



The Self Storage Legal Network: Providing Practical Business Information for Over a Decade

By D. Carlos Kaslow and Scott Zucker

Over thirteen years ago, it became evident that self storage owners and managers were looking for an efficient and effective way to receive legal information and operational advice on self storage issues without having to hire an attorney each time an issue arose. Based on the continued demand for this resource, the Self Storage Legal Network (SSLN) was born. Since 1996, the SSLN lawyers have been answering operators' questions on a wide variety of subjects, ranging from rental agreements to handling police inquiries, from enforcing self storage liens to tenant loss claims. For as little as \$500 per year (for one or two facilities) self storage operators can ask SSLN attorneys unlimited questions. Membership in the SSLN is available exclusively to Self Storage Association members. The goal of the SSLN is to provide members with practical solutions to current problems faced by owners and managers.

Daily phone calls or e-mail questions received from SSLN members typically involve everyday situations that have occurred many times before. Sometimes, SSLN members just seek confirmation of decisions already made. Typically, SSLN lawyers will ask operators questions, such as whether the operator has clear documentation of events, exactly what the site manager and the customer discussed, or when was the last time the operator had contact with the tenant. Often, the process of answering some direct questions can help lead to clear, practical answers. Some-

times, a completely new situation is presented to the SSLN. This is when SSLN lawyers' years of self storage industry experience are most useful.

Storage operators can get a better idea of the type of questions SSLN members ask by following Scott and Carlos's *Answering Your Questions* column in the *SSA Globe*. The questions are based upon actual questions received from SSLN members by telephone or by e-mail. When a member with a question calls Carlos or Scott, the situation is discussed with the member and a course of action is recommended. Scott and Carlos have more than 50 years of combined experience in self storage and can usually suggest practical solutions to problems.

So, what type of questions do the SSLN get from its members? Here is a typical lien question that was submitted a few months ago:

Question: I have a tenant who stopped making payments quite a while ago. I have sent the lien notices and his contents will be auctioned in about 4 weeks. Out of the blue, his daughter called me and said her father (the tenant) has been ill and she just got all his past mail delivered to her. She is fine with paying the past due balance current, however, she would like to go through the unit and empty it out as (she says)

her father does not need the unit anymore. She does not have a power of attorney and he lives a long way from our facility and is too sick to travel. She says she can bring paperwork to him or can give us his address to mail something to him. We would rather work things out with the daughter than sell the contents. How should we proceed?

Answer: This scenario has a bit of everything: A pending lien sale, an allegedly sick tenant, a daughter who appears just weeks before the sale, and a sympathetic story. The best approach is to let the daughter pay the rent. If she has the key and the gate code she can enter the space. If she doesn't have the key and the code, she needs to get written instructions from the father.

Another question dealt with law enforcement agencies:

Question: We have a delinquent space that has been prepared for auction. We cut the lock and did an inventory as required by the lien law. We got a call from the police, who would like to inspect the contents in connection with a burglary investigation. They don't have a search warrant. What should we do?

Answer: While cooperating with the police in official investigations is something most citizens

will want to do, there are rules that the police must follow. In most situations you would ask the police to get a search warrant, because self storage spaces are not under the care, custody or control of the facility operator. They are under the exclusive control of the tenant. This situation may be an exception to the rule. The space has been prepared for auction, the lock removed and the property inventoried by the storage operator. The public will have an opportunity to view the space prior to the sale. The tenant no longer has a reasonable expectation of privacy and the operator could permit the police to view the space without a warrant in this particular situation.

The idea behind the SSLN is simple: Self storage operators must deal with tenant matters every day and most managers and owners know that mistakes can lead to lawsuits. These self storage operators need to consult with someone who understands the law but more importantly understands the self storage business. They are looking for a low cost way to get this help. That is really what the SSLN is all about. It provides members with the opportunity to discuss their questions with attorneys who understand their business and can give them practical guidance.

For more information about the SSLN, call Ginny Stengel at 703-575-8000, or visit www.selfstorage.org. ❖



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