

CLERK OF THE COURTS OF COMMON PLEAS



JOHN C. KLAEHN, CLERK OF COURTS

Ottawa County Courthouse
315 Madison Street, Room 106B
Port Clinton, Ohio 43452
(419-734-6755)

Legal Division, Civil Section
315 Madison Street, Room 106B
Port Clinton, Ohio 43452
(419) 734-6755

Auto Title Division
315 Madison Street, Room 207
Port Clinton, Ohio 43452
(419) 734-6752

Instructions to Customers Seeking an Order by the Ottawa County Common Pleas Court Directing the Clerk of Courts Auto Title Division to Issue a Watercraft and/or Outboard Motor (Section 1548.11, Ohio Revised Code)

PLEASE RECOGNIZE THAT THERE CAN BE NO ASSURANCE THAT A COURT ORDER DIRECTING ISSUANCE OF A WATERCRAFT AND/OR OUTBOARD MOTOR 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 WATERCRAFT AND/OR OUTBOARD MOTOR.

The Clerk of the Common Pleas Court in each Ohio county has the principal responsibility for issuing watercraft and outboard motor certificates of title on behalf of, and in cooperation with, the Division of Watercraft, Ohio Department of Natural Resources (ODNR) [See, R.C. 1548.06(A)(1)]. A properly issued watercraft and/or outboard motor certificate of title is the primary evidence of ownership of the watercraft and/or outboard motor described in the certificate [See R.C. 1548.04].

In a limited number of circumstances, a judge of the Common Pleas Court can order the Clerk of Courts Auto Title Division (title office) to issue you a watercraft and/or outboard motor 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 1548.13 of the Ohio Revised Code is not available from the Clerk of the Division of Watercraft due to a lack of historical title records;
- II. When you have a purchased watercraft and/or outboard motor or it has been left in your possession, regardless of valuable consideration, with the intent that you shall exercise

full rights of possession and ownership, but the previous owner has failed, refused or otherwise been unable to complete the transaction by supplying required documents.

The Ohio Revised Code sets forth specific procedures to follow in instances other than the three listed above. Here are some examples of circumstances with respect to which Section 1548.11 of the Ohio Revised Code does not apply:

- I. When you are owner of a private dock or mooring facility who has posted proper notice that prohibits the mooring, anchoring, or tying of vessels or outboard motors at your dock, facility or structure any person not having your consent to do so. If you have complied with the conditions set forth in R.C. 1547.30, you can, as the owner of a private dock or mooring facility, order the watercraft and/or outboard motor towed into storage, but you do not have the right to obtain title to the watercraft and /or outboard motor. [See, R.C. §1547.30(B)(2)];
- II. When you are adversely effected because a watercraft and/or outboard motor has been left on private property other than a private dock or mooring facility or structure for at least 72 hours without the permission of the person having the right to the possession of the property, you may complain to the sheriff or chief of police having territorial jurisdiction over the location and request that the appropriate law enforcement official order the watercraft and/or outboard motor towed into storage. However, you do not have the right to obtain title to the watercraft and/or outboard motor in that situation [See, R.C. §1547.30(B)].
- III. When you are a pawnbroker seeking forfeiture and title to a watercraft and/or outboard motor that has not been redeemed by the owner after expiration or breach of the loan secured by that motor vehicle. (See, R.C.§4505.102);
- IV. When a watercraft and/or outboard motor that is an “abandoned junk vessel or outboard motor,” as defined in R.C. §1547.303(A)(1), has been left for more than 72 hours on private property owned by you without your permission; and you do not want title to the motor vehicle, but rather simply want it moved and disposed of [See, R.C. §1547.303(B)]; or
- V. When you are the owner property on which a watercraft or outboard motor valued at less than ten thousand dollars has been left for six months without permission you may sell that watercraft or outboard motor at public auction by strictly complying with the procedures set forth in R.C. §4585.31. You do not need to first apply for a court order pursuant to R.C. §1548.11(A).

If you believe that Section 1548.11 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 watercraft and/or outboard motor 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. A properly assigned previous certificate of title or a manufacturer’s 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 watercraft and/or outboard motor must be furnished. Section 1548.11(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 watercraft or outboard motor 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 watercraft identification number (WIN) or motor identification number (MIN) 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 contact the ODNR Division of Watercraft Title Section at (614) 265-6480 to request a letter of authority that will authorize the local title office to issue a certificate of title in your name. The ODNR Division of Watercraft Title section is located at 2045 Morse Road, Columbus, Ohio 43229 in considering your request, the ODNR Division of Watercraft will:

A. Review the documentation you have available.

B. Complete a record search, using the WIN or MIN, of national, Ohio and any available out-of-state data bases to assist you.

1. To establish a title history and confirm that the watercraft or outboard motor has not been reported stolen or otherwise critically damaged;
2. To determine if any outstanding liens, tax liabilities or other encumbrances effect title to the watercraft or outboard motor; and
3. To locate and help you contact the prior owner so you can attempt to obtain necessary prior ownership documents.

III. If the ODNR Division of Watercraft determines that the evidence you compile and present is sufficient to establish your right to possession and ownership of the watercraft or outboard motor, you will be given a letter authorizing the title office to issue in your name a certificate of title for the watercraft or outboard motor. If you receive a letter of authority from the ODNR Division of Watercraft, you should bring letter along with copies of the evidence you presented to the division to a Clerk of Courts title office. A certificate of title will be issued based upon that letter of authority upon payment of any applicable fees and taxes. A petition for Court Order will not be necessary.

IV. If the ODNR Division of Watercraft determines that the evidence you compile and present is not sufficient to establish your right to possession of ownership of the watercraft or outboard motor, you will be given a denial or refusal letter. After receiving the denial or refusal letter you will be able to petition the Common Pleas Court for an Order directing the Clerk’s title office to issue a watercraft or outboard motor certificate of title. Here is the procedure:

- A. Attached to these instructions are standardized, pre-printed forms of a Petition for Court Order, an Affidavit in Support of the Petition and a Judgment Entry Directing the Clerk to Issue a Certificate of Title. You should fill in your name and address on the petition and complete the detailed description of the watercraft or outboard motor, including the identification numbers (WIN/HIN and/or MIN). A petition without the WIN/HIN and/or MIN will not be accepted. You should also fill in the blanks (except for the judge's name, the case number and the date) on both the Affidavit and the Judgment Entry. On the Judgment Entry you should also fill in the detailed watercraft or outboard motor description. Print legibly. In Paragraph 7 of the Affidavit, furnish the details of how you came into possession of the watercraft or outboard motor and the facts upon which you base your claim that you should be declared the owner of the watercraft or outboard motor with all rights of possession. Be thorough and attach additional sheets, if necessary.
- B. You Should attach to your Affidavit as exhibits the following:
1. A copy of the refusal or denial letter you received from the ODNR Division of Watercraft;
 2. Copies of the record search reports you obtained from the title office and the Division of Watercraft;
 3. Copies of any evidence you presented to the Division of Watercraft in support of your request for a letter of authority and any other information you received from the division while your request was being considered;
 4. Copies of any additional documentation or evidence you believe necessary to support your claim, including, for example:
 - a. Correspondence and certified mail receipts showing you have tried to contact the previous owner in an attempt to secure a properly assigned certificate of title;
 - b. Any receipt, bill of sale, or cancelled check as evidence of your performance as purchaser in connection with an incomplete transaction that failed for reasons other than your own failure to perform; and/or
 - c. Sworn statements of other persons familiar with the circumstances surrounding your possession of the watercraft or outboard motor.
- C. Bring the original and two copies of the completed Petition, Affidavit—with exhibits, and Judgment Entry to the Ottawa County Common Pleas Clerk of Courts Civil Division, 315 Madison St. Room 304, Port Clinton, Ohio 43452, to file as a **miscellaneous case**. The original is for the case file, while one copy is for the Judge and one copy is for your records.
- D. A non-refundable deposit as security for court costs in the amount of \$_____ will need to be paid at the time of filing your Petition. This deposit is sometimes referred to as a filing fee.
- E. After you file the Petition and supporting papers you will be directed to an available Judge or Magistrate who will consider your documents and any statement you may want to make to supplement your evidence.

- F. If the Court grants your Petition by signing the Judgment Entry, you will take the Judgment Entry to the Civil Division and file it. You should request a **certified** copy of the judgment Entry and pay the additional \$1.00 fee for certification.
- G. After you obtain a certified copy of the Judgment Entry, take it to the title office below to apply for the certificate of title subject of the Court Order. You will need to pay any applicable taxes and processing fees related to the issuance of the certificate of tile at the time you present your application.

THERE CAN BE NO ASSURANCE THAT A COURT ORDER DIRECTING ISSUANCE OF A WATERCRAFT OR OUTBOARD MOTOR CERTIFICATE OF TITLE WILL BE GRANTED.

Ottawa County Clerk of Courts Title
315 Madison St. Room 207
Port Clinton, Ohio 43452

OTTAWA COUNTY COMMON PLEAS COURT CASE DESIGNATION SHEET

Fax: 419-734-6875 email: cpclerksfilings@co.ottawa.oh.us

PLAINTIFF

Case No. _____

-vs-

Date of Filing _____

DEFENDANT

ATTORNEY FOR PLAINTIFF

Civil

(CVA) () PROFESSIONAL TORT (Medical Malpractice?) Y () N ()

(CVB) () PRODUCT LIABILITY

(CVC) () ALL OTHER TORTS

(CVD) () WORKERS COMPENSATION

(CVE) () FORECLOSURE

(CVF) () ADMINISTRATIVE APPEAL

(CVH) () ALL OTHER CIVIL

() OHIO MORTGAGE BROKER ACT (revised code chapter 1322)

() CONSUMER SALES PRACTICES ACT (revised code chapter 1345)

() SPECIFY: _____

(CVG) () SHOULD THIS BE DESIGNATED AS "COMPLEX LITIGATION" PURSUANT TO SUPERINTENDENCE RULE 8.01(B)?

IS THIS A REILING? () OR A COMPANION CASE? ()

IS THIS COMPLAINT TO BE SENT TO THE OHIO ATTORNEY GENERAL? () (copy to be provided by attorney)

Domestic

COMPLAINT FOR:

(DRA) () DIVORCE WITH MINOR CHILDREN

(DRB) () DIVORCE WITHOUT MINOR CHILDREN

(DRC) () DISSOLUTION WITH MINOR CHILDREN

(DRD) () DISSOLUTION WITHOUT MINOR CHILDREN

(DRH) () CIVIL DOMESTIC VIOLENCE

(DRI) () U.R.E.S.A

(DRJ) () PARENTAGE

MOTION FOR:

(DRE) () CHANGE OF CUSTODY

(DRF) () VISITATION ENFORCEMENT OR MODIFICATION

(DRG) () SUPPORT ENFORCEMENT OR MODIFICATION

(DRK) () ALL OTHER SPECIFY: _____

NOTICE: THIS CASE DESIGNATION SHEET MUST BE COMPLETED BY COUNSEL FOR PLAINTIFF AND FILED WITH THE CLERK WHEN THE COMPLAINT IS FILED.