

Chairman Carona and committee members, thank you for giving me the chance to speak to you today on SB 690. My name is Emily Cates and I am editor of the *Daily Commercial Record* in Dallas, a newspaper that has been in existence since 1888 and in my family since the turn of the century.

For well over a hundred years, the *Daily Commercial Record* has been the newspaper of record for Dallas County, as well as the standard for insuring that the public is notified of goings on in the community, city and county. The *Daily Commercial Record* has been providing the people of Dallas County for over a century with a hardcopy of public notices and public information in a form that will never change. There is no major security system at the *Daily Commercial Record* that needs to be installed, maintained or tested to insure that our storage unit publication will not be changed accidentally or tampered with intentionally, as would be a consideration for an Internet only posting. For decades *Daily Commercial Record* has provided third party oversight through publication for foreclosed homes and property. For over a hundred years people have been able to walk into my office and dig through our morgue to find public notices and public information for decades back.

Everyone should have access to public information, and be given every chance to know if their possessions are going to be sold due to non-payment. Texans that live in rural areas, those that are elderly, or those who make up certain ethnic groups are statistically shown to underutilize and have less access to the Internet. Giving notice of storage sales through publication gives everyone a chance to notice if they or anyone they know has personal items that will be sold through auction. The *Daily Commercial Record* also insures that those who are most comfortable with the Internet are able to view storage units sales in two ways through the DCR website as well as the Texas Press Associations' website.

Along with availability, archivability is an invaluable service that the *Daily Commercial Record* provides to storage units and the public. It is no surprise that people often call us upset about an ad that they saw in our paper complaining that all of their possessions are being sold. By publication in a newspaper stating the storage unit number, name and contents of a unit prior to the sale, the storage companies are able to protect themselves from possible litigation by having the clipping of the notice, as well as a publisher's affidavit stating that the storage units followed the law and due process in terms of making sure the lessor had every opportunity to prevent personal items being foreclosed on.

Additionally, the *Daily Commercial Record* provides transparency in the last piece of the foreclosure process. I am not sure it makes to sense to have storage units be in charge of posting their own sale notices. If storage units put their notice of sale on their own website, I see no safeguards to make sure that it is on a secure site, or that the notice of sale would be available for a set amount of time for the posting date. I am not sure what the storage unit will deem as sufficient notice. Will they post the lessors' name, items to be sold or unit number? How many Clicks will it take for a person to get to the notice once they have logged onto the storage units' website? It is also unclear to me how smaller storage units would be able to put their sale notifications on a website when many

of them still fax us their sales or send us their sales through the mail. We have a collaborative process with smaller storage units that involves working with unit managers around insuring that the law is followed with regard to publication that would dissolve if notice is placed on storage units' own websites. In general, I am not sure who benefits from taking notices away from newspapers where publication has clearly worked for decades to storage unit's own site besides large storage companies.

The bill as written is unclear. Would posting notice on a website for an hour per day satisfy the new statute? Would posting on a website like Craigslist satisfy the criteria? If there is legislation over the sale, how would the storage companies be able to document the notice ever happened? Despite these concerns, Senator Carona's staff has made themselves available to help reconcile what we consider problem areas of the bill.

The *Daily Commercial Record* clearly remains the best way of notifying the public of personal property that is being foreclosed on by self storage companies through our print publication and newspaper website postings. It is my sincere hope that I will continue the legacy of my great grandfather by keeping public notice alive and well, and that through the *Daily Commercial Record* we will continue to be the newspaper and website of record for another hundred years.