

FINAL NOTICE

DATE _____

Your Storage Account, amounting to \$_____ is now seriously overdue, and we herewith request that you make a payment on same on or before _____.

Unless such payment is made we will be obligated to advertise your goods for sale at public auction.

Thanking you for your immediate attention to this matter, we are

Very truly yours.

(Read other side)

LEGAL DECISIONS AND OPINIONS

When Goods Can Be Sold under Warehouseman's Lien.-

A puts some furniture in a storehouse and pays a deposit, and owing to circumstances is not able to pay the monthly storage bill. After the expiration of five months A receives a bill from the storage company and a notice saying that unless it is paid in ten days, the goods will be sold at auction for storage charges. Does the law stating that the receiver of another's goods is compelled to hold them for one year and one day hold good in this case, or can the storage company sell them after ten days have expired for the charges?

Reply. - There is no statute of this State requiring a warehouseman to hold goods for a year and a day before he is authorized to sell them. The statute gives the warehouseman a lien for unpaid storage charges. Then it provides that if the charges remain unpaid after demand, the property may be sold. The interests of the owner are very well protected. A demand must be made upon him for payment; he must be notified that the property will be sold if payment is not made within ten days. The owner must be notified of the time and place at which the sale is to be made, and the time and place and nature of the goods to be sold must be advertised. The theory of the law is simply that an owner of stored goods, like other persons, should pay his debts when they are due. If he does not pay them his property may be sold after due warning and ample opportunity to pay. The decided cases have generally been to the effect that the warehouseman has kept the goods too long, before sale, rather than that he has sold them too promptly. All goods are likely to deteriorate with time, and some are reasonably certain to become worthless. Moreover, the owner is personally liable for so much of the storage charges as cannot be realized from a sale of the goods; and the courts hold that a warehouseman must not hold the goods for a very large storage bill when a larger amount may have been realized from the goods themselves if a timely sale had been made of them. It is a general rule of law that a lien may be foreclosed and the property sold whenever the money is past due for the payment of which the lien exists.

- *Journal of Commerce.*