

LIEN HOLDERS INFORMATION

Impounded vehicles are routinely released to lien holders from the City of Dallas Police Automobile Pound in accordance with Section 28-5 of the Dallas City Code. A review of the provisions of this section by the City Attorney's Office affirmed that the requirements for lien holder repossession are necessary and appropriate for protecting the City's liability for proper release of these vehicles.

In order to repossess a vehicle from the Dallas Police Automobile Pound, the lien holder must:

1. Hold a valid and existing lien on the vehicle;
2. Present the original or a certified copy of **certificate of title** (no facsimile or copy accepted) with the lien appearing on it; in the event sufficient time has not elapsed (generally not to exceed ninety days) for the original title to have been received from the state, the original lien holder's copy of the Tax Collector's Receipt may be accepted;
3. Present the original or a certified copy of the **mortgage lien contract**, specifying that, upon default of the mortgagor, the mortgagee is entitled to possession of the vehicle;
4. Present the original notarized "**Hold Harmless Affidavit**".
5. If the lien holder has appointed a wrecker company or individual to act as agent in retrieving the vehicle, the agent must also present an original notarized "**Authorization to Release**" to the Automobile Pound.

"Hold Harmless" and "Authorization to Release" blank forms are available at the Auto Pound or on-line at www.dallaspolice.net.

Lien holders may use their own letterhead or computer format as long as all of the following are included:

- o The mortgage lien holder holds a lien on the vehicle impounded (vehicle description including the year, make, model and complete and correct vehicle identification number (VIN);
- o The mortgagor has defaulted for nonpayment;
- o The lien holder desires possession and is entitled to possession of the vehicle;
- o The mortgage lien holder agrees to indemnify and hold harmless "the City of Dallas, its police department, and its employees", without exclusion, upon delivery of the vehicle to the mortgage lien holder.

HOLD HARMLESS AFFIDAVIT

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

WHEREAS, by virtue of a valid and existing mortgage lien contract by and between _____, hereinafter call Mortgagor, and _____, hereinafter called Mortgagee, the said Mortgagee is the holder of a lien on a certain automobile, Make, Model and Body Style _____, License Number _____, Vehicle Identification Number _____, said lien appearing on Certificate of Title No. _____, and,

WHEREAS, said Mortgage lien contract provides that in the event the Mortgagor defaults in his obligations to the Mortgagee, the Mortgagee thereby becomes entitled to possession of said automobile; and,

WHEREAS, the said Mortgagor has defaulted in his obligations to the said Mortgagee, the Mortgagee is entitled to possession of said automobile; and,

WHEREAS, the said automobile is in the possession of the Dallas Police Department of the City of Dallas, Texas, and the Mortgagee desires to have said automobile delivered to him, her, it; and,

WHEREAS, the said Mortgagee is willing to indemnify and save harmless the City of Dallas, its Police Department and its employees because of delivery of said automobile to him, her, it.

NOW, THEREFORE, in consideration of the delivery to him, her, it of said automobile the said Mortgagee covenants and promises to and does by these presents indemnify and save harmless the City of Dallas, its Police Department and its employees by virtue of the said City of Dallas and its Police Department having delivered to the said Mortgagee the said automobile.

By: _____

State of _____
County of _____

BEFORE ME, the undersigned, a Notary Public, on this day personally appeared _____, authorized agent acting in behalf of _____, known to me to be the person whose name is subscribed to the foregoing instrument, and having been duly sworn, upon his oath deposes and says that he has read the above statements and they are true and correct, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, A.D. 20_____.

NOTARY PUBLIC'S SIGNATURE

(SEAL)