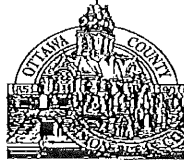


CLERK OF THE COURT OF COMMON PLEAS



JOHN KLAEHN, CLERK OF COURTS

Ottawa County Courthouse
315 Madison Street, Ste 304
Port Clinton, Ohio 43452

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

Auto Title Division
315 Madison St. Room 106A
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 Certificate of Title to a Motor
Vehicle (Section 4505.10, Ohio Revised Code)**

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.

The Clerk of the Common Pleas Court in each Ohio county has the principal responsibility for issuing motor vehicle certificates of titles on behalf of, and in cooperation with, the Bureau of Motor Vehicles, Ohio Department of Public Safety (BMV). 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 Division (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 the BMV due to a lack of historical title records;
- 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;

- III. When you have been given a vehicle or it has been left in your possession, regardless of valuable consideration, with an intent 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; 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 vehicle 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 R.C. §4505.101);
- 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. §§3733.091 and 1923.12);
- 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 , R.C. §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 and disposed of (See, R.C. §§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. 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 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.

1. If your application for a certificate of title is denied by the title office because of insufficient proof, you may then want to seek a Court Ordered title.
 - A. Complete a record search using BMV form 1173 using the vehicle identification number, mail to the Ohio BMV according to instructions on the form;
 1. To establish a title history and confirm that the vehicle has not been reported as stolen, flood damaged or otherwise critically damaged;
 2. To determine if any outstanding liens, tax liabilities or other encumbrances effect title to the vehicle; and
 3. To locate and help you contact the prior owner so you can attempt to obtain necessary prior ownership documents.

II. As of May 13, 2013 if you have presented evidence to the Clerk of Courts and they are not satisfied with the evidence, the BMV may be able to assist you ONLY if your situation meets one of the following:

1. *Inheritance* – property passing at the owner’s death to the heir or those entitled to succeed
2. *Devise* - the act of disposing of property, especially real property, by will.
3. *Bequeth* – a disposition in a will.
4. *Order in bankruptcy*
5. *Insolvency* – having insufficient assets to meet debts and liabilities; bankrupt
6. *Replevin* – an action for the recovery of goods or chattels wrongfully taken or detained.
7. *Execution sale* – a sale of property by the sheriff under authority of a court’s writ of execution in order to satisfy an unpaid obligation
8. *To satisfy storage or repair charges*
9. *Default on security agreement* (secured party has notified debtor)
10. *Mileage Corrections*
11. *Serial/VIN Corrections*
12. *Lien Releases*
13. *Social Security Number/Name Corrections*
14. *Brand Corrections*
15. *Errors made during assignment of title*

16. *Request for title cancellation – title issued in error*

Please call 614-752-7671 to seek BMV assistance if your situation meets one of the above. If your situation does not meet one of the above you may need to seek a possible court ordered title.

- 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 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 both the Affidavit and the Judgment Entry. On the Judgment Entry you should also fill in the detailed vehicle description. Print legibly. In Paragraph 5 of the Affidavit, 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.
- B. You should attach to your Affidavit as exhibits the following:
 - 1. Copies of the record search reports you obtained from the Ohio BMV (BMV form 2433) after your record request.
 - 2. Copies of any evidence you want to present in support of your request for a court ordered title, including, for example;
 - a. Correspondence and certified mail receipts showing you have tried to contact the previous owner in an attempt to secure a property 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 was not the result of your own failure to perform; and/or
 - c. Sworn statements of other persons familiar with the circumstances surrounding your possession of the vehicle.
- 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 Court Civil Division, 315 Madison St. Room 106B 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 listed 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 title at the time you present your application. If issuance of the certificate of title was ordered because you were not furnished with a certificate after purchasing your vehicle, you should present a copy of your receipt or bill of sale to the title office clerk so that any sales tax liability can be accurately determined.

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

Ottawa County Clerk of Courts Auto Title Division Location

Ottawa County Courthouse
315 Madison St. Room 106A
Port Clinton, Ohio 43452
419-734-6752

OTTAWA COUNTY COMMON PLEAS COURT CASE DESIGNATION SHEET

Fax: 419-734-6875 email: cpclerkfilings@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.