

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Siskiyou)

TIM HORGAN,

Plaintiff and Appellant,

v.

DOUG ROBINSON et al.,

Defendants and Respondents.

C080260

(Super. Ct. No. SCSCCVPO140000257)

Following a lien sale, plaintiff Tim Horgan sued defendants Doug and Gina Robinson for conversion of his motorcycle. The trial court found for defendants, concluding plaintiff had failed to prove defendants violated any statute, regulation, or lawful requirement. Plaintiff appeals, contending a lienholder fails to comply with California law governing lien sales if it sends notice of a lien sale only to the owner's registered address when the lienholder has reason to know the owner resides elsewhere. We disagree and affirm.

BACKGROUND

Outside of his mobile home residence in Siskiyou County, plaintiff Tim Horgan shot a man in the stomach. When he was arrested, law enforcement officers contacted defendants Doug and Gina Robinson (who run a towing company) to impound and store plaintiff's motorcycle. The motorcycle's registration had expired. Plaintiff was taken to Siskiyou County Jail.

Eight days later, defendants hired a lien sale company to conduct a lien sale of the motorcycle. Defendants did not tell the lien sale company plaintiff might be in Siskiyou County Jail, nor did they provide possible addresses for the registered owner. Defendants left it to the lien sale company to determine plaintiff's address from DMV records.

The lien sale company sent notice of the pending lien sale to plaintiff (the registered and legal owner) at the address registered with the DMV -- an address in Woodland, California. Plaintiff testified he never received any mail or documents regarding his motorcycle.

Defendant Gina Robinson testified no one told her plaintiff had been arrested, or of the arrest's circumstances. At the scene of the tow, she was given a CHP 180 form, but it was missing the second page, noting plaintiff had been arrested. Doug Robinson testified that before the sale he believed plaintiff was probably in Siskiyou County Jail. The shooting was much discussed in the area.

After the sale, plaintiff brought suit for conversion of his motorcycle. The trial court found, while plaintiff had not received notice of the sale, defendants and their agents had complied with notice requirements prescribed by law. The court further found plaintiff failed to prove by a preponderance of evidence that defendants or their agents

violated any statute, regulation, or other lawful requirement. Plaintiff also failed to prove defendants acted maliciously.

DISCUSSION

On appeal, plaintiff contends defendants failed to comply with Civil Code section 3072,¹ which governed the lien sale, because they failed to tell the lien sale company plaintiff was believed to be in Siskiyou County Jail and not at the address registered with the DMV. We disagree.

Before the lien sale of a vehicle valued at \$4,000 or less, section 3072, subdivision (b), directs the lienholder to send, by certified mail, notice of the pending lien sale to the registered owner and legal owner “at their addresses of record with the department.” Notice must also be sent to “any other person known to have an interest in the vehicle.” (§ 3072, subd. (b).)

Here, the record reflects this was done: the lien sale company sent notice, by certified mail, to plaintiff, the registered and legal owner, at his address of record with the DMV. Plaintiff does not challenge this fact.

Plaintiff does not challenge the applicability of section 3072 to the sale of his motorcycle. However, he asks us to construe section 3072 to require more than notice to the owner’s registered address. He argues a lienholder must investigate possible locations of the owner, beyond that of the address registered with the DMV, and it must provide that information to the lien sale company. In support, plaintiff points to section 3072’s language requiring notice “to any other person known to have an interest in the vehicle.” He further points to companion section 3071, which governs lien sales of vehicles exceeding \$4,000 in value. Section 3071 requires the lienholder to provide the

¹ Undesignated statutory references are to the Civil Code.

DMV with, among other things, “the name and address of any person whom the lienholder knows, or reasonably should know, claims an interest in the vehicle.” (§ 3071, subd. (a)(2).)

Plaintiff argues when the “reasonably should know” portion of section 3071 is read together with section 3072, “the words ‘and to any other person’ should be interpreted to include a registered owner whose address on DMV records is incorrect but whose actual current address the lienholder reasonably should know.” Based on this interpretation, defendants could not decline to ask basic questions such as where the owner lives or ignore information about the possible location of the registered owner. Plaintiff argues to hold otherwise would effect a forfeiture, contravene the statute’s purpose, and be opposed to reason and justice.

We decline to adopt plaintiff’s proposed interpretation. If a statute’s language is clear, we have no cause to construe it. (*People v. Meyer* (2010) 186 Cal.App.4th 1279, 1283.) Under section 3072, the lienholder’s duty is clear. Equally clear is the registered owner’s duty to notify the DMV of an address change within 10 days. (See Veh. Code, § 4159.) Moreover, application of section 3072’s plain language does not compel an absurd result here. (See *Rehman v. Department of Motor Vehicles* (2009) 178 Cal.App.4th 581, 587 [“ ‘The literal meaning of the words of a statute may be disregarded to avoid absurd results’ ”].) The result, here, is the natural consequence of plaintiff’s failure to register his motorcycle and notify the DMV of an address change.

Having rejected plaintiff’s interpretation of section 3072, we conclude the record amply supports the trial court’s finding defendants and their agents complied with notice requirements prescribed by law.

DISPOSITION

The judgment is affirmed.

/s/
HOCH, J.

We concur:

/s/
RAYE, P. J.

/s/
MAURO, J.