

# SALE OF GOOD INSTRUCTIONS

1. Send final notice (attached). This step is not required, but it is a good first step to let the customer know of your intentions.
2. Send sale notice (attached) by certified mail, return receipt requested. Send copy of legal decisions and opinions. The sale notice must demand the money on a specified date, the date must be greater than 10 days from the date of the letter. The sale notice must state that if the money is not received by that date, the goods will be sold at public auction on a specified date. The sale notice must include an itemized statement of the money due.
3. If money is not received by specified date, you must advertise in the legal section of the paper once a week for two consecutive weeks (see sample ad). Ad has to include who the property belongs to, description of the goods to be sold (it is to your advantage to list the goods, so people looking for the sale or aware of what you've got to sell.) and date and location of sale. Sale has to take place no sooner than 15 days after the first publication date of the ad. Make auction date around two months from when you send out the sale notice. This will give you time to meet all minimum time requirements.
4. If goods sell for more than what the customer owes, the customer is due all funds over the amount they owed.
5. Keep copies of the final notice, sale notice, all return receipts from the post office, the copy of the ad that the newspaper gives you, the results of the sale, and any other documents pertaining to this lot in a file. Keep this file.

# FINAL NOTICE

*(COMPANY NAME  
MAILING ADDRESS  
CITY, STATE ZIP  
PHONE NUMBER)*

*(Today's date)*

*(Shipper's Name  
& Address)*

Dear \_\_\_\_\_:

Your storage account, amounting to \$ \_\_\_\_\_ is now seriously overdue.

We herewith request that you make payment on same on or before

\_\_\_\_\_.

Unless such payment is made, we will be obliged to advertise your goods for sale at public auction.

Thank you for your immediate attention to this matter.

Sincerely,

*(Company Officer  
Title)*

# LEGAL DECISIONS AND OPINIONS

When Can Goods Can Be Sole Under Warehouseman's Lien.

'A' puts some furniture in a warehouse and pays a deposit, and owing to circumstances is not able to pay the monthly storage bill. After the expiration of five months, 'A' receives a bill from the storage company and a notice saying that unless it is paid in ten days, the goods will be sold at auction for storage charges. Does the law state that the receiver of another's goods is compelled to hold them for one year and one day in this case, or can the storage company sell them after ten days have expired for the charges?

Reply. – There is no statute of this State requiring a warehouseman to hold goods for a year and a day before he is authorized to sell them. The statute gives to the warehouseman a lien for unpaid storage charges. Then it provides that if the charges remain unpaid after demand, the property may be sold. The interests of the owner are very well protected. A demand must be made upon him for payment; he must be notified that the property will be sold if payment is not made within ten days. The owner must be notified of the time and place at which the sale is to be made, and the time and place and nature of the goods to be sold must be advertised. The theory of the law is simply that an owner of stored goods, like other persons, should pay his debts when they are due. If he does not pay them, his property may be sold after due warning and ample opportunity to pay. The decided cases have generally been to the effect that the warehouseman has kept the goods too long, before sale, rather than that he has sold them too promptly. All goods are likely to deteriorate with time, and some are reasonably certain to become worthless. Moreover, the owner is personally liable for so much of the storage charges as cannot be realized from a sale of the goods; and the courts hold that a warehouseman must not hold the goods for a very long period, with the charges growing all the time, and then look to the owner to pay a very large storage bill when a larger amount may have been realized from the goods themselves if a timely sale had been made of them. It is a general rule of law that a lien may be foreclosed and the property sold whenever the money is past due for the payment of the lien exists.

--Journal of Commerce.

# SALE NOTICE

LOT NO. \_\_\_\_\_, 20\_\_

TO: *(Shipper's Name  
& Address)*

Please take notice that with the *(your company's name)* in accordance with the Uniform Commercial Code has a lien upon the goods stored with it by you in your name or on your account (or in which you claim an interest).

An itemized statement of the claim showing the amount now due and the due or dates when it becomes due as follows:

The goods against which the lien of the Company exists consists of all personal and other property as scheduled in the storage warehouse receipt issued to you and numbered \_\_\_\_\_ and stored by you in your name or on your account in the warehouse of this Company.

We hereby demand that the amount of such claim as above stated and of such further claims as shall accrue shall be paid on or before the \_\_\_\_\_ day of \_\_\_\_\_ . If such claim is not paid within the time above specified, the goods will be duly advertised for sale and sold a public auction at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, commencing at \_\_\_\_\_ a.m.

The proceeds of such sale will be applied to the payment of said lien, including the reasonable charge for notice, advertisement and sale; and in case any DEFICIENCY shall arise on said sale YOU WILL BE LIABLE THEREFORE and judgment be entered against you.

If for any reason the sale shall not be completed on the said date it will be continued on each succeeding \_\_\_\_\_ at the same time and place until all the goods are sold or until the lien is satisfied.

**In the event the above described property belongs to any person in the United States Services, in any capacity, notify our office immediately by registered mail, advising us the ran, file or division of service, so that adequate protection will be preserved for the interest of the party or parties in the United States Government service.**

BY \_\_\_\_\_

# NOTICE OF SALE OF PERSONAL PROPERTY

Under and by virtue of the authority in the general statutes of North Carolina, the undersigned will, to satisfy liens for storage as hereinafter set out, expense to sale and well at public auction to the highest bidders for cash at **(NAME AND LOCATION OF PLACE OF AUCTION)**, at **(TIME OF AUCTION)** on **(DATE OF AUCTION)** for the indebtedness due **(NAME OF YOUR COMPANY)** the certain lots of household furniture and belonging to stored and stored by **(YOUR CUSTOMER'S NAME)** and described as follows:\

Being that certain lot consisting of **(GENERALLY DESCRIBE THE ITEMS IN THE SHIPMENT – LIST NUMBER OF BOXES AND ITEMS OF FURNITURE)**

**YOUR COMPANY NAME**  
**ADDRESS**  
**OFFICE OF COMPANY**

**DATE**