

REPOSSESSIONS ON FORT KNOX

1. Kentucky law grants a creditor with a security interest in a motor vehicle certain rights in that secured vehicle (collateral), upon default of the debtor. Default normally occurs from a failure to pay money due under an installment contract or a failure to maintain insurance coverage. Under state law, if a debtor is in default, the creditor may repossess the vehicle without resorting to judicial process.
2. There is no requirement for a federal military installation to allow self-help repossession of privately owned vehicles within the installation; however, Fort Knox permits discretionary repossession. The Department of the Army policy not to act as a haven for debtors, this policy balances both the interest of the lien holder and the Government's interest in the security and the maintenance of good order and discipline on Fort Knox. Additionally, certain safeguards are maintained in order to protect against theft of personal property and the wrongful removal of a Soldier's property from this installation.
3. The Administrative Law Division is delegated to review involuntary repossessions on this installation and to ensure any repossession is conducted in compliance with this policy. Prior to approving any repossession in the absence of a court order, the following criteria must be met:
 - a. The Soldier's primary residence must be on Fort Knox, or there must be reason to believe the vehicle is not otherwise reasonably accessible for repossession.
 - b. The Soldier must be at least 30 days in arrears in payments or has no insurance coverage.
 - c. The reposessor must provide 24-hours notice. The following documentation (photo copies are sufficient) should be faxed to (502) 624-0997:
 - (1) The attached repossession memorandum.
 - (2) Vehicle title or registration certificate reflecting existence of a lien.
 - (3) Payment history showing the amount and date of the last payment.
 - (4) Credit/sales contract.
 - (5) Authorization for reposessor to act as lien holder's agent in effecting repossession.
 - d. The service member's social security number and year of birth on the memorandum is not legally required, but must be provided to confirm their presence on Fort Knox.
 - e. Repossession will be accomplished between the hours of 7:00 am and 10:00 pm.
 - f. Creditors, collection agencies, etc., seeking repossession will report to the Civilian Liaison Office personnel, (502) 624-2518, located at building 298 Gold Vault Rd (off of Dixie St.). They will in turn contact the individual in possession of the property. If the Soldier is attached to

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a deployed command, the repossession process will not continue until contact can be made with the deployed Soldier.

g. Individuals whose property is subject to repossession will be afforded a reasonable opportunity to consult the Legal Assistance Office at (502) 624-2771 concerning the consequences of voluntary repossession. If the Soldier declines to voluntarily surrender the vehicle, repossession will not be permitted without a court order. A court order will be served on the individual in the same manner as other civil process in accordance with applicable Kentucky law.

h. Law enforcement/military police will accompany individuals effecting repossession, either voluntarily or through a court order. They will not in any way assist in the repossession; however, they will maintain order in the event the repossession is contested. The repossession will not proceed if there is a breach of the peace, or if a breach of the peace appears imminent.

i. The creditor/agent will be responsible for the vehicle and its contents during repossession. The owner of the repossessed property will be afforded the opportunity to remove personal property not the subject of the repossession action.



DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY CADET COMMAND AND FORT KNOX
50 THIRD AVENUE, SUITE 215
FORT KNOX, KENTUCKY 40121-5230

REPLY TO
ATTENTION OF:

ATCC-SJA-A

Date _____

MEMORANDUM FOR Provost Marshal, ATTN: IMKN-ESP, Ft Knox, KY 40121

SUBJECT: Repossession of POV on Fort Knox

1. This statement is to certify that _____, of the repossession agency _____, telephone number _____, has come before me and presented adequate documentation from the lien holder, _____, to permit the peaceful repossession of a (year and make) _____, vehicle identification number _____, currently held by (debtor) _____, SSN _____, year of birth _____, and that the underlying debt is not a pre-service obligation requiring a court order in accordance with the Service- members Civil Relief Act of 2003.

Disclaimer: SSN and year of birth is not legally required, however, without it, verification of the service member is not possible. Note: Persons other than military may be difficult to verify.

Debtor is _____ Active Duty Military _____ Federal Employee _____ Other

- 2. In no case will there be any breach of the peace.
- 3. The agent repossessing the vehicle is responsible for any personal property that may be found in the vehicle and will return such property to the rightful owner.
- 4. This statement only applies to the above-identified repossession and is valid only on the Fort Knox installation. Other military installations may have different restrictions.
- 5. This statement is effective only for repossession efforts made within 7 days of the above date. An additional statement will be required for such efforts on another date.

Verification comment (if any) _____
(by Admin Law staff)

Repossession Agent

Fax # _____

Administrative Law Division, SJA

Phone: (502) 624-7414/6122

Fax: (502) 624-0997