

## **IC 32-31-4**

### **Chapter 4. Moving and Storage of Tenant's Property**

#### **IC 32-31-4-1**

##### **"Exempt property" defined**

Sec. 1. As used in this chapter, "exempt property" means personal property that is any of the following:

- (1) Medically necessary for an individual.
- (2) Used by a tenant for the tenant's trade or business.
- (3) Any of the following, as necessary for the tenant or a member of the tenant's household:
  - (A) A week's supply of seasonably necessary clothing.
  - (B) Blankets.
  - (C) Items necessary for the care and schooling of a minor child.

*As added by P.L.2-2002, SEC.16.*

#### **IC 32-31-4-1.5**

##### **"Storage facility" defined**

Sec. 1.5. As used in this chapter, "storage facility" means any location approved by a court for storage of a tenant's personal property under section 2(e) of this chapter.

*As added by P.L.115-2007, SEC.1.*

#### **IC 32-31-4-2**

##### **Liability; abandoned property; court order allowing removal by landlord**

Sec. 2. (a) A landlord has no liability for loss or damage to a tenant's personal property if the tenant's personal property has been abandoned by the tenant.

(b) For purposes of this section, a tenant's personal property is considered abandoned if a reasonable person would conclude that the tenant has vacated the premises and has surrendered possession of the personal property.

(c) An oral or a written rental agreement may not define abandonment differently than is provided in subsection (b).

(d) If a landlord is awarded possession of a dwelling unit by a court under IC 32-30-2, the landlord may seek an order from the court allowing removal of a tenant's personal property.

(e) If the tenant fails to remove the tenant's personal property before the date specified in the court's order issued under subsection (d), the landlord may remove the tenant's personal property in accordance with the order and deliver the personal property to a warehouseman under section 3 of this chapter or to a storage facility approved by the court.

*As added by P.L.2-2002, SEC.16. Amended by P.L.115-2007, SEC.2.*

#### **IC 32-31-4-3**

**Delivery to warehouseman or storage facility after notice to tenant; release of exempt property**

Sec. 3. (a) If a tenant has failed to remove the tenant's personal property under section 2 of this chapter, a landlord may deliver the personal property to a warehouseman or to a storage facility if notice of both of the following has been personally served on the tenant at the last known address of the tenant:

- (1) An order for removal of personal property issued under section 2 of this chapter.
- (2) The identity and location of the warehouseman or the storage facility.

(b) At the demand of the owner of the exempt property, the warehouseman or storage facility shall release the exempt property to the owner without requiring payment from the owner at the time of delivery.

(c) A waiver of the provisions of section 1 of this chapter or subsection (b) by contract or otherwise is void.

*As added by P.L.2-2002, SEC.16. Amended by P.L.115-2007, SEC.3.*

**IC 32-31-4-4**

**Lien on nonexempt property for expenses incurred by warehouseman or storage facility**

Sec. 4. (a) A warehouseman or storage facility that receives property under this chapter holds a lien on all of that property that is not exempt property to the extent of the expenses for any of the following incurred by the warehouseman or storage facility with respect to all of the property, whether exempt or not exempt:

- (1) Storage.
- (2) Transportation.
- (3) Insurance.
- (4) Labor.
- (5) Present or future charges related to the property.
- (6) Expenses necessary for preservation of the property.
- (7) Expenses reasonably incurred in the lawful sale of the property.

(b) A tenant may claim the tenant's property at any time until the sale of the property under section 5 of this chapter by paying the warehouseman or storage facility the expenses described in this section.

*As added by P.L.2-2002, SEC.16. Amended by P.L.115-2007, SEC.4.*

**IC 32-31-4-5**

**Sale of unclaimed property**

Sec. 5. If a tenant does not claim the tenant's property within ninety (90) days after receiving notice under section 3 of this chapter, a warehouseman or storage facility may sell the property received under this chapter under IC 26-1-7-210(b).

*As added by P.L.2-2002, SEC.16. Amended by P.L.143-2007, SEC.77; P.L.115-2007, SEC.5.*