



Colorado Self Storage Association Newsletter

Winter Spring 2014

Colorado Self Storage Association
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In This Issue

President's Letter

COSSA Board

Welcome New Members

Calendar of Events

SAVE THE DATE!

Tom Litton

New Benefits for COSSA Members

Vendor Spotlight-Ponderosa

Insurance

LEGAL CORNER



2014 COSSA BOARD

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President

JOHN ARONSON

Secretary/Treasurer
Membership Co-Chair

CHRIS MUHR

Vice President

JOAN LUCAS

Director

FROM THE PRESIDENT:

COSSA marks its tenth birthday this year. We are going to celebrate this achievement by attending the Rockies-Cardinals game at Coors Field on Tuesday evening, June 24, 2014 at 6:30 p.m. We encourage everyone to attend. We will have our own seating section, and it will be a great opportunity to meet and mingle with many of our peers. It should be a lot of fun -- see below for details. We'll be raffling off free tickets at the spring meeting on May 14th.

I am proud to report that COSSA operated in the black again last year. This is our number one priority every year.

In addition, I am happy to report the model lease prepared last year (aka The Big Easy) has been very successful. We have had a lot of positive feedback from facilities who have purchased the lease. Also, we received suggestions about ways to update it. We will be making additions to the lease for 2014 which will include some of the suggestions from our members, and these will be available to all members who purchased the lease.

This year, COSSA's goals include: (1) Implement board training for our Board members; (2) Support Assistive Technology Partners (ATP). The Board selected ATP as the nonprofit it would team up with as part of our community outreach program. ATP has over two decades of innovation, knowledge and experience in helping people with disabilities reach their highest potential.

Dr. Cathy Bodine, Executive Director, will speak at our spring meeting on Wednesday, May 14, 2014, at Inverness. ATP is part of the Bioengineering Department at the University of Colorado at Denver. Click on our website for more details about ATP (coloradossa.com). (3) As

KEVIN COHEN

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Director

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Director

BARRY SHERMAN

Director
Membership Co-Chair

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TODD MACKINTOSH

Legal Advisor

JOHN SINGER

Legislative Liaison

ANNA AUNE

Administrative Asst.

mentioned above, updating the model lease including adding language related to the new Colorado marijuana law. (4) Educate our members on issues facing our industry.

I would like to encourage each of you to attend our Spring Meeting. Last year's Spring Meeting set a record for attendance. We would love to break that this year. We have an even better set up at Inverness this year than we had last year. Think of it as their "honeymoon" suite. Further details about the meeting appear later in this newsletter. It is going to be a wonderful program!

Thanks to all of our members for supporting COSSA over the last decade.

Jackson L. White,
COSSA President



SAVE THE DATE!

COSSA SPRING MEETING/TRADE SHOW

MAY 14, 2014

**Inverness Conference Center, 200 Inverness Drive West,
Englewood, CO**

7:30 am - 12:30pm

**IT'S EASY TO LINK
YOUR MEMBER
FACILITY
DIRECTLY TO
COSSA'S WEB
SITE!**

**Just provide your
company
name, logo,
contact name,
and e-mail to
coсса@q.com**

COSSA's 2014 spring meeting/trade show will be held at the Inverness Conference Center in Englewood, CO on May 14, 2014. This half day session will include our second annual trade show in a new, expanded area of this state-of-the-art facility. We'll have even more room this year for our vendor



members to share their products and expertise with you, and we have some exciting things to tell you about. Our keynote speaker is Bob Copper of Self Storage 101.

Following the conclusion of the meeting at around 12:30 p.m., we're going to host a manager's roundtable session so that managers can discuss among themselves, any subject they'd like to bring up. This is your opportunity to share your ideas, find out how your neighbors are handling various issues, or ask questions about what other industry pros are doing about lien sales, security issues, difficult customers, etc. etc.



COSSA'S 10th ANNIVERSARY CELEBRATION

JUNE 24, 2014

6:30 p.m.

Join the COSSA Board and other COSSA members as we cheer on the Colorado Rockies against the St. Louis Cardinals at an evening game on June 24th at Coors Field. We'll have our own section in the stadium and will be recognized on the leader board. You'll be receiving details soon!



COSSA FALL MEETING/TRADE SHOW

OCTOBER 16, 2014

And don't forget to mark your calendars for October 16th, which is the date of our fall meeting. Your association is growing steadily, so we've reserved a new, larger venue this

WELCOME NEW MEMBERS!

**Basalt Mini Storage,
Basalt, CO**

**Bobcat Storage
Longmont, CO**



NEW VENDOR MEMBERS!

**Cubesmart
Malvern, PA**

Colorado Commercial

Construction
Co Springs, CO

Authentic Contracting
Solutions
Denver, CO

Tell your associates to join
COSSA!

*Thanks to All of our
Members-Have a Great
Spring and Summer!*



**Want to showcase
your business in
the COSSA
Newsletter?
Submit your ad
now**

**Contact us at
coffa@q.com**



year to better accommodate everyone - the Hilton
Doubletree Hotel, 3203 Quebec Street, Denver.

NEW BENEFITS OF COSSA **MEMBERSHIP**

COSSA is all about protecting your business and exploring new ways to enhance your bottom line. We are continuously looking for ways to provide you with more valuable benefits for your membership.

Here are some of those efforts by your Board over the past year:

We introduced a sample Colorado lease and self storage forms package containing 15 different self storage forms. We call this package the "Big Easy" because everything is available and accessible in one big, easy package.

A committee of Board members, managers, and owners worked on this project with Todd Mackintosh, our legal advisor, for almost a year, using best practices to bring you a comprehensive product that is worth a great deal more than the \$300 we're charging for the package.

For that reason, when you order, we'll ask you to sign a release form, saying that you won't share these documents with anyone else. If you haven't already ordered your copy and would like to do so, just contact us at coffa@q.com and order your package.

The forms are on a CD in Word format, so you can easily customize and personalize it with your own facility information.

We've just completed a new project which will provide another new cost-saving opportunity for you. This new discount-buying program will allow you to purchase thousands of different items from Office Depot, either online or in-store, at discounts of 20-80%, depending on the item.

This includes paper, ink cartridges, toner, office equipment, pens, breakroom supplies, almost anything you need to run your offices on a daily basis.

We're making this plan available to all COSSA members, and here's how it works:

CALENDAR OF EVENTS

February 26, 2014

Board Training

Denver

March 12, 2014

Board Meeting

April 9, 2014

Board Meeting

May 16, 2014

Spring 2014 Member Meeting

Inverness Conference Center

Englewood

June 24, 2014 6:30 pm

COSSA 10th Anniversary

Event-Rockies Game

CO vs STL

Coors Field, Denver

October 16, 2014

Fall 2014 Member

Meeting

Doubletree by Hilton

Denver



Quick Links...

www.coloradossa.com

www.selfstorage.org

Just log onto our web site, coloradossa.com, click on the "Members Only" section, and print off the membership card (which Office Depot will laminate for you free of charge).

Take it to an Office Depot store for automatic discounts every time you present your card at the check-out counter.

VENDOR SPOTLIGHT



Protect Yourself and Your Customer with Tenant Insurance

Has your city been inflicted with Arctic like temperatures? The polar vortex, blizzards and record setting snowfall have been hitting parts of North America this winter. This freak weather has been causing destruction and property loss along the way. Imagine your customer coming to you after their items are damaged; are you protected? There have been precedent-setting court cases where it was ruled that a storage facility was not responsible for a customer's loss, based on that facility providing the option to insure the customer's goods. Without tenant insurance, your customer is going to look to you, the owner, for some sort of compensation. Protect yourself, while protecting your customer, by offering tenant insurance.

Here is where Ponderosa Insurance Agency can help. We offer low-cost tenant insurance called Safestor and have been helping self-storage facilities with their tenant insurance needs for over 35 years. When you offer Safestor, not only are you providing protection for your customer's goods, but you are also reducing the Customer Goods Legal Liability exposure at your facility. With 1000's of storage facilities currently offering Safestor, we have become the trusted leader in tenant insurance.

If you are not actively offering tenant insurance to every customer, now is the time to start. Take the first step by contacting us today. Allow our experts to educate you on the ins and outs of tenant insurance.

If yo u'd like to learn more about Safestor, please contact Casey Huberty from the Ponderosa Insurance Agency at 1-866-732-

**COSSA,
SCHUR SUCCESS
AUCTIONS, AND ATP
PARTNERING IN 2014**

The COSSA Board, as part of its efforts to give back to the Colorado communities we serve, would like to partner with the self storage industry and Schur Success Auctions in 2014 to provide fundraising support for

Assistive Technology Partners (ATP), the leading edge provider in research, design, testing and application of technologies for persons with the most severe cognitive, sensory or physical disabilities.

One in five people in the U.S. lives with a disability, and ATP is in business to identify, evaluate and test new technologies to help the disabled reach their highest potential at home, school, work, play and in the community.

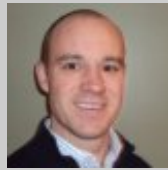
The need is great!

We'd like to familiarize our COSSA members with the miracles ATP performs and the amazing life-changing services they provide.

Please click on the links on our website (coloradossa.com) to learn more about this wonderful organization, and offer your support. You'll be hearing more about ATP at the upcoming COSSA spring meeting/trade show.



4711 or chuberty@ponderosainsurance.com.



You can also find us online at
www.ponderosainsurance.com

THE "BIG EASY" IS HERE!

The updated Colorado lease agreement (which incorporates the changes required by the 2011 Colorado lien law) and a package of self storage operational forms are now available on an easy-to-use CD. Forms included are:

- 24 Hour Access Request
- Abandonment Agreement
- Authorization to Accept Deliveries
- Authorization to Cut Tenant's Lock
- Automatic Payment Authorization
- Change of Address Form
- Credit Card Payment Authorization
- Disclaimer for Partial Payment
- Intent to Vacate Notice
- Motor Vehicle Registration Form
- Returned Check Notice
- Vehicle and Boat Storage Addendum
- Waiver of Service Member Civil Relief Act Rights

We call the package "The Big Easy" because it provides everything you need for your operation in one easy package.

This comprehensive package can be purchased by COSSA members only for \$300 for the first facility, \$100 for each additional facility, with a maximum cost of \$500 for any company.

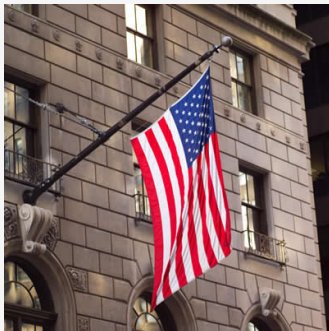
The lease and forms can be customized with your own facility name and specific fees and charges applicable to your company. We strongly advise that you confer with your own counsel to ensure that the lease and forms comply with the specific factual and legal needs for your facility.

We will require your agreement that you will not make these documents available to any third party person or company.



"COSSA MEMBERSHIP
IS LIKE AN
INSURANCE POLICY
TO PROTECT THE
VIABILITY OF OUR
BUSINESS."

Hank Saipe
COSSA Director



To Join COSSA, just log
onto
our web site,
coloradossa.com
and download the
membership
application.

To order, send your request to cosssa@q.com or COSSA, PMB #144, 6140
S. Gun Club Road, K6, Aurora, CO 80016.

Legal Corner



Owner Gets Judgment for Rent and Late Fees

It may not seem unusual for a self storage operator to win a lawsuit for unpaid rent and late fees owed by a tenant. However, self storage operators seldom file such lawsuits. Most owners rely upon the statutory lien that permits the facility operator to sell the delinquent tenant's contents when rent is not paid, and do not need to go to court. A Wisconsin operator went to court in an unusual way but ultimately won the suit. When the tenant became delinquent in rent payments, the owner sent a notice of default. In response the tenant filed a lawsuit for replevin (return of the property in the storage space). The self storage operator brought a cross-complaint for rent, late fees and other charges. At trial the tenant argued that he was not the tenant of the space on which rent was not being paid. Instead his mother was the tenant as reflected by the rental agreement. Also the owner did not have a lien on the stored property because the rental agreements' lien notice did not comply with the Wisconsin self storage lien law. The storage operator was awarded \$2,525 for rent and other charges. The plaintiff appealed. The Court of Appeals affirmed in *Erdmann v. Village Storage of Oconomowoc, LLC*, 2013 Wisc, App.Lexis 1032. The court agreed with the plaintiff, who claimed ownership of the property in the storage space, that the space had initially been rented by his mother. However, the court concluded that the plaintiff became a co-tenant by a subsequent oral agreement. The court found that both the plaintiff and his mother had requested that he be given effective control over the space. Rent payments were made by both the plaintiff and his mother over the next forty months after the request. Their course of conduct over this period established that both mother and son acted as if both were tenants under the original rental agreement. The court found no support for the son's contention that the original rental agreement had been terminated and that the landlord was bound by a subsequent oral contract and that the self storage lien created by the Wisconsin lien law did not apply.

Substantial Compliance

The court also rejected the plaintiff's claim that the rental agreement did not comply with Wis Stat, 704.90(3)(b), which states;

(b) A rental agreement shall state in boldface type that the operator has a lien on personal property stored in a leased space and that the operator may satisfy the lien by selling the personal property, as provided in this section, if the lessee defaults or fails to pay rent for the storage of personal property abandoned after the termination of the rental agreement. The rental agreement did not have the lien notice in bold type as required by the law but instead had the notice in all capital letters. The court held that the rental agreement was in substantial compliance with the statute. The court concluded that the legislature required bold type to draw attention to the lien notice. While using all capitals was not exactly what the legislature required, it substantially fulfilled the statutory purpose of making the notice conspicuous since it was surrounded by sentences that were not in all capital letters.

The Importance of Clear Tenant Records

The result in this case was a win for the storage operator but it raises a question. Would the court have ruled the same way if the tenant had not brought the suit to stop the sale and the owner had sold the property pursuant to the self storage lien? Legally, these were close questions and the court could have ruled either way. It was far easier for the court to rule in the storage operator's favor when the only question was: Could the plaintiff get his property from the space without paying the back rent?

This case could have had a different result had the property been sold and the tenant brought suit for wrongful sale.

This case demonstrates the importance of accurate paperwork and strict compliance with the requirements of the lien law. There should have been a written agreement executed by both mother and son that either transferred the space from the mother to the son as the new tenant or added the son as a co-tenant. Such a written record would have eliminated any question concerning the plaintiff's status. The appearance of the lien notice in the rental agreement should never have been an issue. The statute states the notice is to be in bold type and this statutory command should have been followed. This is a situation in which creativity is seldom rewarded.

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SSA/Self Storage Legal Review: Timothy J. Dietz, CAE

DID YOU KNOW?

As many of you know, last year COSSA established a committee to review the terms and conditions found in many rental agreements for self storage facilities.

The 12 person committee, made up of members of COSSA, met multiple times and reviewed and discussed (and sometimes argued about) what

terms and conditions each member believed was important to have in a rental agreement. Well over 100 hours were spent in reviewing and discussing the agreements.

After finishing up with our meetings, I drafted a rental Agreement which incorporated the terms and conditions the committee believed to be necessary. COSSA has now made this rental Agreement available to all of you. While the Rental Agreement should never take the place of your own legal counsel, and COSSA requires you to have a review done by your own lawyer, COSSA believes the Rental Agreement provides an excellent framework for those of you looking to revamp your existing agreement.

In addition, revisions to the Rental Agreement will be made periodically to address new issues that arise in this ever-changing business, and these will be available to you if you've ordered the lease.

Many of you have already taken advantage of this opportunity. If you have not, I encourage you to do so. It is an extremely economical way to revise your agreements.

Please contact cossa@q.com to order.

Todd Mackintosh
Wood, Ris & Hames, P.C.
COSSA Legal Advisor

COSSA

Colorado Self Storage Association

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