

**Essential Elements of Action to Recover Personal Property as a Non-Secured Party**

- \_\_\_ Plaintiff is owner (or person entitled to possession).
- \_\_\_ Property was wrongfully taken or retained.
- \_\_\_ Defendant has possession of property. [If not, plaintiff may amend complaint to seek money damages for conversion.]
- \_\_\_ Damages necessary to return plaintiff to original position: return of property, compensation for injury to property, and costs associated with loss of use.



**Essential Elements of Action to Recover Personal Property as a Secured Party**

- \_\_\_ The existence of a valid security agreement.
- \_\_\_ That the security agreement created a security interest in the specific property at issue.
- \_\_\_ The debtor defaulted.