

STATE OF ALASKA
DIVISION OF MOTOR VEHICLES

AFFIDAVIT OF POSSESSION * WORK/STORAGE LIEN

Alaska Statute Sec. 34.35.175. Improvement lien on personal property. (AKA Mechanic's Lien)

(a) A person who makes, alters, repairs, or labors upon a vehicle at the request of the owner or lawful possessor has a lien on the vehicle for the just and reasonable charges for the labor performed and material furnished. The person may keep possession of the vehicle until the charges are paid.

(b) If the charges are not paid within three months after the labor or materials, or both, are performed or furnished, the person having the lien may sell the vehicle at public auction and apply the proceeds of the sale, first, to the payment of the expenses of sale, second, to the discharge of lien, and third, the balance to the registered owner of the vehicle.

(c) The sale shall be held in the recording district where the vehicle is left to be altered or repaired.

(d) Before the sale is made, notice of the sale shall be given to the debtor by registered letter directed to the last known place of residence of the debtor, if the residence is known, and also by posting notice of the sale in three public places in the recording district, one of which shall be at or near the front door of the post office nearest the place of sale, for 10 days before the day of sale. The notice must contain the complete, correct serial number (VIN) and a description of the vehicle to be sold, the name of the registered owner or reputed owner, the amount due on the lien, and the time and place of the sale.

Alaska laws are available at public libraries, over the Internet, or at any attorney office. The Division cannot provide legal interpretation to any person.

Form 859 provides the procedures, affidavit, and "Notice of Sale at Public Auction" required to transfer vehicle title in accordance with the above stated Alaska Statute.

In addition to Form 859, the following are required:

- Notice of demand of payment
- Notification of public sale
- Application for Title & Registration (Form 812)
- Fees
- I/M certificate if you reside in the Municipality of Anchorage or Fairbanks North Star Borough
See: <http://doa.alaska.gov/dmv/reg/imtest.htm> for more information.

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AFFIDAVIT OF POSSESSION * WORK/STORAGE LIEN (AKA Mechanics Lien)

_____ License Plate Number		_____ State	_____ Serial Number (VIN)	
_____ Year	_____ Make	_____ Model	_____ Body Style	_____ Color
_____ Registered Owner		_____ Address		
		_____ City/State/Zip		
_____ Lienholder		_____ Address		
		_____ City/State/Zip		

I, _____, **do hereby swear under penalty of law:**
(Print Name of Individual. If Applicable, Provide Corporation/Company and Your Title.)

I am the person, corporation, or company who is in possession of the described vehicle. I have either made, altered, repaired, labored, or safely stored the vehicle described above at the request of the registered owner. Reasonable charges are due upon such work or storage which have not been paid in full for a period of three months or more since such work was completed or storage began.

I provided a notice of public sale to the registered vehicle owner and to the lienholder of record, if any, at their last known place of residence. The notice was sent by registered mail and I can produce evidence of such if requested by the Division of Motor Vehicles or by a law enforcement agency. (Registered Mail: Provides the most secure service offered by the USPS. A record of mailing is kept at the post office of mailing and a record of the delivery is kept at the post office of delivery. A return receipt is available, upon request.)

I posted notice of public sale of the vehicle described above in three public places within the recording district of the public sale, one being the post office nearest the public sale. This notice was posted at least ten (10) days prior to the public sale.

I sold the vehicle at public auction and have applied the proceeds of the sale: first, to the expenses of the sale; second, to the discharge of my lien; third, to the lienholder of record, as shown on the records of the Division of Motor Vehicles; fourth, to the registered owner of the vehicle. If the lienholder and/or registered owner cannot be located, any remaining funds are to be turned over to DMV. Mail a copy of this form and any remaining funds to: DMV FISCAL, 1300 W Benson Boulevard STE 400, Anchorage AK 99503-3692.

I have, in addition to the above, understood and complied with every applicable requirement set forth in AS 34.35.175.

I AM AWARE THAT IF ANY STATEMENT WITHIN THIS AFFIDAVIT IS FALSE, I MAY BE PROSECUTED PURSUANT TO ALASKA STATUTES AND REGULATIONS.

I state that the odometer now reads _____ (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein unless one of the following statements is checked:

_____ I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of it's mechanical limits.

_____ I hereby certify that the odometer reading is NOT the actual mileage. WARNING - - ODOMETER DISCREPANCY.

Subscribed and sworn to before me this _____ day of _____, 20____

Signature (Sign in front of DMV Representative or Notary)

Address

City/State/Zip

Telephone Number

Notary or DMV Representative (AMVC & Office Location)

My Commission Expires: _____

NOTICE OF SALE AT PUBLIC AUCTION

In accordance with provisions of AS 34.35.175, the vehicle described above was sold at public auction to the person shown below as the Buyer:

Printed Name of Buyer

Signature of Buyer

Address of Buyer

City/State/Zip

Location of Sale

Date of Sale

Cash Payment Amount

Printed Name of Seller

Signature of Seller