

TENNESSEE

66-31-101. Short title.

This chapter shall be known and may be cited as the "Tennessee Self-Service Storage Facility Act."
[Acts 1980, ch. 717, § 1; T.C.A., § 64-3101.]

66-31-102. Definitions.

As used in this chapter, unless the context otherwise requires:

- (1) "Default" means the failure timely to perform any obligation or duty set forth in this chapter and the rental agreement;
- (2) "Last known address" means that address provided by the occupant in the latest rental agreement or the address provided by the occupant in a subsequent written notice of a change of address;
- (3) "Leased space" means the individual storage space at the self-service storage facility which is leased or rented to an occupant pursuant to a rental agreement;
- (4) "Occupant" means a person, or a sublessee, successor, or assign of such person, entitled to the use of leased space at a self-service storage facility under a rental agreement, to the exclusion of others;
- (5) "Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, the agent of such person, or any person authorized by such person to manage the facility or to receive rent from an occupant under a rental agreement. "Owner" shall not be construed to be a warehouseman as defined in §47-7-102(1)(h); provided, that if an owner hereunder shall issue any warehouse receipt, bill of lading or other document of title for the personal property stored, the owner and occupant shall be subject to the provisions of title 47, chapter 7 and the provisions of this chapter shall not apply;
- (6) "Personal property" means movable property not affixed to land and includes, but is not limited to, goods, wares, merchandise, and household items;
- (7) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of a self-service storage facility; and
- (8) "Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing personal property; provided, that "self-service storage facility" does not include any real property used for residential purposes.

[Acts 1980, ch. 717, § 2; T.C.A., § 64-3102.]

66-31-103. Owner access to leased space.

Upon the reasonable request of the owner, the occupant shall provide access to the owner to enter the leased space for the purpose of inspection, repair, alteration, improvement, or to supply necessary or agreed services. In case of emergency, the owner may enter the leased space for any of the above stated purposes without notice to or consent from the occupant. For the purposes of this section, "emergency" means any sudden, unexpected occurrence or circumstance which demands immediate action.

[Acts 1980, ch. 717, § 3; T.C.A., § 64-3103.]

66-31-104. Owner's lien on stored property.

The owner of a self-service storage facility and the owner's heirs, executors, administrators, successors, and assigns have a lien upon all personal property located at a 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 or other disposition pursuant to this chapter. The lien provided for in this section is superior to any other lien or security interest, except those which are perfected and recorded in Tennessee in the name of the occupant during the term of the rental agreement and except any tax lien as otherwise provided by law. The lien attaches as of the date the personal property is placed in the leased space, and the rental agreement shall contain a statement in bold type notifying the occupant of the existence of the lien and the method of its enforcement.

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66-31-105. Enforcement of lien.

–The enforcement of the owner's lien against an occupant who is in default shall be in accordance with the following:

_(1) No enforcement action shall be taken by the owner until the occupant has been in default continuously for a period of thirty (30) days.

(2) After the occupant has been in default continuously for a period of thirty (30) days, the owner shall have the right to enforce the owner's lien in accordance with the following:

(A) The owner shall have the right to deny the occupant access to the leased space and the owner may enter and/or remove the personal property from the leased space to other suitable storage space pending its sale or other disposition;

(B) The occupant shall be notified in writing;

(C) The notice shall be delivered in person or sent by registered or certified mail, return receipt requested, to the last known address of the occupant;

(D) The notice shall include:

(i) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(ii) A demand for payment of the sum due within a specified time not less than thirty (30) days after the date of the notice;

(iii) A statement that the contents of the occupant's leased space are subject to the owner's lien;

(iv) If the owner elects to deny the occupant access to the leased space or elects to enter and/or remove the occupant's personal property from the leased space to other suitable storage space, a statement so advising the occupant shall be included in the notice;

(v) The name, street address and telephone number of the owner or designated agent whom the occupant may contact to respond to the notice;

(vi) A conspicuous statement that unless the claim is paid within the time stated, the personal property will be advertised for sale or will be otherwise disposed of at a specified time and place, not sooner than ninety (90) days after default.

(E) Any sale or other disposition of the personal property shall conform to the terms of the notification as provided for in this section. If the personal property is advertised for sale and the sale is not consummated, the owner shall give written notice to the occupant of other disposition of the personal property;

(F) Any sale or other disposition of the personal property shall be held at the self-service storage facility or at the nearest suitable place to where the personal property is held or stored;

(G) After the expiration of the time stated in the notice and if the personal property has not otherwise been disposed of, the owner shall cause an advertisement of sale to be published two (2) times preceding the date of sale of the personal property in a newspaper of general circulation which serves the area where the self-service storage facility is located. The advertisement shall include:

_(i) A statement that the contents of the occupant's leased space shall be sold to satisfy the owner's lien;

(ii) The address of the self-service storage facility and the number or other description, if any, of the space where the personal property is located and the name of the occupant;

(iii) The time, place and manner of sale. The sale shall take place not sooner than ten (10) days after the first publication. If there is no newspaper of general circulation where the self-service storage facility is located, the owner shall post written advertisements containing all of the required information at least ten (10) days before the date of the sale in not less than six (6) conspicuous places in the neighborhood where the self-service storage facility is located, and at least one (1) notice shall be placed at the courthouse of the county where the facility is located, in a conspicuous place;

(H) Before any sale or other disposition of personal property pursuant to this section, the occupant may pay the amount necessary to satisfy the owner's lien and the reasonable expenses incurred under this section and thereby redeem the personal property. Upon the payment and satisfaction of the amount necessary to satisfy the lien, the owner shall return the personal property and thereafter the owner shall have no liability to any person with respect to such personal property;

(I) The owner may buy at any sale of personal property to enforce the owner's lien;

(J) A purchaser in good faith of the personal property sold to satisfy the owner's lien takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the owner with the requirements of this section; and

(K) In the event of a sale under this section, the owner may satisfy the owner's lien from the proceeds of the sale but shall hold the balance, if any, for delivery on demand to the occupant. If the occupant does not claim the balance of the proceeds within one (1) year of the date of the sale, such balance shall be deemed to be abandoned, and the owner shall pay such balance to the state treasurer who shall receive, hold and dispose of same in accordance with the provisions of the Uniform Disposition of Unclaimed Property Act, compiled in chapter 29 of this title.

—[Acts 1980, ch. 717, § 5; T.C.A., § 64-3105.]

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66-31-106. Rights supplemental.

—Nothing in this chapter shall be construed as in any manner impairing or affecting the right of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement. The rights provided by this chapter shall be in addition to all other rights allowed by law to a creditor against a debtor.

[Acts 1980, ch. 717, § 6; T.C.A., § 64-3106.]

66-31-107. Application of chapter.

—(a) The provisions of this chapter shall apply to all rental agreements entered into or extended or renewed after July 1, 1980.

—(b) All rental agreements entered into before July 1, 1980, and not extended or renewed after that date, and the rights and duties and interests flowing from them shall remain valid, and may be enforced or terminated in accordance with their terms or as permitted by any other statute or law of this state.