

Selling Tenant's Personal Property (2011)
COMMERCIAL PROPERTY ONLY

If the landlord is holding personal property pursuant to the Landlord's Lien under A. R. S. §33-361, the following procedure is recommended:

1. Ensure that a notice specifying the inventory list, and the storage charges is promptly sent to the tenant certified mail, return receipt requested to the last known address and all alternative addresses known to the landlord. (Initial Notice)
2. Check with all office personnel to make sure that the tenant has made no reasonable efforts to recover the property. If the tenant notifies the landlord, in writing, on or before the sale, the tenant can reclaim the property by paying the cost of removal, storage and outstanding rent.
3. Forty (40) days after incurring lockout and seizure, send a notice to the tenant demanding payment of the rent, moving and storage charges within ten (10) days or the property will be sold at public auction, provide the date, time and location of the sale. Send the notice certified mail, return receipt requested, to the last known address and all alternative addresses known to the landlord. Set the sale date at least ten (10) days off (this date must be past 60 days after the landlord's seizure), and do not set the sale on a Sunday or legal holiday.
4. Advertise the "public sale" twice in a local newspaper with the tenant's name, e.g. "Public sale of personal property of (Tenant's Name) consisting of: ... (General description of different types of property; a complete list of each individual item is not necessary) will be sold at (auction location) on (auction date) at (auction time)." Make sure ads run at least five (5) days prior to the sale date.
5. Hold the public auction at the date, time and place provided in the notice and advertisements. Sell the items to the highest bidder. NOTE: you may bid at the sale, in fact you may credit bid up to the amount of the costs of the rent, storage and moving charges. Call us if you have questions. Do not leave any property unsold, credit bid any items not otherwise bid on, so that you may dispose of your property as you see fit.
6. If excess funds, call us for directions on depositing funds with the State if necessary.
7. For a minimum of twelve (12) months following the sale, the landlord must: 1) hold adequate records of the outstanding and unpaid rent, storage charges, moving charges and the records of the sale of personal property.