

IC 32-34-10

Chapter 10. Sale of Abandoned Watercraft

IC 32-34-10-0.2

Application of prior law

Sec. 0.2. The addition of IC 32-8-40 (before its repeal, now codified in this chapter) by P.L.110-2001 applies to all watercraft located on the property of a marina after January 1, 2001.

As added by P.L.220-2011, SEC.529.

IC 32-34-10-1

"Marina operator" defined

Sec. 1. As used in this chapter, "marina operator" means a person, a firm, a corporation, a limited liability company, a municipality, or another unit of government that is engaged in the business of operating a marina.

As added by P.L.2-2002, SEC.19.

IC 32-34-10-2

Sale of watercraft by marina operator; recovery of maintenance costs

Sec. 2. A marina operator may:

- (1) sell a watercraft that has been left without permission at the marina for more than six (6) months; and
- (2) recover the operator's reasonable maintenance, repair, dockage, storage, and other charges if the conditions set forth in section 3 of this chapter are met.

As added by P.L.2-2002, SEC.19.

IC 32-34-10-3

Six month period before sale

Sec. 3. The minimum six (6) month period specified in section 2 of this chapter begins the day written notice is sent by the marina operator to the last known address of the owner of the watercraft or personally delivered to the owner of the watercraft. If the notice is mailed, the marina operator must send notice by certified mail, return receipt requested. Notice, by mail or personally delivered, must include a description of the watercraft and a conspicuous statement that the watercraft is at the marina without permission of the marina.

As added by P.L.2-2002, SEC.19.

IC 32-34-10-4

Sale of watercraft and recovery of maintenance costs; procedure

Sec. 4. To sell a watercraft and recover charges under section 2 of this chapter, a marina operator must do all of the following:

- (1) Perform a search of watercraft titles for the name and address of the owner of the watercraft and the name and address of any person holding a lien or security interest on the watercraft. The search required by this subdivision must be

conducted in the following order:

(A) First, in the records of the state of registration as indicated on the exterior of the watercraft.

(B) Second, in the United States Coast Guard registration records maintained by the National Vessel Documentation Center.

(C) Third, in the records of the bureau of motor vehicles.

(2) After receiving the results of the search required by subdivision (1), give notice by certified mail, return receipt requested, or in person, to the last known address of the owner of the watercraft, to any lien holder with a perfected security interest in the watercraft, and to all other persons known to claim an interest in the watercraft. The notice must include an itemized statement of the charges, a description of the watercraft, a demand for payment within a specified time not less than ten (10) days after receipt of the notice, and a conspicuous statement that unless the charges are paid within that time, the watercraft will be advertised for sale and sold by auction at a specified time and place.

(3) Advertise that the watercraft will be sold at public auction in conformity with the provisions of IC 26-1-7-210 and IC 26-1-2-328. The advertisement of sale must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the county where the watercraft has been left without permission. The advertisement must include a description of the watercraft, the name of the person on whose account the watercraft is being held, and the time and place of the sale. The sale must take place at least fifteen (15) days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten (10) days before the sale in not less than six (6) conspicuous places in the neighborhood of the proposed sale.

(4) Conduct an auction sale, not less than thirty (30) days after the return receipt is received by the marina operator, on the marina property where the watercraft was left without permission.

(5) Provide a reasonable time before the sale for prospective purchasers to examine the watercraft.

(6) Sell the watercraft to the highest bidder.

(7) Immediately after the auction sale, execute an affidavit of sale in triplicate on a form prescribed by the bureau of motor vehicles stating:

(A) that the requirements of this section have been met;

(B) the length of time that the watercraft was left on the marina property without permission;

(C) the expenses incurred by the marina operator, including the expenses of the sale;

(D) the name and address of the purchaser of the watercraft

at the auction sale; and
(E) the amount of the winning bid.
As added by P.L.2-2002, SEC.19.

IC 32-34-10-5

Affidavit of sale

Sec. 5. Upon payment of the bid price by the purchaser, the marina operator shall provide the purchaser with the affidavit of sale described in this chapter.

As added by P.L.2-2002, SEC.19.

IC 32-34-10-6

Affidavit of sale as proof of ownership

Sec. 6. The affidavit of sale under this chapter constitutes proof of ownership and right to possession under IC 9-31-2-16.

As added by P.L.2-2002, SEC.19.

IC 32-34-10-7

Certificate of title

Sec. 7. After the purchaser:

- (1) presents the bureau of motor vehicles with the affidavit of sale;
- (2) completes an application for title; and
- (3) pays any applicable fee;

the bureau shall issue to the purchaser a certificate of title to the watercraft.

As added by P.L.2-2002, SEC.19.

IC 32-34-10-8

Excess funds after sale of watercraft

Sec. 8. If a boat is sold under this chapter for an amount of money that is greater than the charges owed to the marina operator plus all reasonable expenses of sale, the marina operator shall pay the excess in the following order:

- (1) For the satisfaction of obligations held by secured parties with respect to the watercraft, in the order in which security interests in the watercraft were perfected.
- (2) To the owner of the watercraft.

As added by P.L.2-2002, SEC.19.