

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.

In the Court of Common Pleas, Ottawa County, Ohio

In Re: petition for Watercraft or Outboard :
Motor Certificate of Title In the Name of: :

_____ : Case No. _____
(Petitioner's Full Name)

_____ : _____, Judge
(Petitioner's Address)

_____ :
(City, State, Zip Code)
Petitioner.

✓ **Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title to a Watercraft and/or Outboard motor (Section 1548.11, Ohio Revised Code)**

The undersigned, _____, a resident of Ottawa County,
(print Full Name of petitioner)
Ohio, petitions this Court for an Order directing the Ottawa County Clerk of Courts Auto
Division to issue, pursuant to Section 1548.11(A) of the Ohio Revised Code, a watercraft
and/or outboard motor certificate of title in petitioner's name as true and lawful owner of
the watercraft and/or outboard motor fully described as follows:

Watercraft Make _____ Model _____ WIN _____
(Watercraft Identification Number)
Motor Make _____ Model _____ MIN _____
(Motor Identification Number)

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 watercraft and/or outboard motor; the facts that support issuance
of a watercraft and/or outboard motor certificate of title in petitioner's name; and
documents and other evidence that show petitioner's compliance with the requirements of
R.C. 1548.11(A) and otherwise support petitioner's claim of entitlement to ownership of
the described watercraft and/or outboard motor.

Respectfully submitted,

(Petitioner's Signature)

(Petitioner's Printed Name)

In the Court of Common Pleas, Ottawa County, Ohio

In Re: Petition for Watercraft or Outboard :
Motor Certificate of Title In the Name of: :

_____ : Case No. _____
(Petitioner's Full Name)

Petitioner : _____, Judge

Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title to a Watercraft and/or Outboard Motor (Section 1548.11 O.R.C)

State of Ohio)
) ss:
County of Ottawa)

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

1. I am petitioning this Court to order the Ottawa County Clerk of Courts Auto Title Division to issue in my name a certificate of title for the watercraft and/or outboard motor fully described in my petition and now in my possession and under my control.
2. I applied to the Ottawa County Clerk of Court Auto Title Division for a Certificate of title, but issuance was refused because I was unable to produce the documentation required by Section 1548.11 of the Ohio Revised Code (R.C. 1548.11) 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.
3. I am not the owner of a private dock or mooring facility who can order the subject watercraft or outboard motor into storage, but who does not have the right to obtain title to the watercraft or outboard motor under the provisions of R.C. 1547.30(B)(2).

4. I am not a pawnbroker required to follow the procedures set forth in R.C. 4505.102.

5. I am not a person adversely effected by the abandonment of a watercraft or outboard motor, whether or not it falls within the statutory definition of an "abandoned junk vessel or outboard motor," who is required to complain to law enforcement in order to have the watercraft or outboard motor towed into storage or otherwise disposed of under the provisions of R.C. 1547.30(B) or R.C. 1547.303.

6. I am not a property owner able to sell the watercraft or motor vehicle without first obtaining a certificate of title by complying with the procedures set forth in R.C. 4585.31.

7. The circumstances by which I came into possession of the described watercraft and/or outboard motor were as follows: _____

(State how you obtained the watercraft and/or outboard motor. If purchased,

_____ give the date of the transaction, who sold you the watercraft and/or outboard motor and how much you paid for the same.

_____ Attach a copy of your receipt, cancelled check, bill of sale or other documentation of the transaction. If the seller failed or

_____ refused to give you the prior certificate of title or if the watercraft and/or outboard motor 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 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 you believe

_____ supports your request to be declared true and lawful owner of the subject watercraft and/or outboard motor. Use an

_____ additional sheet, if necessary.)

8. After the Clerk of Court Auto Title Division found my evidence of title insufficient and refused to issue a certificate of title in my name to the described watercraft and/or outboard motor; I applied, as provided in Section 1548.11(A) of the Ohio

Revised Code, directly to the Chief of the Ohio Department of Natural Resources Division of Watercraft for the Chief to authorize the Clerk to issue a certificate of title.

9. The Chief of the Ohio Department of Natural Resources Division of Watercraft did not find the evidence I presented to be sufficient for that purpose as indicated in the refusal letter issued by the Chief and attached hereto as documentation that I am entitled to file my petition in accordance with the provision of Section 1548.11(A) of the Ohio Revised Code.

10. I have asked the Ottawa County Clerk of Courts Auto Title Division to complete a record search of the watercraft and/or motor identification numbers 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 watercraft and/or outboard motor for which I am seeking a certificate of title other than as listed in the attached report from the Ottawa County Clerk of Courts.

11. I have asked the Ohio Department of Natural Resources to complete a record search of the watercraft and/or motor identification numbers noted in my Petition to determine if the watercraft and/or outboard motor 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 watercraft or outboard motor for which I am seeking a certificate of title has been stolen [Section 1548.19(A) of the Ohio Revised Code].

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 criminal offense known as falsification, a misdemeanor of the first degree.

Further, Affiant saith naught.

Signature of petitioner/Affiant

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

_____, 2_____.

Notary Public

In the Court of Common Pleas, Ottawa County, Ohio

In Re: Petition for Watercraft or Outboard :
Motor Certificate of Title In the Name of: :

_____ : Case No. _____
(Print Petitioner's Full Name)

Petitioner : _____, Judge

Judgment Entry Granting Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title to the Watercraft and/or Outboard Motor Described Herein Section 1548.11, Ohio Revised Code)

This cause was considered by the Court ex parte upon the Petition, Affidavit, exhibits and testimony of _____ asking the Court to order the Ottawa County Clerk of Courts Auto Title Division to issue, pursuant to R.C. 1548.11(A), a watercraft and/or outboard motor certificate of title in Petitioner's name as true and lawful owner of the watercraft and/or outboard motor described as follows:

Watercraft Make _____ Model _____ WIN _____
(Watercraft Identification Number)

Motor Make _____ Model _____ MIN _____
(Motor Identification Number)

The Court finds that Petitioner has complied with the requirements of R.C. 1548.11(A) and that the evidence is sufficient to require the certificate of title to the described watercraft and/or outboard motor to be issued in Petitioner's name. The Court finds the Petition to be well taken and grants the same.

The Court hereby ORDERS the Ottawa County Clerk of Courts Auto Title Division to issue in Petitioner's name a watercraft and/or outboard motor certificate of title for the watercraft and/or outboard motor described herein. Petitioner shall present a **certified** copy of this Order to the Clerk of Courts Auto Title Division when applying for the certificate of title. If, at the time of

the application, there appears from the records of the Clerk to be any lien on the watercraft and/or outboard motor, the certificate of title shall contain a statement of the lien unless the application is accompanied by proper evidence of its extinction; all in accordance with R.C. 1548.11(A).

Date: _____

Judge, Ottawa County Common Pleas Court