehicle to be in my possession on _____ (date) to _____ (agency).
- d) I received information on ownership and lien holders on _____ (date). Copy attached.
- e) I have sent a Certified, Return Receipt letter to _____ (titleholder) on _____ (date); to _____ (Lienholder) on _____ (date). Thirty (30) days has passed and no effort has been made to claim the vehicle by this owner (Yes/No), or the letter was returned unclaimed (Yes/No). Copy attached.
- f) Owner/Lienholder information has been received from _____ State Agency. A copy is attached.
- g) No Ownership/Lienholder information is available after reasonable search or certified return receipt letter(s) to the owner and/or lienholder was returned unclaimed and Notice of vehicle sale was published on _____ (date) in _____ (name of newspaper). Copy attached.

2. VEHICLE CUSTOMER ORDERED REPAIR/TOWING:

On _____ (date), the Plaintiff received a _____ (vehicle VIN and description) for repairs or towing and as of _____ (current date) an amount of _____ is owed

on the vehicle herein. This total represents: \$_____ Towing, \$_____ Repairs and/or \$_____ Storage. Towing/repairs were ordered by _____ (name of person).

- a) On _____ (date), I sent a Report of Unclaimed Vehicle to the South Carolina Department of Public Safety concerning this vehicle.
- b) On or about _____ (date), the South Carolina Department of Public Safety sent a letter to me stating that the vehicle was registered to _____ and that there was a lien (Yes/No) with the lienholder listed as _____. Copy attached.
- c) I sent a Certified, Return Receipt Letter to _____ (titleholder and person ordering towing/repairs if different from titleholder) on _____ (date), which was received by the addressee, 30 days has passed, and no effort has been made to claim the vehicle. (Yes/No). The letter was returned unclaimed (Yes/No). Copy attached.
- d) The lienholder was notified, Certified, Return Receipt Letter on _____ (date), and the letter was received by the addressee (Yes/No). Lienholder's letter was returned unclaimed (Yes/No). Mailing date of letter is: _____. Copy attached.
- e) Owner/Lienholder information has been received from _____ State Agency. A copy is attached.
- f) No Ownership/Lienholder information was available after reasonable search, or the certified return receipt letter(s) to the Owner and/or Lienholder was returned unclaimed and Notice of Vehicle Sale was published on _____ in _____ (newspaper). Copy attached.

3. STOLEN VEHICLES:

On _____ (date), the Plaintiff received a _____ (vehicle VIN and description) for repairs or towing, which was stolen and as of _____ (current date) an amount of _____ is owed on the vehicle herein. This total represents: \$_____ Towing, \$_____ Repairs and/or \$_____ Storage. Towing/repairs were ordered by _____ (name of person).

- a) Highway Patrol/Sheriff/Municipal Police (circle one) called to tow a vehicle from the public roadway/public property/private property (circle one) and as a result determined that the vehicle was stolen.
- b) I reported the vehicle to be in my possession on _____ date to _____ (agency).
- c) I received information from Law Enforcement on ownership and lienholders on _____ (date). Copy attached.
- d) I have sent a Certified, Return Receipt Letter to _____ (titleholder) on _____ (date) and to _____ (lienholder) on _____ (date). The same was received by addressee(s), 30 days has passed, and no effort has been made to claim the vehicle. (Yes/No). The letter was returned unclaimed (Yes/No). Copy attached.
- e) No Ownership/Lienholder information was available after reasonable search, or the certified return receipt letter(s) to the Owner and/or Lienholder was returned unclaimed and Notice of

Vehicle Sale was published on _____ in _____ (newspaper). Copy attached.

4. DERELICT/ABANDONED MOBILE HOME SALE/DESTRUCTION:

- a) The mobile home located at _____ has been (evicted) (abandoned)(declared derelict) by Court Order dated _____ (copy attached) and the required notice was posted on _____ (date) and remained posted for 30 days. Description of mobile home: Make _____, Model _____, Vehicle Identification Number _____.
- b) A request for title information was filed with the motor vehicle division on _____ (date) and for tax information with the County Auditor on _____ (date).
- c) That I sent a Certified Return Receipt letter concerning this action to (titleholder)(tax payer)(lienholder) on _____ (date).
- d) The letter was (received) or (unclaimed) by titleholder;
(received) or (unclaimed) by tax payer;
(received) or (unclaimed) by lienholder.
- e) No ownership information is available because _____.
- f) The sale of this mobile home was published on _____ (date) in _____ newspaper.

THEREFORE, plaintiff requests that the Court order the mobile home described herein sold/destroyed and removed.

5. OTHER ABANDONED PROPERTY:

On _____ (date), the Plaintiff came into possession of a _____ (description of property) and as of _____ (current date), an amount of _____ is owed on the above item. This total amount represents: \$ _____ Storage, \$ _____ Other (Specify) _____.

- a) I have sent a Certified, Return Receipt letter to _____ (titleholder) on _____ (date);to _____ (Lienholder)on _____ (date). Thirty (30) days has passed and no effort has been made to claim the item by this owner (Yes/No), or the letter was returned unclaimed (Yes/No). Copy attached.
- b) Owner/Lienholder information has been received from _____ State Agency. A copy is attached.
- c) No Ownership/Lienholder information is available after reasonable search or certified return receipt letter(s) to the owner and/or lienholder was returned unclaimed and Notice of item sale was published on _____ (date) in _____ (name of newspaper). Copy attached.

6. The plaintiff has given all proper notices as provided in Section 29-15-10 of the South Carolina Code of Laws and is now entitled to sell said vehicle at public sale after proper advertisement.

7. Plaintiff Has Attached Copies Of All Paperwork.

8. Non-Attorney Representation Form attached, if required.

THEREFORE, plaintiff moves that this Court order that all vehicles/mobile homes/property described herein be sold at public auction/destroyed.

I state under penalty of perjury that the above information is true and correct to the best of my knowledge:

Signature

Date

Business

Address/City/State/Zip

Phone

Sworn before me _____ (date)

Notary Public for South Carolina

My Commission Expires



South Carolina Department of Motor Vehicles

Report of Abandoned, Derelict, or Unclaimed Vehicles or Mobile Homes

TR-2
(Rev. 1/09)

This DMV form is used to report abandoned, derelict or unclaimed vehicles or mobile homes. If you are reporting information, complete and sign page 1 of the form only. If you are reporting and requesting information, you must complete and sign page 1 and 2 of the form before information is released.

I certify that (check the appropriate box):

This information is for use in an abandoned or derelict mobile home court proceedings.

I am a proprietor, owner, or operator of a towing company, storage facility, garage, or repair shop, or a person who repairs vehicles, or the authorized agent of such a business or individual.

I am (check the appropriate box):

Reporting Only- No Information Requested/Report will be filed (Complete Page 1 only)

Reporting and Requesting Information (\$6.00 fee) (Complete Page 1 and 2)

| | |
|---|-------------|
| Printed Name of Person Reporting Information | Date |
| <i>Entities authorized to report abandoned vehicles or mobile homes must complete this section.</i> | |

| | |
|-----------------------|--------------------|
| Name or Business Name | Account # with DMV |
|-----------------------|--------------------|

| | |
|---------|---------|
| Address | Address |
|---------|---------|

| | | | | | |
|-----------|-------|-----|-----------|-------|-----|
| City | State | Zip | City | State | Zip |
| Telephone | Fax | | Telephone | Fax | |

As of the date(s) listed below, the described vehicle(s) or mobile home(s) has been unclaimed. I am reporting the vehicle(s) or mobile home(s) as abandoned.

| Date | VIN | Year | Make | Model | VEHICLES ONLY | | |
|------|-----|------|------|-------|------------------|----------------------------|--------------|
| | | | | | Odometer Reading | Last State of Registration | Plate Number |
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |

PLEASE COMPLETE PAGE 2 IF REQUESTING INFORMATION

REQUEST FOR INFORMATION

This section must be completed and signed before information will be released.

NOTE: The fee is \$6.00 for each request. For a request to be processed within 72 business hours, please include an additional \$20.00 (expedited fee) for each record. Under Federal Law (18 USC, Chapter 123) personal vehicle owner information may be obtained only for certain uses. If you are submitting this form to obtain someone else's record, please refer to the Federal Law. Listed below are the only permissible use of vehicle information for abandoned/derelect/unclaimed vehicles or mobile homes. Please check the box that applies to you:

- 1. For use in providing notice to owners of towed or impounded vehicles.
- 2. For use in connection with any court proceeding or investigation in anticipation of litigation. (Applies to abandoned or derelect mobile home proceedings and liens for repairs or storage of vehicles)

Under penalty of perjury, I state that I am entitled to receive and use this information as permitted under the Driver's Privacy Protection Act of 1994 (18 USC, Chapter 123 as amended). I further acknowledge that if I misuse this information or give it to someone who uses it for an unauthorized purpose, I may be subject to Federal criminal law as well as a civil lawsuit where the minimum award is \$5,000.00.

Printed Name of Person Requesting Information _____

Signature of Person Requesting Information _____

Date _____

NOTE: 56-19-840 An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, or a person who repairs or furnishes material for the repair of a vehicle where a vehicle remains unclaimed for a period of thirty days shall within five days after the expiration of that period, report the vehicle as unclaimed to the Department. Such report shall be on a form prescribed by the Department.

A vehicle is considered "unclaimed" when the owner of the vehicle has not reclaimed it within thirty days after notification pursuant to Sections 29-15-10 and 56-5-5630. A person who fails to report a vehicle as unclaimed in accordance with this section forfeits all claims and liens for its garaging, parking, and storing.

16-21-110 Failing to report unclaimed vehicle in garage, etc. A person who fails to report a vehicle as unclaimed in accordance with 56-19-840 is guilty of a misdemeanor and punishable by a fine of not more than twenty-five dollars (\$25.00).

NOTE: Contact your local magistrate's office after receiving the necessary correspondence from the DMV to obtain a magistrate's order of sale. This order can be used to apply for a South Carolina title. Once a vehicle has been declared salvaged – non-rebuildable, or junked in the DMV files, no further titles will be issued.

Mail Completed Form To:

Titles Mail-In Unit
PO Box 1498
Blythewood, SC 29016-0024

HEADQUARTERS USE ONLY

Office Code _____

Printed Name of Employee Processing Request _____

Signature of Employee Processing Request _____

Date _____

Date: _____

Business Name: _____
Address: _____
City, State, Zip: _____
Phone #: _____

SAMPLE LETTER

To Owner and/
Or Customer: _____

To Lienholder: _____

Re: Towed/Repaired Vehicle Year _____, Make, Model _____

VIN# _____, Tax# _____, State _____

Charges: Towing Fee \$ _____, Repairs \$ _____

Storage Per Day \$ _____, Other Misc. \$ _____

SAMPLE LETTER

The above vehicle was a Customer Ordered Tow, Delivered for Repairs, Ordered Towed by Law Enforcement, or Abandoned on lot (circle one) as of _____ (date), and no one has claimed this vehicle. This vehicle is accruing daily storage fees, in addition one or more of the following may apply: Towing, Repairs, Legal Processing Fees, or other related charges, depending on the individual situation.

If this vehicle is not claimed within 30 days from today's date, it will be sold through public auction as prescribed by the applicable South Carolina Law pursuant to the reason that the vehicle was placed in storage. If the vehicle is sold through public auction you will lose all ownership and legal interest in the vehicle. You may contest the sale of this vehicle by contacting the Dorchester County Magistrates Court. You have until the day of auction to reclaim this vehicle by paying the charges due plus any additional accrued charges after the mailing of this notice.

Business Representative,