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ASSEMBLY BILL NO. 137—ASSEMBLYMEMBER TORRES-FOSSETT

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.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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**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.



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       ~~{(e)}~~ (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.

