



FAIRFIELD COUNTY CLERK OF COURTS
BRANDEN C. MEYER

Court Ordered Title Packet for Single Motor Vehicle

This packet includes the following documents:

- *Instructions to Customers Seeking an Order by the Fairfield County Common Pleas Court Directing the Clerk of Courts Auto Title Department to issue a Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.);*
- *Petition for Court Order Directing the Clerk of Courts to Issue a Certificate of Title for a Motor Vehicle and Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.);*
- *BMV Form 3753- Information Sheet*
- *BMV Form 1173- OBMV Record Request (Section 4501.15, 4501.27 and 4507.53, O.R.C.).*

CLERK OF THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO

Instructions to Customers Seeking an Order by the Fairfield County Common Pleas Court Directing the Clerk of Courts Auto Title Department to issue a Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.)

PLEASE RECOGNIZE THAT THERE CAN BE NO ASSURANCE THAT A COURT ORDER DIRECTING ISSUANCE OF A MOTOR VEHICLE CERTIFICATE OF TITLE WILL BE GRANTED. THE DECISION DEPENDS ON THE COURT FINDING THAT YOU HAVE PRESENTED SUFFICIENT EVIDENCE TO ESTABLISH YOUR CLAIM THAT YOU ARE ENTITLED TO POSSESSION AND OWNERSHIP OF THE SUBJECT MOTOR VEHICLE(S).

The Clerk of the Common Pleas Court in each Ohio County has principal responsibility for issuing motor vehicle certificates of title on behalf of, and in cooperation with, the Bureau of Motor Vehicles (BMV), Ohio Department of Public Safety. A properly issued motor vehicle certificate of title is the primary evidence of ownership of the motor vehicle described in the certificate.

In a limited number of circumstances, a Judge of the Common Pleas Court can order the Clerk of Courts Auto Title Department (title office) to issue you a motor vehicle certificate of title. These circumstances include:

- I. When the original certificate of title issued by the State of Ohio or any other state has been lost, destroyed or stolen and a duplicate of that certificate as provided by Section 4505.12 of the Ohio Revised Code is not available from the Clerk or BMV due to a lack of historical title records; or
- II. When you have purchased a vehicle, but the previous owner has failed, refused or otherwise been unable to furnish you with a properly assigned certificate of title; or
- III. When you have been given a vehicle or it has been left in your possession and ownership, but the previous owner has failed, refused or otherwise been unable to complete the transaction by supplying required documents; or
- IV. When you are owner of a repair garage or vehicle storage facility who is in possession of a vehicle valued at more than \$3,500.00 after deduction of repair and storage fees, which vehicle has remained unclaimed by the owner more than fifteen days after notice to reclaim the vehicle.

The Ohio Revised Code sets forth specific procedures to follow in instances other than the four listed above. Here are some examples of circumstances with respect to which Section 4505.10 of the Ohio Revised Code does **not** apply:

- I. When you are owner of a repair garage or storage facility in possession of a vehicle valued at less than \$3,500.00 after deduction of repair and storage fees, which vehicle has remained unclaimed by the owner more than fifteen days after notice to reclaim the vehicle (See O.R.C. Section 4505.101); or
- II. When you are the operator of a manufactured home park attempting to remove a tenant's manufactured home from the home park property (See O.R.C. Section 3733.091 and 1923.12); or

- III. When you are a pawnbroker seeking forfeiture and title to a motor vehicle that has not been redeemed by the owner after expiration or breach of the loan secured by that motor vehicle (See O.R.C. Section 4505.102); or
- IV. When a motor vehicle, whether a “junk motor vehicle” or not, has been abandoned on private property owned by you; and you do not want title to the motor vehicle, but rather simply want it moved or disposed of (See O.R.C. Section 4513.60 through 4513.65, inclusive).

If you believe that Section 4505.10 of the Ohio Revised Code does apply to your situation, there are certain steps you will need to take before the Court can consider your petition for an Order directing the title office to issue a motor vehicle certificate of title to you. Those steps are outlined, as follows:

- I. In every instance your first step to obtain a certificate of title is to make application for one at a Clerk of Courts title office. The Fairfield County Clerk of Courts has two title office locations to serve you as listed below. A properly assigned previous certificate of title or a manufacturers or importer’s certificate must be surrendered when applying for a certificate of title to be issued in your name. Absent one of those documents other satisfactory proof of ownership and rights to possession of the motor vehicle must be furnished. Section 4505.10(A) of the Ohio Revised Code limits the acceptable substitute proof to “an affidavit by the person or agent of the person to whom possession of the motor vehicle has passed, setting forth the facts entitling the person to possession and ownership, together with a copy of the Journal Entry, Court Order, or instrument upon which the claim of possession and ownership is founded.” Most transactions are routine, but if you are unable to supply the described documentation, the title office cannot issue a certificate of title in your name. While at the title office you should request a record search of the vehicle identification number (VIN) to determine if any liens have been recorded against the vehicle. The title office will furnish you with a copy of the report of search results.
- II. If your application for a certificate of title is denied by the title office because of insufficient proof, you may review the BMV Information Sheet (BMV Form 3753) to determine if the BMV can provide additional assistance to you. In specific cases, the BMV can provide a letter of authority that will authorize the local title office to issue a certificate of title in your name. If your situation meets the criteria set forth in BMV Form 3753, please submit your evidence to the BMV in accordance with the instructions provided in BMV Form 3753.
- III. If the BMV determined that the evidence you compile and present is sufficient to establish your right to possession and ownership of the vehicle, you will be given a letter authorizing the title office to issue in your name a certificate of title for the motor vehicle. If you receive a letter of authority from the BMV, you should bring the letter along with copies of the evidence you presented to the BMV to a Clerk of Courts title office. A certificate of title will be issued based upon that letter of authority and upon any applicable fees and taxes. A Petition for Court Order will not be necessary.
- IV. If your situation does not meet the criteria set forth in the BMV Form 3753 or the BMV determines that the evidence you compile and present is not sufficient to establish your right to possession and ownership of the vehicle, you have the option to petition for a court ordered motor vehicle certificate of title. Here is the procedure:

What steps do I need to take to obtain a court ordered title in Fairfield County?

Step	Where To Go	What Is Needed
Step One: Lien Holder Record Search- Visit a Clerk of Courts title office to obtain a court order packet and request a lien holder record search.	<p>Fairfield County Clerk of Courts Title Office</p> <ul style="list-style-type: none"> • Lancaster Title Office 982 Liberty Drive Lancaster, Ohio 43130 740-652-7540 or • Pickerington Title Office 485 Hill Road Pickerington, Ohio 43147 614-835-2610 	<ul style="list-style-type: none"> • <u>Fee:</u> A \$5.00 record search fee will apply for each title record search. • Please make checks payable to: <i>Fairfield County Clerk of Courts</i>. • Inquire applicable lien holder information for the vehicle being petitioned at any of our two Fairfield County title offices. • Please retain denial letter due to insufficient evidence letter from the Clerk of Courts title office to file with your petition as a necessary exhibit.
Step Two: Vehicle Owner Record Search	<p>BMV Deputy Registrar's Office</p> <p>614-752-7671</p> <ul style="list-style-type: none"> • Visit www.bmv.ohio.gov for a list of locations. 	<ul style="list-style-type: none"> • <u>Fee:</u> A \$5.00 record search fee will apply for each title record search. • Complete BMV 1173 form and check the box "last known address" for the vehicle owner and submit the form to the BMV using the instructions provided on the form. The BMV will mail a BMV 2433 form to you containing the results of the record search. • BMV 1173 forms are available online at www.bmv.ohio.gov or by calling 614-752-7671. • Please allow at least 15 business days for processing. • Please retain BMV 2433 form to file with your petition/affidavit to the Court as a necessary exhibit.
Step Three: Certified Mail Notifications- Mail a certified letter to current owner and lien holder apprising them of your intention to petition the court for a certificate of title.	<ul style="list-style-type: none"> • Visit www.usps.gov for information about the U.S. Post Office. 	<ul style="list-style-type: none"> • Mail a certified letter to the vehicle owner(s) and lien holder(s) using information provided by the BMV and Clerk of Courts title office notifying them of your intention to petition the Court for a certificate of title. • Please retain copies of the letters mailed as well as the returned certified mail receipts to file with your petition as a necessary exhibit. • Please allow 15 days from the date of mailing for appropriate parties to respond back to you.
Step Four: Obtain Ohio State Highway Patrol (OSHP) Inspection Receipt	<p>BMV Deputy Registrar's Office</p> <p>614-752-7671</p> <ul style="list-style-type: none"> • Visit www.bmv.ohio.gov for a list of BMV locations. 	<ul style="list-style-type: none"> • <u>Fee:</u> A \$53.50. • Visit your local BMV Deputy Registrar's office to purchase an OSHP Inspection Receipt (BMV 106 form).

Step Five: Schedule your OSHP Inspection	Ohio State Highway Patrol •Columbus District Office 1583 Alum Creek Drive Columbus, OH 43209 614-644-1667 •Visit https://ext.dps.state.oh.us/SalvageInspectionAppointment/Pages/Public/Home.aspx for more details.	•Retain the BMV 106 form you are provided to submit with your petition/affidavit to the Court.
Step Six: File your petition/affidavit with the Fairfield County Court of Common Pleas	Fairfield County Clerk of Courts Legal Department •Hall of Justice 224 E. Main Street, 2 nd Floor Lancaster, Ohio 43130 740-652-7360	•Fee: \$180.00 (After approval or denial, court costs will be figured and applied from the deposit money and any overage will be returned to you). •A miscellaneous civil case will be opened when you submit an original and two copies of the following: a notarized petition/affidavit (included in packet); denial letter from the Clerk of Courts title office; copies of any certified mail notifications and receipts; BMV 2433 form; BMV 106 form; All relevant documentation (i.e. proof of attempt to contact owner of record, copies of past insurance and/or motor vehicle registration, copies of checks or receipts to show payment made for motor vehicle, and any other documents to support ownership) needs to be attached to the petition/affidavit at the time of filing.
Step Seven: Appear before a Common Pleas Court Judge	Fairfield County Common Pleas Court •Hall of Justice 224 E. Main Street, 2 nd Floor Lancaster, Ohio 43130	•After you file the petition and supporting evidence an oral hearing will be set for the Judge to consider your documents. If your petition is granted, the Judge will sign a Judgment Entry and direct you to the Clerk of Courts Legal Department.
Step Eight: Obtain a copy of your Judgment Entry from the Clerk of Courts Legal Department	Fairfield County Clerk of Courts Legal Department	•Once filed, you will be given a certified copy of the Judgment Entry to present to the title office for your certificate of title.
Step Nine: Return to the Clerk of Courts title office to make an application for certificate of title	Fairfield County Clerk of Courts Title Office •Lancaster Title Office or •Pickerington Title Office	•Fee: Title fees and applicable sales tax apply. •Please bring certified copy of the Judgment Entry and a valid photo identification card to one of the two title offices to apply for a certificate of title.

THERE IS NO GUARANTEE THAT A COURT ORDER WILL BE GRANTED.

- V. Available at the Fairfield County Clerk of Courts title offices are standardized, pre-printed forms of a *Petition for Court Order Directing the Clerk of Courts to Issue a Certificate of Title for a Motor Vehicle and Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title for a Motor Vehicle*. You should fill in your name and address on the petition and complete the detailed description of the motor vehicle, including the vehicle identification number (VIN). A petition without the VIN will not be accepted. You should also fill in the blanks (except for the judge's name, the case number and the date) on the petition/affidavit. If filing for more than one vehicle, complete as many vehicle information pages, as necessary. On the petition you should furnish the details of how you came into possession of the motor vehicle and the facts upon which you base your claim that you should be declared the owner of the vehicle with all rights of possession. Be thorough and attach additional sheets, if necessary. Documents noted in these instructions as necessary exhibits must be filed with the petition/affidavit.
- VI. You should attach to your petition/affidavit the following as exhibits:
 - A. A copy of the refusal or denial letter you received from the Clerk of Courts Title Department;
 - B. Copies of the record search reports you obtained from the BMV along with BMV 2433 form;
 - C. State Highway Patrol Inspection Receipt (BMV 106 Form);
 - D. Correspondence and certified mail receipts showing you have tried to contact the current owner and lien holder (if applicable) in an attempt to secure a properly assigned certificate of title;
 - E. Copies of any additional documentation or evidence you believe necessary to support your claim, including, for example:
 - i. Any receipt, bill of sale, or cancelled check as evidence of your performance as purchaser in connection with an incomplete transaction that was not the result of your own failure to perform; and/or
 - ii. Sworn statements of other persons familiar with the circumstances surrounding your possession of the vehicle.

ADDRESSES AND PHONE NUMBERS OF IMPORTANCE:

- **Fairfield County Clerk of Courts Legal Department**
Hall of Justice, 2nd Floor
224 East Main Street
Lancaster, Ohio 43130
Phone: 740-652-7360 Fax: 740-687-0158
Hours: 8:00 AM-4:00 PM (Monday-Friday)
- **Fairfield County Clerk of Courts Title Department**

Lancaster Title Office
982 Liberty Drive
Lancaster, Ohio 43130
Phone: 740-652-7540 Fax: 740-681-4735
Hours: 8:00 AM-5:00 PM (Monday-Friday)
Saturday Hours: 8:00 AM-12:00 Noon

Pickerington Title Office
485 Hill Road
Pickerington, Ohio 43147
Phone: 614-835-2610 Fax: 614-833-5850
Hours: 8:00 AM-5:00 PM (Monday-Friday)
Saturday Hours: 8:00 AM-12:00 Noon

- **Ohio Bureau of Motor Vehicles (BMV)**
(Ask for the Title Section)
Phone: 614-752-7671
- **Ohio State Highway Patrol (OHSP) Vehicle Inspection Facility- District 6**
Columbus District Office
1583 Alum Creek Drive
Columbus, Ohio 43209
Phone: 614-644-1667

IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE OF
TITLE FOR A MOTOR VEHICLE:

Case No. _____

_____ : _____
(Petitioner's Full Name)

_____ : _____
(Petitioner's Address) Judge

_____ : _____
(City, State, Zip Code)

Petition for Court Order Directing the Clerk of Courts to Issue a Certificate of Title for a Motor Vehicle and Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.)

PETITION

The undersigned a resident of Fairfield County, Ohio, petitions this Court for an Order directing the Fairfield County Clerk of Courts Auto Title Department to issue, pursuant to Section 4505.10(A) of the Ohio Revised Code, a motor vehicle certificate of title in petitioner's name as true and lawful owner of the motor vehicle fully described as follows:

Make: _____ Model: _____

Year: _____ Color: _____ VIN #: _____

In support of this petition, the Court will find attached and incorporated herein petitioner's affidavit setting forth the circumstances under which petitioner came into possession of the subject motor vehicle; the facts that support issuance of a motor vehicle certificate of title in petitioner's name; and documents and other evidence that show petitioner's compliance with the requirements of O.R.C. 4505.10(A) and otherwise support petitioner's claim of entitlement to ownership of the described vehicle.

AFFIDAVIT

I, _____, having been duly cautioned and sworn, state the following to be
(Petitioner's Full Name)
true to the best of my personal knowledge and belief:

1. I am petitioning this Court to order the Fairfield County Clerk of Courts Auto Title Department to issue in my name a certificate of title for the motor vehicle fully described in my petition and now in my possession and under my control.
2. The described motor vehicle is not an "abandoned junk motor vehicle" as defined in Section 4513.63 of the Ohio Revised Code and subject to the procedures set forth in that statute.

3. I am not the owner of a repair garage or a place of vehicle storage required to follow the procedures set forth in Section 4505.101 of the Ohio Revised Code if the value of the subject vehicle is less than \$3,500.00.
4. I am not a pawnbroker required to follow the procedures set forth in Section 4505.102 of the Ohio Revised Code.
5. I am not the operator of a manufactured home park required to follow the procedures set forth in Chapters 1923 and 3733 of the Ohio Revised Code.
6. I applied to the Fairfield County Clerk of Courts Auto Title Department for a certificate of title, but issuance was refused because I was unable to produce the documentation required by Section 4505.10 of the Ohio Revised Code for the Clerk to issue the certificate, to wit: a.) prior certificate of title; b.) manufacturer's or importer's certificate; or c.) a copy of the journal entry, court order or other instrument upon which my claim of possession and ownership is founded.
7. The circumstances by which I came into possession of the described motor vehicle were as follows:
State how the motor vehicle was obtained: _____

If purchased, the motor vehicle was sold by: _____

Date of the transaction: _____ Purchase price: _____.
**Attach a copy of your receipt, cancelled check, or bill of sale or other documentation of the transaction.*

If the seller failed or refused to give you the prior certificate of title or the motor vehicle was otherwise abandoned by the previous owner to your possession, state what steps you have taken to obtain the prior certificate of title from the owner:

**Attach copies of the correspondence to the prior owner along with certified mail receipts to show that you have tried to contact the previous owner to ask for the title or other required documentation.*

**Attach any other documentation that you believe supports your request to be declared true and lawful owner of the subject motor vehicle.*

8. After the Clerk of Courts Auto Title Department found my evidence of title insufficient and refused to issue a Certificate of Title in my name to the described motor vehicle; I applied, as provided in Section 4505.10(A) of the Ohio Revised Code, directly to the Registrar of the Bureau of Motor Vehicles, Ohio Department of Public Safety, for the Registrar to authorize the Clerk of Courts to issue a certificate of title.

9. The Registrar of the Bureau of Motor Vehicle did not find the evidence I presented to be sufficient for the purpose of issuing a letter of authority to the Clerk of Courts Auto Title Department as indicated in the refusal letter issued instead by the Registrar. A copy of the refusal letter is attached hereto as documentation that I am entitled to file my petition in accordance with the provisions of Section 4505.10(A) of the Ohio Revised Code. *Attach a copy of refusal letter from the Clerk of Courts.*
10. I have asked the Fairfield County Clerk of Courts Auto Title Department to complete a lien holder record search of the motor vehicle identification number set forth in my Petition, and have attached a copy of the results of the search to this affidavit as an exhibit. I am unaware of any lien on the motor vehicle for which I am seeking a certificate of title other than as listed in the attached report from the Fairfield County Clerk of Courts. *Attach a copy of the results of the search.*
11. I have asked the Bureau of Motor Vehicles, Ohio Department of Public Safety, to complete a record search of the motor vehicle identification number noted in my petition to determine if the motor vehicle for which I am seeking a certificate of title has been reported stolen, and have attached a copy of the results of the search to this affidavit as an exhibit. I do not know, nor do I have reason to believe, that the motor vehicle for which I am seeking a certificate of title has been stolen [Section 4505.19(A) of the Ohio Revised Code]. *Attach a copy of the results of the search (BMV Form 2433).*
12. In furnishing this affidavit, I acknowledge my understanding that, under the terms of Section 2921.13(A)(1) and (A)(5) of the Ohio Revised Code, to knowingly make a false statement in any official proceeding and to swear to or affirm the truth of a false statement before a notary public or other person empowered to administer oaths may constitute the offense known as falsification, a misdemeanor of the first degree.

Further, Affiant saith naught.

Signature of Petitioner

Sworn to before me and subscribed in my presence this _____ day of

_____, _____.
_____, _____.

Signature of Notary Public

My Commission Expires _____, _____.