

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. The default is normally a failure to pay money due under an installment contract or a failure to maintain insurance coverage. 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 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 balances both the interest of the lien holder and the Government's interest in the security of Fort Knox and the maintenance of good order and discipline. 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 authorize 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 and a completed memorandum (attached) should be faxed to (502) 624-0997.
 - (1) Vehicle title or registration certificate reflecting existence of a lien.
 - (2) Payment history showing the amount and date of the last payment.
 - (3) Credit/sales contract.
 - (4) Authorization for reposessor to act as lienholder's agent in effecting repossession.
 - d. Repossession will be accomplished between the hours of 0700 and 2200.
 - e. Creditors, collection agencies, etc., seeking repossession will report to Building 298. Civilian Liaison Office personnel, (502) 624-2518, will contact the individual in possession of the property. If the Soldier is attached to a deployed command, the repossession process will not continue until contact can be made with the deployed Soldier.
 - f. Individuals whose property is subject to repossession will be afforded a reasonable opportunity to consult the Legal Assistance Office 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.

g. Law enforcement personnel 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.

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

i. The creditor/agent will remove any post decal from the vehicle prior to removal from the installation and provide the decal to law enforcement personnel for proper disposition.