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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 108.477 is hereby amended to read as follows:
2 108.477 1. If the declaration in opposition to the lien sale
3 executed by the occupant is not received by the date of the sale
4 specified in the notice mailed to the occupant, the owner may sell
5 the property.
6 2. The owner shall advertise the sale ~~{once}~~ :
7 (a) *Once* a week for 2 consecutive weeks immediately preceding
8 the date of the sale in a newspaper of general circulation in the
9 ~~{judicial district}~~ county where the sale is to be held ~~{ }~~ ; or
10 (b) *For a period of 10 consecutive days immediately preceding*
11 *the date of the sale on an Internet website which is publicly*
12 *accessible and which customarily advertises or conducts sales of*
13 *property.*
14 3. The advertisement *required pursuant to subsection 2* must
15 contain:
16 (a) ~~{A general description of the personal property to be sold;~~
17 ~~{(b)}~~ The name of the occupant;
18 ~~{(c)}~~ (b) The number of the individual storage space at the
19 facility where the personal property was stored; and
20 ~~{(d)}~~ (c) The name and address of the facility.
21 ~~{3}~~ 4. If there is no newspaper of general circulation in the
22 ~~{judicial district}~~ county where the sale is to be held ~~{ }~~ and the
23 owner does not advertise the sale in the manner specified in
24 paragraph (b) of subsection 2, the advertisement must be posted 10
25 days before the sale in at least six conspicuous places near the place
26 of the sale.
27 ~~{4}~~ 5. The sale must be conducted in a commercially
28 reasonable manner.
29 ~~{5}~~ 6. After deducting the amount of the lien and the costs of
30 the sale, the owner shall retain any excess proceeds from the sale on
31 the behalf of the occupant.
32 ~~{6}~~ 7. The occupant or any person authorized by the occupant
33 or by an order of the court may claim the excess proceeds or the
34 portion of the proceeds necessary to satisfy the person's claim at any
35 time within 1 year after the date of the sale. After 1 year, the owner
36 shall pay any proceeds remaining from the sale to the treasurer of
37 the county where the sale was held for deposit in the general fund of
38 the county.

(30)



(Reprinted with amendments adopted on April 14, 2025)

FIRST REPRINT

A.B. 137

ASSEMBLY BILL NO. 137—ASSEMBLYMEMBERS
TORRES-FOSSETT; AND HANSEN

PREFILED JANUARY 28, 2025

Referred to Committee on Judiciary

SUMMARY—Revises requirements for the advertising of a sale of personal property to satisfy the lien of an owner of a facility for storage. (BDR 9-183)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.EXPLANATION—Matter in *bolded italics* is new; matter between brackets *[omitted material]* is material to be omitted.

AN ACT relating to liens; revising certain requirements for the advertising of a sale of personal property to satisfy the lien of an owner of a facility for storage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides, in general, that if the occupant of a storage space at a
 2 facility for storage defaults on the payment of rent or other charges that are due to
 3 the owner of the facility pursuant to a rental agreement, the owner has a lien on the
 4 personal property of the occupant contained in the storage space. (NRS 108.4753)
 5 Existing law authorizes an owner to sell certain personal property of the occupant
 6 to satisfy the lien after the owner has provided certain notices to the occupant.
 7 (NRS 108.476, 108.4763, 108.477) Existing law: (1) requires the owner to
 8 advertise a sale to satisfy a lien once a week for 2 consecutive weeks immediately
 9 preceding the date of the sale in a newspaper of general circulation in the judicial
 10 district where the sale is to be held; and (2) sets forth the requirements for the
 11 contents of such an advertisement. (NRS 108.477) This bill instead requires that the
 12 advertisement appear in a newspaper of general circulation in the county, rather
 13 than the judicial district, where the sale is to be held. This bill also authorizes an
 14 owner, in lieu of advertising in a newspaper of general circulation, to advertise the
 15 sale for a period of 10 consecutive days immediately preceding the date of the sale
 16 on an Internet website which is publicly accessible and which customarily
 17 advertises or conducts sales of property. This bill also revises the required contents
 18 of an advertisement for such a sale to eliminate the requirement that the
 19 advertisement contain a general description of the personal property to be sold.



* A B 1 3 7 R 1 *

1. Any tenant from soliciting dues from the members of any association which is formed by the tenants who live in the park, and
2. A public officer or candidate for public office from walking through the park to talk to the tenants.

The bill provides that a service of notice by the landlord to terminate a rental or lease agreement does not enhance a landlord's right to enter a tenant's mobile home. Under the bill, a landlord is not permitted to enter a tenant's mobile home, except in an emergency, without the tenant's permission or a court order. The measure raises the lien of a trailer park keeper from \$200 to \$2,000, or the total amount due and unpaid, for rentals and utilities, whichever is the lesser.

The measure also repeals the criminal penalties for violation of the "Landlord and Tenant: Mobile Home Lots" law and adds civil penalties or fines up to \$1,000 for third or subsequent violations. First-time offenders are subject to a civil penalty of not more than \$250.

A.B. 441 (chapter 535)

Prohibits a landlord from increasing the rent payable by a tenant until 45 days after he has served a written notice to that effect. The law formerly required a 30-day notice. In the case of tenancy less than 1 month, an increase in rent must be preceded by a 15-day notice instead of the former 7-day requirement.

A.B. 636 (chapter 569)

Pertains to the rental of individual spaces for the storage of personal property, such as ministorage facilities. The bill prohibits the use of such a storage facility as a residence. Such a facility is also not to be deemed as either a warehouse or a public utility.

The measure provides for the attachment of a lien for the rent or other charges made for use of such spaces. The lien is made on all personal property stored in the space.

All rental agreements for the use of such storage facilities must be in writing. The rental agreement must include a statement that the occupant's personal property is subject to a claim for a lien and may be sold to satisfy that lien if the rent due or other specified charges are unpaid for 14 consecutive days. The bill describes in detail the provisions relating to the lien, notices, and subsequent sale of involved personal property.

S.B. 110 (chapter 271)

Increases the homestead exemption from \$75,000 to \$90,000. The measure also clarifies provisions relating to the right of survivorship and the disposition of the property in case of death. It also provides an

CHAPTER 410

AN ACT relating to storage of personal property; clarifying the time for advertising the sale of that property to satisfy a statutory lien for the unpaid charges for storage; and providing other matters properly relating thereto.

[Approved June 1, 1985]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 108.477 is hereby amended to read as follows:

108.477 1. If the declaration in opposition to the lien sale executed by the occupant is not received by the date of the sale specified in the notice mailed to the occupant, the owner may sell the property.

2. ~~[After the time specified in the notice of the sale has passed, the]~~ The owner shall advertise the sale *once a week for 2 consecutive weeks immediately preceding the date of the sale* in a newspaper of general circulation in the judicial district where the sale is to be held. The advertisement must contain:

- (a) A general description of the personal property to be sold;
- (b) The name of the occupant;
- (c) The number of the individual space for storage at the facility where the personal property was stored; and
- (d) The name and address of the facility.

3. If there is no newspaper of general circulation in the judicial district where the sale is to be held, the advertisement must be posted 10 days before the sale in at least six conspicuous places near the place of the sale.

4. The sale must be conducted in a commercially reasonable manner. After deducting the amount of the lien and the costs of the sale, the owner shall retain any excess proceeds from the sale on the behalf of the occupant.

5. The occupant or any person authorized by the occupant or by an order of the court, may claim the excess proceeds or the portion of the proceeds necessary to satisfy the person's claim at any time within 1 year after the date of the sale. After 1 year, the owner shall pay any proceeds remaining from the sale to the treasurer of the county where the sale was held for deposit in the general fund of the county.

2011 Statutes of Nevada, Page 1829 (CHAPTER 327, SB 150)↓

1. The name, address and signature of the occupant;
2. The location of the personal property which is to be sold to satisfy a lien;
3. The date the declaration was executed by the occupant; and
4. A statement that:

- (a) The occupant has received the notice of the sale to satisfy the lien;
- (b) The occupant opposes the sale of the property; and
- (c) The occupant understands that ~~{the owner may commence an}~~ any action ~~{for the amount}~~ concerning the validity of the lien ~~and the costs of the action. }~~ *must be commenced not later than 21 days after the date on which he owner receives the declaration in opposition to the sale as required pursuant to NRS 108.477.*

Sec. 17. NRS 108.477 is hereby amended to read as follows:

108.477 1. If the declaration in opposition to the lien sale executed by the occupant is not received by the date of the sale specified in the notice mailed to the occupant, the owner may sell the property.

2. The owner shall advertise the sale once a week for 2 consecutive weeks immediately preceding the date of the sale in a newspaper of general circulation in the judicial district where the sale is to be held. The advertisement must contain:

- (a) A general description of the personal property to be sold;
- (b) The name of the occupant;
- (c) The number of the individual *storage* space ~~{for storage}~~, at the facility where the personal property was stored; and
- (d) The name and address of the facility.

3. If there is no newspaper of general circulation in the judicial district where the sale is to be held, the advertisement must be posted 10 days before the sale in at least six conspicuous places near the place of the sale.

4. The sale must be conducted in a commercially reasonable manner.

5. After deducting the amount of the lien and the costs of the sale, the owner shall retain any excess proceeds from the sale on the behalf of the occupant.

~~5-1~~ 6. The occupant or any person authorized by the occupant or by an order of the court may claim the excess proceeds or the portion of the proceeds necessary to satisfy the person's claim at any time within 1 year after the date of the sale. After 1 year, the owner shall pay any proceeds remaining from the sale to the treasurer of the county where the sale was held for deposit in the general fund of the county.

Sec. 18. NRS 108.4773 is hereby amended to read as follows:

108.4773 1. Any person who has a security interest in the personal property perfected pursuant to NRS 104.9101 to 104.9709, inclusive, may claim the personal property which is subject to the security interest and to the lien for storage charges by paying the amount due, as specified in the preliminary notice of the lien, for the storage of the property, if no declaration in opposition to the sale to satisfy the lien has been executed and returned by the occupant to the owner.

2. Upon payment of the total amount due pursuant to this section, the owner shall deliver the personal property subject to the security interest to the person *holding such interest and* paying the amount of the owner's lien. The owner is not liable to any person for any action taken pursuant to this section if the owner complied with the provisions of NRS 108.473 to 108.4783, inclusive ~~1-1~~, *and sections 2 to 6, inclusive, of this act.*

SALE ADVERTISEMENT

108.477. Sale of occupant's property by owner: Advertisement; manner; distribution of proceeds.

1. If the declaration in opposition to the lien sale executed by the occupant is not received by the date of the sale specified in the notice mailed to the occupant, the owner may sell the property.
2. The owner shall advertise the sale once a week for 2 consecutive weeks immediately preceding the date of the sale in a newspaper of general circulation in the judicial district where the sale is to be held. The advertisement must contain:
 - (a) A general description of the personal property to be sold;
 - (b) The name of the occupant;
 - (c) The number of the individual storage space at the facility where the personal property was stored; and
 - (d) The name and address of the facility.
3. If there is no newspaper of general circulation in the judicial district where the sale is to be held, the advertisement must be posted 10 days before the sale in at least six conspicuous places near the place of the sale.
4. The sale must be conducted in a commercially reasonable manner.
5. After deducting the amount of the lien and the costs of the sale, the owner shall retain any excess proceeds from the sale on the behalf of the occupant.
6. The occupant or any person authorized by the occupant or by an order of the court may claim the excess proceeds or the portion of the proceeds necessary to satisfy the person's claim at any time within 1 year after the date of the sale. After 1 year, the owner shall pay any proceeds remaining from the sale to the treasurer of the county where the sale was held for deposit in the general fund of the county.

Comment: After sending the Notice of Lien Sale and waiting at least 14 days, the facility owner can advertise the property for sale. Timing is crucial here. While it is important to advertise in a timely manner, you do not want to rush the process and make a mistake. Before running the advertisement, check your records and verify that the statutory Notice of Lien Sale is correct and verify the date the notice was deposited with the U.S. Postal Service or sent by email. There is no point incurring the expense of advertising the lien sale unless you are certain that the prior steps were correctly performed. Also, make sure you have not received a Declaration in Opposition to Lien Sale or that the full waiting period has passed without receipt of a complaint challenging the validity of the lien. Only when you are certain that the prior notices are correct and that the advertisement of sale will run at least 14 days after the Notice of Lien Sale was sent, are you ready to place your advertisement of sale.

Now, where do you advertise? You must advertise in a newspaper of general circulation. This is a legal term. Do not assume that every newspaper in your community qualifies. The newspaper that runs your advertisements should confirm in writing that their publication is a newspaper of general circulation in the judicial district where the sale is to be held. This will usually be at your facility. Make sure the advertisement contains all the required information. The ad must contain the Occupant's name, a general description of the Occupant's property, and the number of the storage space where

the property was stored. The advertisement must also contain the name and address of the storage facility. Each time you run an ad, verify that the advertisement accurately states the name of your Occupant, and the name and address of your facility. The description of the stored property is also important, but need not be detailed. However, you must do a fairly decent inventory, if only to make sure that you know that you are not selling something of special value.

The sale must be conducted in a "commercially reasonable" manner. The commercially reasonable sale requirement means three things: (1) You must have a good idea of what you are selling; (2) You can sell the property in one or more lots; and (3) There must be an audience of willing buyers at your sale. In most instances you will be selling miscellaneous used property of low to moderate value. An auction sale, offering all the property in the space either in person or online, is the most commercially reasonable way to sell the property. However, occasionally the property will not be the usual type of property found in the spaces of delinquent customers. Special property calls for special sale procedures. For example, if the space contains several cases of cameras, you might want to contact a local photography store for an opinion on value. You may want to sell the cameras in a separate lot. "Commercially reasonable" requires that you must sell the property in a manner reasonably designed to get the most value under the circumstances. Always remember that a lien sale is a distress sale and even on the best day will not generate what a non-distress sale would fetch. In the vast majority of situations, a public auction will do, but sometimes you will need to sell the property in some other manner such as through a commercial auction house.

How the auction is handled is an important part of a facility's foreclosure process. Whether or not you use a licensed auctioneer, it is important that all of your bidders follow uniform rules and understand those rules in bidding on the particular units. It is recommended that all of your bidders sign an attendance sheet in advance of the auction which includes their name, address and phone number. It is also important that each bidder sign a form which indicates their understanding of the rules of the auction relating to payment (i.e., cash or certified funds) and removal of the property (i.e., 48 hours or it is considered abandoned). We recommend that owners have auction rules that define a "completed sale," such as a statement that the sale is not complete until the successful bidder either removes the property from the facility or rents a space at the facility to store the property.

Online lien sales are a bit different from in-person sales. One big difference is that bidders depend on you posting clear pictures of the property in the space. A picture of a boxes stacked at the front of the space will not give bidders the information they need to bid. The owner has a legal right to move property so that clear pictures of the contents of the space may be taken. It's a little more work but the pictures are the key to attracting bidders. Also, those pictures may be used as evidence if you are ever sued for wrongful sale. This will make it harder for a disgruntled delinquent Occupant to inflate the value of the property you sold. It is also important that the auction bid rules are clear on the high bidder's responsibilities such as how long he or she has to come to the facility, pay the amount owed and clear out the space. Typically, all this must happen within 48 to 72 hours of confirmation of a successful bid.

This section also explains how an owner is to deal with excess proceeds. The statute provides that the occupant or any person authorized by the occupant or by an order of the court may claim the excess proceeds or the portion of the proceeds necessary to satisfy the person's claim at any time within one (1) year after the date of the sale. After one (1) year, the owner shall pay any proceeds remaining from the sale to the treasurer of the county where the sale was held for deposit in the general fund of the county.

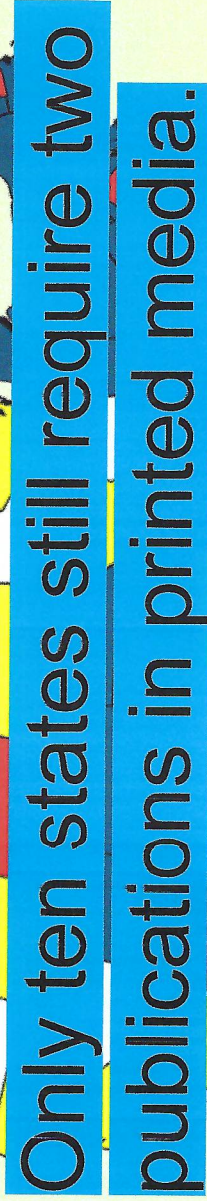
NEVADA DELINQUENT PAYMENT & FORECLOSURE TIMELINE

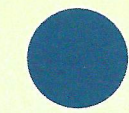
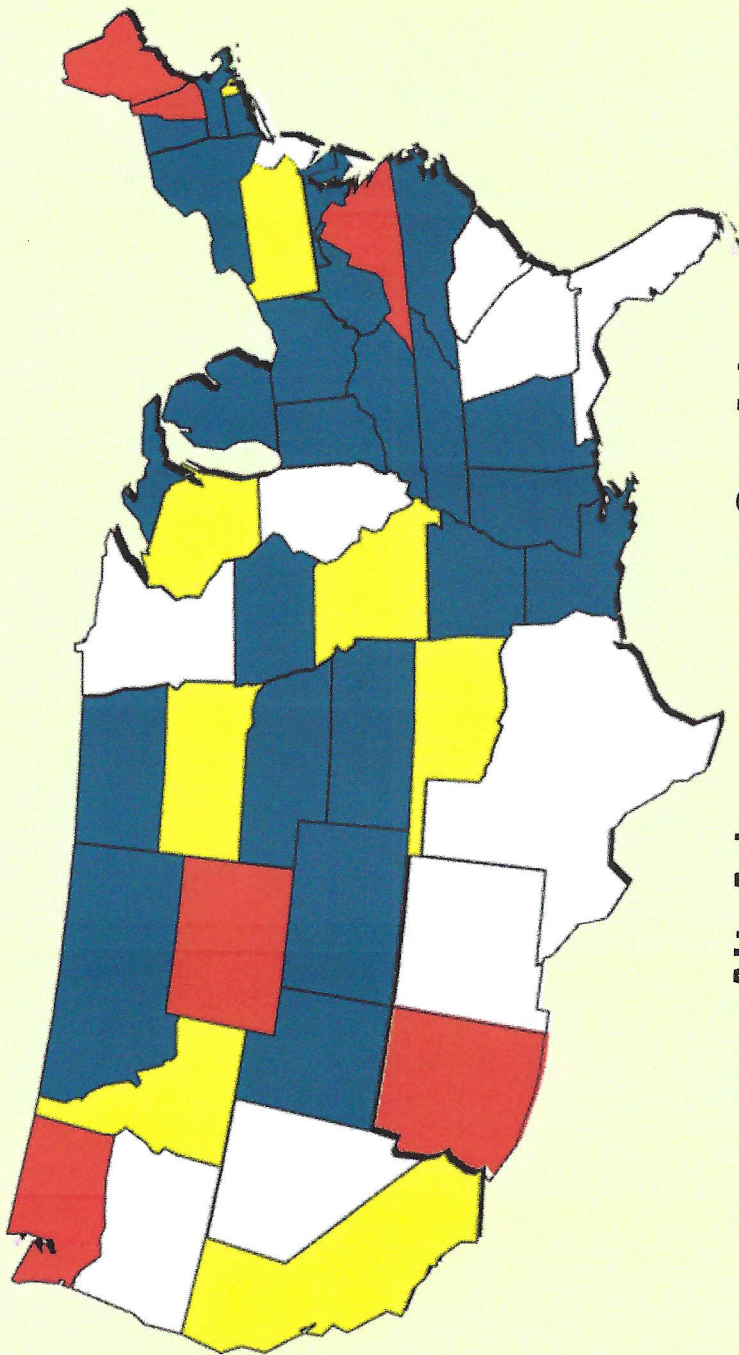
Days Past Due	Action	Legal Reference	Notice
Day One	Rent due		
Day Six	Late Fee (date stated in Rental Agreement)	NRS 108.4758	Late Letter
Day Eleven	Deny Access	NRS 108.476	
Day Fifteen	Default (by Statute) Send First Lien Notice	NRS 108.476	Verified Mail to tenant and alternate address or email
Day Thirty-Five (at least 14 days prior to sale)	Notice of Lien Sale (Send to tenant and alternate address; must include form for Declaration in Opposition to Lien Sale)	NRS 108.4763	Verified Mail or email Also send to alternate
Day Fifty (14 days after mailing Notice of Lien Sale)	First Advertisement of Sale	NRS 108.477	Public Advertisement in newspaper in judicial district where sale is held
Day Fifty-Eight (7 days after First Advertisement)	Second Advertisement of Sale	NRS 108.477	Public Advertisement in newspaper in judicial district where sale is held
Day Seventy	Conduct Lien Sale or Tow Vehicles and Boats Complete all required bookkeeping of sale	NRS 108.4763 NRS 108.478 NRS 108.4765	Send occupant written notice of proceeds/deficiency

No Sale permitted if occupant returns Declaration in Opposition of Lien Sale prior to sale. If Declaration is returned, occupant must file complaint within 21 days. If a lawsuit is not filed, the owner may conduct the sale no earlier than 31 days after receiving the Declaration.



Nevada

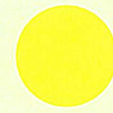




No Ads Required



Alt. Ads Permitted



One Ad Required



Two Ads Required