

INSTRUCTIONS FOR SEEKING AN ORDER FROM THE SUMMIT COUNTY COURT OF COMMON PLEAS DIRECTING THE CLERK OF COURTS AUTO TITLE DIVISION TO ISSUE A CERTIFICATE OF TITLE TO A MOTOR VEHICLE UNDER R.C. 4505.10

THERE IS NO GUARANTEE THAT THIS COURT WILL ORDER A CERTIFICATE OF TITLE TO A MOTOR VEHICLE TO BE ISSUED. THE DECISION DEPENDS ON THE COURT FINDING THAT YOU HAVE PRESENTED ADEQUATE EVIDENCE TO ESTABLISH YOUR CLAIM THAT YOU ARE ENTITLED TO OWNERSHIP OF THE SUBJECT MOTOR VEHICLE.

IF YOU ESTABLISH THAT YOU ARE ENTITLED TO OWNERSHIP OF THE SUBJECT MOTOR VEHICLE, YOU WILL TAKE POSSESSION AND OWNERSHIP SUBJECT TO ANY EXISTING LIENS UNLESS YOU REQUEST A HEARING TO SHOW PROOF WHY THOSE LIENS SHOULD BE RELEASED. THE PREVIOUS OWNERS AND ANY ACTIVE LIENHOLDERS WILL HAVE THE OPPORTUNITY TO APPEAR AND SHOW PROOF WHY THE LIENS SHOULD NOT BE RELEASED.

Why Do I Need this Packet?

This packet is provided to help you determine if you need to use this process to seek title to a motor vehicle. It includes instructions and all of the forms you need to commence and complete the process. Inside you will find:

1. Frequently Asked Questions
2. Instructions to Acquire a Court-Ordered Certificate of Title Pursuant to R.C. 4505.10
3. Final Checklist
4. Forms

FREQUENTLY ASKED QUESTIONS

Why Do I Need a Motor Vehicle Certificate?

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

Why Do I Need a Court to Help Me Get a Motor Vehicle Certificate?

In some circumstances, a judge of the common pleas court can order the Summit County Clerk of Courts Auto Title Division (Title Office) to issue you a motor vehicle certificate of title. Those circumstances include:

1. 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 R.C. 4505.12 is not available from the clerk or the BMV due to lack of historical title records;
2. When you purchased a vehicle but the previous owner failed, refused, or has been otherwise unable to give you a properly assigned certificate of title;
3. When you are given a vehicle or a vehicle has been left in your possession or ownership, but the prior owner failed, refused or has been otherwise unable to complete the transaction by supplying required documents; or
4. When you are the owner of a repair garage or vehicle storage facility and you are in possession of a vehicle valued at more than \$3,500.00 after deduction of repairs. That vehicle must remain unclaimed by the owner for more than 15 days after notice was given to the vehicle's owner to reclaim the vehicle.

When is R.C. 4505.10 Not the Right Process to Get a Motor Vehicle Title?

If your situation is different than those listed above, the Ohio Revised Code sets forth specific procedures to follow to obtain a certificate of title to a motor vehicle. A non-exhaustive list of more common examples of situations where R.C. 4505.10 does **NOT** apply include:

1. When you are the owner of a repair garage or storage facility and you are in possession of a vehicle valued less than \$3,500.00 after deduction of repairs and the vehicle has remained unclaimed by the owner for more than 15 days after notice to reclaim the vehicle; (See R.C. 4505.101.)
2. When you are the operator of a manufactured home park and you are attempting to remove a tenant's manufactured home from the home park property; (See R.C. 3733.091 and R.C. 1923.12.)
3. 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
4. When a motor vehicle, whether a "junk motor vehicle" or not, is abandoned on private property owned by you and you do not want title to the motor vehicle and instead want it removed or disposed of. (See R.C. 4513.60 through 4513.65.)

Can the BMV Help? Here's How to Find Out:

Before the court can consider your petition for an order directing the Title Office to issue a motor vehicle certificate of title to you, there are specific steps you need to take. Those steps are outlined below.

1. Every person who is trying to get a certificate of title is to make an application for one at a Title Office. The Summit County Clerk of Courts has four title office locations to serve you. Those locations are listed below.

Main Office
1030 E. Tallmadge Ave.
Akron, Ohio 44310

North Branch—Northfield Village
Summit Plaza
10333 Northfield Rd., Suite 152
Northfield Village, Ohio 44067

South Branch—Green
3333 Massillon Rd., Suite 105
Akron, Ohio 44312

A properly assigned previous certificate of title or a manufacturer's or importers' certificate must be surrendered when you apply for a certificate of title to be issued in your name. If you do not have one of those documents, you may also offer other satisfactory proof of ownership and right of possession of the motor vehicle. R.C. 4505.10(A) limits the acceptable other 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 other instrument upon which the claim of possession and ownership is founded."

While most transactions are routine, without this proof, the Title Office cannot issue a certificate of title in your name. If you do not have sufficient proof of ownership, the Title Office should give you a denial notice. Keep this for your records as you will need to attach it to your petition.

2. If your application for a certificate of title is denied by the Title Office because you do not have sufficient proof, you should review the **BMV 3753 Information Sheet** to determine if the BMV can provide any other help to you. In certain situations, the BMV can provide a letter of authority that allows the local Title Office to issue a certificate of title in your name. If your situation meets the criteria set out in **BMV 3753**, please give your evidence to the BMV as described in the

instructions on the **BMV 3753**. A copy of the **BMV 3753 Information Sheet** form is attached for you to review. **(Form 1)**

3. If the BMV determined that the evidence you gave is sufficient to establish your right to possession and ownership of the vehicle, the BMV will give you a letter authorizing the Title Office to issue you a certificate of title for the motor vehicle in your name. If you receive a letter of authority from the BMV, you should take the letter, along with copies of the proof you presented to the BMV to a Title Office. The Title Office will then issue you a certificate of title based on the letter of authority and payment of any applicable fees and taxes. You will not need to do a petition for a court order.

4. **If your situation does not meet the criteria set out in BMV 3753, or the BMV determines the proof you have is not sufficient to establish your right to possession and ownership of the vehicle, you have the option to petition the court for a court-ordered certification of title.**

The BMV Can't Help Me. What Do I Do Next?

If you have gone through all the steps above, and the BMV cannot issue a title to you, you can now apply for a court-ordered certification of title. This process can take up to 12 weeks or more and will cost approximately \$300.00 to complete, although this cost may increase or decrease depending upon the specific circumstances of each petition (such as the number of parties that must be served, the need for a hearing, etc.). By following these instructions carefully, you will complete the process correctly and as quickly as possible.

If you have any questions, please call (330) 643-5092.

INSTRUCTIONS TO ACQUIRE A COURT-ORDERED CERTIFICATE OF TITLE PURSUANT TO R.C. 4505.10

Step 1: Title-Record Search (You should have already done this, as noted above.)

Where to Go: Summit County Clerk of Courts Auto Title Division
(See locations on previous pages)

What to Do: Find out the status of the title for the vehicle you want to have titled in your name.

- There is a record search fee for each title record search. If you get a denial notice due to insufficient evidence from the Title Office, **keep this denial notice** because will you need to attach it to your petition to the court.

Step 2: Vehicle Owner/Lienholder Record Search

What to Do: Find out information about the previous owner's last known address. www.bmv.ohio.gov

- Complete the Ohio BMV Record Request Form - **BMV 1173**. A copy of this form is attached to your packet. (**Form 2**) Be sure to fill out each box marked with a X on both pages. The appropriate boxes have been pre-selected for you. If you do not fill each checked box, the form will be returned to you.
- There is a \$5.00¹ record-search fee for each title-record search. Please make your check or money order payable to **Ohio Treasurer of State**.
- Mail the completed form and check or money order to:
Ohio Bureau of Motor Vehicles
Attn: Records Request
P.O. Box 16520
Columbus, OH 43216-6520
- The BMV will mail you a **BMV 2433** form with the results of the record search. Review it to find the titled owner's name and the names of any active lienholders.
- Please allow at least 15 business days for processing of your request.
- Keep the **BMV 2433** form because you will need to attach it to your petition.

Step 3: Certified Mail Notifications

Where to Go: United States Postal Office: www.usps.gov

What to Do: Send notice to previous owners and lienholders of your intention to file a petition with the court for a Certificate of Title.

¹ This amount is subject to change and may be increased or decreased at any time.

- Mail a certified letter to any vehicle owners and lienholders listed in the record search using information provided on **BMV 2433 from Step 2**. The letter must include:
 - Your name
 - Your address
 - Your telephone number
 - A statement that you are in possession of the vehicle
 - A statement surrounding the title issue
 - A statement that you intend to file a petition with the court for a Certificate of Title
 - A request that the person(s) receiving the letter contact you within 30 days
- An example letter is included for your use. If you choose to use this letter, be sure to fill in each blank before sending it. **(Form 3)**
- Keep a copy of the letter(s) you send and keep the certified mail receipt(s) showing that the letters were sent. Be sure the letter(s) and receipt(s) are dated. You will need to attach both the letter(s) and the certified mail receipt(s) to your petition.
- Allow 30 days from the date you mailed your letters for parties to respond. If you receive a response, keep it because you need to file it with your petition. If the certified letters are returned to you as “Undeliverable”, “Unable to Forward”, or “No Such Address” you will keep the envelopes, with letters inside, and attach them to your petition.

Step 4: Obtain Ohio State Highway Patrol (OSHP) Inspection Receipt

Where to Go: Ohio BMV Deputy Registrar Office (License Bureau). Locate your nearest deputy registrar location at www.bmv.ohio.gov or call (614) 752-7671. Request an OSHP Inspection Report.

- There is a fee of \$53.50² to get an OSHP Inspection Report. To get that report, you will need to produce your OSHP Inspection Receipt.
- HP105** provides, “In accordance with Section 4505.11 F of the Ohio Revised Code, the possessor of this receipt may operate a motor vehicle to an inspection site and to the assigned owner’s residence or business without displaying registration on the date of inspection only.” **Without this receipt, no inspection is possible.**

Step 5: Obtain OSHP Inspection

Where to Go: Ohio State Highway Patrol
 Salvage Inspection Site
 5225 W. 140th St.
 Brook Park, OH 44142
 (216) 265-1677

- Schedule an OSHP VIN inspection by contacting the Ohio State Highway Patrol at (216) 264-1677 or going online at **Ohio.gov: Schedule a Salvage Inspection | Department of**

² This amount is subject to change and may be increased or decreased at any time.

Public Safety. Be sure to say you need an **HP106** form for a court-ordered title. It may take four to six weeks to get an appointment.

- Bring your vehicle, inspection receipt **HP105**, and any other documents you have showing your ownership/possession of the vehicle with you to the inspection station on the day of your inspection.
- During the inspection, the Vehicle Identification Number (VIN) will be checked to find out if the vehicle was stolen and/or if any brandings exist on the vehicle. This inspection is not for road worthiness.
- Review the **HP 106** form. If the report lists any titled owners or any active lien holders differently than the title record search(es) you completed in Step 1 and Step 2, you will need to send the newly noted owners/lienholders a certified letter just like the one in Step 3, and you will need to wait 30 days for a response and proceed as in Step 3.
- Keep the **HP 106** form you receive from OSHP. You will need to attach this document to your petition.

Step 6: Complete the following forms:

- Petition for Court Order (Form 4)
- Affidavit in Support (Form 5)
- Motion and Order Setting Hearing Date (Form 6)

Step 7: Your Petition is Reviewed

What to Do: Call (330) 643-5092 for an appointment to have the court review your petition. On the appointed date, timely arrive at:

Summit County Court of Common Pleas
209 S. High St.
2nd Floor Annex
Akron, Ohio 44308

You will need to have completed the Petition for Court Order (**Form 4**), the Affidavit in Support (**Form 5**), (including all necessary attachments), and the Order Setting Hearing Date (**Form 6**). You will need to list the name and address of each owner and active lienholder on the Motion for Hearing form (Form 6).

- You will need to make copies of the completed Petition for Court Order, the Affidavit in Support of the Petition (with all attachments) to bring with you to the court. If you are seeking to remove liens, you will need to make enough copies to send each document to every owner and lienholder, plus one for your records.
- Bring your original and any copies of the completed Petition for Court Order, the Affidavit in Support of the Petition (with all attachments), and the Request for Hearing to be reviewed.
- If you are seeking to have liens removed, or if any owners have responded with objections to your title petition, bring enough copies of the Order Setting Hearing Date (**Form 6**) for the clerk, owners/lienholders, the magistrate and yourself. A staff member will provide the hearing date, and the magistrate will sign the order.

- The petition and documents will be reviewed by a staff member before being filed with the Summit County Clerk of Courts. If the petition and documentation appear to be complete, the staff member will direct you to the clerk's office to file your petition, affidavit with supporting documents, and Order Setting Hearing Date. **Please note that a staff member's review of the documents does not guarantee that the filings are either complete or that your petition will be granted.**

Step 8: File Your Petition in the Court of Common Pleas

Where to Go: Summit County Court of Common Pleas
209 S. High St.
Civil Clerk's Office, Floor 1
Akron, Ohio 44308

- Bring your original and two copies of the completed Petition for Court Order, the Affidavit in Support of the Petition (with all attachments), and Order Setting Hearing Date to the Clerk of Courts General Division to file as a miscellaneous case. The original is for the case file, one copy is for the magistrate, and one is for you. As noted above, additional copies will be needed for any owners who are objecting to your petition and any holders of active liens.
- There is a \$200.00³ fee to file the petition, affidavit, and service instructions. You will receive a time-stamped copy of each document for your records. The clerk of courts accepts cash, check, and credit/debit cards. With credit/debit cards, you will be charged an additional 3% fee. Be sure to keep the receipt for your payment of the filing fee. You will need the receipt later.
- Return one copy of all documents that you have filed to the magistrate's office.
- A hearing will be held on your Petition. The clerk of courts will send notice of the hearing to you, the owners, and any lienholders about the hearing.

Step 9 - Hearing on Your Petition

Come to court with copies of all documents you filed with the clerk.

- If you do not appear at the hearing, your petition may be dismissed or you may be issued an order but you will take the vehicle with any liens. If your petition is dismissed, you will need to start the process over again and pay all the filing fees again.
- You will need to testify about the information you provided in your petition and affidavit.
- You will need to present any proof you have that the debt giving rise to any liens has been paid and the lien should be lifted. You can do this by bringing payment receipts, cancelled checks, money orders, bills of sale, or anything else you believe shows the debt has been paid. You will need to have copies of these documents to present to the court as evidence.
- Title owners or lienholders will have the opportunity to present evidence as well.

³ This amount is subject to change and may be increased or decreased at any time.

- After the hearing, the magistrate will issue a decision that will recommend to the court whether or not you should receive title to the vehicle and whether or not the liens should be removed, as well as the reasons for that decision. A copy of the magistrate's decision will be sent to you, as well as any title holders or lienholders. There is a 14-day waiting period so that objections can be filed if someone does not agree with the magistrate's decision. It is important you keep a copy of the magistrate's decision.
- At any time after the 14-days pass, a duty judge will review the petition and other documents you filed, along with the magistrate's decision and any objections, if they are filed. The judge will then issue a judgment entry, adopting the magistrate's decision or making a different decision. That judgment entry will be sent to you in the mail by the court. The title owners and lienholders will also receive a copy. It is important you keep the judgment entry as it is the final order in this case.
- Once you receive the judgment entry, if your petition was granted, you will need to go to the Summit County Clerk of Courts office and get a certified copy of the judgment entry. There is a cost of \$2.00 per page for the certified copy. You will need the certified copy of the judgment entry to take to the Summit County Clerk of Courts Auto Title Division to get the title transferred into your name.

Step 10: Get a Certificate of Title

Where to Go: Summit County Clerk of Courts Auto Title Division
See locations on previous pages

What to Do: Get a Certificate of Title for the Vehicle

- Take your certified copy of the judgment entry and receipts to the Title Office and ask for a certificate of title.
- You will need to pay any taxes, notary, and processing fees related to the issuance of the certificate when you ask for the title.
- If the issuance of the certificate of title was court-ordered because you did not get a certificate of title when you purchased the vehicle, you should bring a copy of your receipt or bill of sale to the Title Office so any sales tax liability can be accurately calculated.

FINAL CHECKLIST

Here is a quick checklist to be sure you completed each step and have all of your documentation ready to file with the court. Did you:

- Fill out each blank on the petition? (**Form 4**)
- Fill out/check each blank or box on the affidavit? (**Form 5**)
- Sign the affidavit in front of a notary?
- Attach a copy of the refusal or denial letter you received from the Title Office and/or the BMV? (Step 1)
- Attach copies of the record search reports you received from the Title Office and the BMV? (**BMV 2433**) (Step 1 and 2)
- Attach the Ohio State High Patrol Inspection form (**HP106**)? (Step 6)
- Attach a copy of the letters you sent, along with certified mail receipts to each owner and lienholder? (Step 3 and 5)
- Attach a copy of any letters or returned mail from the owner(s) or lienholder(s)? (Step 3 and 6)
- Attach copies of any additional documents or evidence you believe are necessary to support your claim of ownership? Examples of this may be:
 - Any receipt, bill of sale, or cancelled check showing you acted to purchase the vehicle and the seller failed to finish the sale;
 - Sworn statements of anyone else familiar with the circumstances surrounding your possession of the vehicle.
- Fill out the Motion Setting Hearing date, listing the names and addresses of each owner and lien holder you found in Step 1, Step 2, and Step 6? (**Form 6**)
- Make enough copies of the petition (**Form 4**), affidavit (**Form 5**) (with attachments), and the Order Setting Hearing Date (**Form 6**), so that you have enough to serve each person listed on the Instructions for Service plus receive a time-stamped copy for yourself and for the magistrate?

FORMS

- Form 1: BMV 3753 Information Sheet
- Form 2: BMV 1173 OBMV Record Request (Step 2)
- Form 3: Sample Letter to Owner/Lien Holder (Step 3 and 5)
- Form 4: Petition for Court Order Directing the Clerk of Court to Issue a Certificate of Title of the Motor Vehicle Described Herein (R.C. 4505.10) (Step 6)
- Form 5: Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title to a Motor Vehicle (R.C. 4505.10) (Step 6)
- Form 6: Motion and Order Setting hearing Date (Step 6)

CONTACT INFORMATION: Magistrate O'Connor
(330)643-5092



INFORMATION SHEET

If you have presented evidence to your County Clerk of Courts Title Office and they are not satisfied with the evidence, you may need to seek BMV assistance or a possible court ordered title.

The BMV may be able to assist you ONLY if your situation meets one of the following:

- *Inheritance* - property passing at the owner's death to the heir or those entitled to succeed
- *Devise* - the act of disposing of property, especially real property, by will.
- *Bequest* - a disposition in a will.
- *Order in bankruptcy*
- *Insolvency* - having insufficient assets to meet debts and liabilities; bankrupt
- *Replevin* - an action for the recovery of goods or chattels wrongfully taken or detained.
- *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
- *To satisfy storage or repair charges*
- *Default on security agreement* (secured party has notified debtor)
- *Mileage Corrections*
- *Serial / VIN Corrections*
- *Lien Releases*
- *Social Security Number / Name Corrections*
- *Brand Corrections*
- *Errors made during assignment of title*
- *Request for title cancellation – title issued in error*

If your situation does NOT meet one of the above, you will need to pursue a court ordered title.

A formal denial letter from the BMV is no longer required or needed for the customer to begin seeking a court ordered title. Be prepared to present any evidence to the judge to support your ownership of the motor vehicle if you decide to pursue a court ordered title. Your County Clerk of Courts Title Office can provide further information on how to begin this process.

In order for the BMV to assist you with your request, we require a minimum of the following in all cases:

A detailed, notarized statement of facts that includes:

- a. Year, Make, Model and Serial / VIN of vehicle
- b. Your name, contact phone number, and address
- c. Specific details describing the problem and your requested outcome

Specific evidence is also required for the following situations:

- a. **Mileage Corrections** – submit an odometer statement and a notarized statement from all previous owners back to where the error occurred, indicating how the error occurred and what the mileage should read.
- b. **Serial / VIN Corrections** – submit pencil tracing, photo of Serial / VIN number, or an inspection of the VIN performed by a law enforcement agency submitted on their letterhead.
- c. **Lien Release** – submit cancelled check(s), paid receipt(s), and / or credit report listing vehicle paid in full by creditor (must list creditor's name and date of loan on credit report).
- d. **Request for Title Cancellation with lien on title** – submit original active title (unless it is an electronic title), lien release letter if lien is not released on title.
- e. **Request for Title Cancellation without lien on title** – submit original active title (unless it is an electronic title).
- f. **Errors made during assignment of title** – provide details of how error occurred in the above notarized statement of facts.

You may also submit any additional evidence that you may have to help the BMV assist you in your case.

Please fax all above required documents with a cover sheet to 614-752-8929 or mail to:

Regular Mail	Overnight Mail
Ohio Bureau of Motor Vehicles P.O. Box 16520 Columbus, OH 43216 Attn: Titles	Ohio Bureau of Motor Vehicles 1970 W. Broad St. Columbus, OH 43223 Attn: Titles

Please note the Bureau of Motor Vehicles may require additional documentation and that not every case will result in your requested outcome. If evidence is insufficient, you may need to pursue a court ordered title. Please allow the BMV 15 business days from date of receipt for a response. The BMV can be reached by telephone at 614-752-7671.



OHIO DEPARTMENT OF PUBLIC SAFETY
BUREAU OF MOTOR VEHICLES

OHIO BMV RECORD REQUEST FORM
(Ohio Revised Code [R.C.] 4501.15, 4501.27, & 4507.53)

FORM 2 (page 1 of 2)
BMV 1173

Complete sections 1-5 of this form and provide check or money order payable to: **Ohio Treasurer of State** for applicable fees. Return to: **Ohio Bureau of Motor Vehicles, Attn: BMV Records, P.O. Box 16520, Columbus, Ohio 43216-6520.** Disclosure of the listed information below is **REQUIRED**. Failure to complete all sections may result in this form being returned. **You may complete this process online at <https://bmvonline.dps.ohio.gov/bmvonline/recordrequest/index>**

SECTION 1 Requesting Person - Provide <u>your</u> full name, mailing address, and choose how the results of your request should be returned.			
FULL NAME (REQUIRED) X			
MAILING ADDRESS (REQUIRED)			
COMPANY NAME (If Applicable) X			
STREET ADDRESS X			
CITY X	STATE X	ZIP CODE	PHONE NUMBER (
E-MAIL (If email address is illegible, invalid, or unverified, the records will be mailed to the above mailing address) X			
How would you like the results of your search returned to you? Choose only one option below. If no mark is present the results will be mailed.			
<input type="checkbox"/> I would like my results emailed as provided		<input type="checkbox"/> I would like my results mailed to the address above	

SECTION 2 Select one of the following options and provide the applicable identifiers.		
OPTION 1	<input checked="" type="checkbox"/> I am requesting my driving or vehicle(s) record. (Provide your applicable identifiers below; no name required)	
OPTION 2	<input type="checkbox"/> I am requesting another person's driving or vehicle(s) record. (Provide the applicable identifiers below)	
Note: If requesting records on more than 1 person or vehicle, you may attach additional sheet(s): <input type="checkbox"/> Check if attaching additional sheet(s)		
NAME OF OTHER PERSON (If Applicable)		
OHIO DRIVER LICENSE (Yours or Other Person's)	DATE OF BIRTH (Yours or Other Person's)	SOCIAL SECURITY NUMBER*
OHIO LICENSE PLATE NUMBER (If Applicable)	VEHICLE IDENTIFICATION NUMBER (If Applicable) X	OHIO TITLE NUMBER (If Applicable)
* Social Security number is not required however, to best assist in your search please provide the Ohio BMV with as many identifiers as possible.		

SECTION 3 Mark the type of Certified Ohio BMV Record(s) requested below. (\$5.00 Fee per Record)	
<input type="checkbox"/> Driving Record Abstract [302] – Provides license class, status, and previous 3 years reported convictions, suspensions, & accident entries.	<input type="checkbox"/> Vehicle Registration Record [303] – Provides vehicle owner and vehicle information.
<input type="checkbox"/> Last Known Address [405] – Provides the most recent address provided to the Ohio BMV for an individual.	<input checked="" type="checkbox"/> Vehicle Title Record [404] – Provides title number & title status and vehicle owner, previous owner, & lien holder information.
<input type="checkbox"/> Driver License History [405A] – Provides current and past driver license information to include dates of issuance, endorsements, issuance type, & license cosigner if available.	<input type="checkbox"/> Vehicle Title Record (Historical Chain of Ownership) [404] – Provides list of vehicles titled to an individual or list of owners of a vehicle to include issuance dates.
<input type="checkbox"/> Driving Record History [302] – Provides license class, driving status, and complete listing of reported convictions, suspensions, & accidents.	

SECTION 4

Qualification for requesting this information under R.C. 4501.27. Check one below.

- 1. As an individual requesting own record.
- 2. With written consent of other person. (Attach the original completed, notarized, and signed BMV Notarized Written Consent form 5008)
- 3. For use in connection with the operation of a private toll transportation facility. (Facility name must be listed in Section 1 of this form)
- 4. For use by any government agency, including any court or law enforcement agency, in carrying out its functions or any private person or entity acting on behalf of a Federal, State or Local agency in carrying out its functions.
- 5. Pursuant to an order of a court of this state, another state, the United States, or a political subdivision of this state or another state (a subpoena may be used instead of this form). Attach a certified copy of the court order.
- 6. For use in connection with matters regarding motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including, but not limited to, survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers. Provide relevant documentation supporting your request.
- 7. For use specifically authorized by law that is related to the operation of a motor vehicle or to public safety. Attach a copy of the relevant statute.
- 8. For use in connection with a civil, criminal, administrative, or arbitral proceeding in a court or agency of this state, another state, the United States, or a political subdivision of this state or another state or before a self-regulatory body, including, but not limited to, use in connection with the service of process, investigation in anticipation of litigation, or the execution or enforcement of a judgment or order (a subpoena or other court order may be used instead of this form). Provide the court and case number, or if the case has not yet been filed, the court in which you anticipate to file.

Full Court/Agency Name: Summit County Common Pleas Court Case No.: _____

- 9. For use by a licensed private investigative agency or licensed security service for any purpose permitted under division (B) (2) of R.C. 4501.27. Provide your agency license number: _____
- 10. For use in the normal course of business by me as a legitimate business or an agent, employee, or contractor of a legitimate business, for one of the two following purposes: (a) To verify the accuracy of personal information submitted to the business, agent, employee, or contractor by an individual; (b) In case personal information submitted to the business, agent, employee, or contractor by an individual is incorrect or no longer is correct, to obtain the correct information, for the sole purpose of preventing fraud, by pursuing legal remedies against, or recovering on a debt or security interest against, the individual. Provide your company's tax ID license number: _____
- 11. For use by an employer or by the agent or insurer of an employer to obtain or verify information relating to the holder of a commercial driver license or permit that is required under the "Commercial Motor Vehicle Safety Act of 1986", 100 Stat. 3207-170, 49 U.S.C. 2701, et seq., as now or hereafter amended. If available, a minimum of 10 years of information and any medical card information will be provided. Provide your company's tax ID license number: _____
- 12. For use in providing notice to the owner of a towed, impounded, immobilized, or forfeited vehicle. Provide your company's tax ID license number: _____
- 13. For use by an insurer, insurance support organization, or self-insured entity, or by an agent, employee, or contractor of that type of entity, in connection with a claims investigation activity, anti-fraud activity, rating, or underwriting. Provide your company's tax ID license number: _____

SECTION 5

Sign and date.

Pursuant to R.C. 4501.27, I understand that if I receive personal information from the results of this request, I may not disclose that information except as authorized under R.C. 4501.27 and that if I disclose any personal information, I must keep for a period of five years a record that identifies each person or entity that receives any of the personal information and the permitted purpose for which the information is to be used, and I must make all such records available to the Registrar of Motor Vehicles upon request. I understand that any unauthorized disclosure may result in civil penalties and fines.

I hereby certify that all of the information contained on this form is true and accurate to the best of my knowledge and belief. I understand that providing false information may constitute a criminal offense of falsification with a maximum penalty of 6 months in jail and a \$1000 fine.

SIGNATURE (REQUIRED)

DATE

X

Owner/Lien Holder's Name _____

Date Letter is Mailed _____

Address _____

City, State, Zip _____

Re: Petition for Certificate of Title for a Motor Vehicle (O.R.C. §4505.10)

Dear _____:
Owner/Lien Holder's Name

This letter is to inform you that I am in possession of the following vehicle.

Make: _____ Model: _____

Year: _____ Color: _____ VIN: _____
(Vehicle Identification Number)

I am unable to obtain a Certificate of Title because _____
Explain why you cannot get title to the vehicle as well as why you feel you are entitled to have the vehicle titled in your name.

I intend to file a petition with the Summit County Court of Common Pleas to obtain a Certificate of Title for the above-mentioned motor vehicle.

Please contact me, in writing, within thirty (30) days of the date of this letter so that we can attempt to resolve this title issue. My contact information is below:

Print Petitioner's Full Name _____

Street Address, including Apt. Number (if any) _____

City, State, Zip _____

Sincerely,

Sign Petitioner's Full Name

**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

**In Re: Petition for Motor Vehicle
Certificate of Title in the Name of**

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

(Petitioner's Address)

(City, State, Zip)

Petitioner.

**Petition for Court Order Directing the Clerk of Court to Issue a Certificate of Title to the
Motor Vehicle Described Herein (O.R.C. §4505.10)**

The undersigned, _____, a resident of Summit County, Ohio
(Print Full Name of Petitioner)

petitions the Court for an Order directing the Summit County Clerk of Courts Auto Title Division to issue, pursuant to O.R.C. §4505.10(A), 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: _____
(Vehicle 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 motor vehicle, the facts supporting issuance of a motor vehicle certificate of title in Petitioner's name, and documents, other evidence, and exhibits showing 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.

I (check one) _____ am _____ am not seeking to release liens on the vehicle.

Respectfully submitted,

(Petitioner's Signature)

(Petitioner's Printed Name)

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

FORM 5 (page 1 of 3)

**In Re: Petition for Motor Vehicle
Certificate of Title in the Name of**

(Petitioner's Full Name)

: Case No.:

Judge:

Petitioner.

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

State of Ohio)
)
Count of Summit) ss:

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 Summit County Clerk of Courts Auto Title Division to issue in my name a certificate of title for the motor vehicle fully described in my petition and now in possession and under my control. The motor vehicle is described as:

Make: _____ Model: _____
Year: _____ Color: _____ VIN: _____

2. Check each of the following that are true statements:

- The described motor vehicle is not an "abandoned junk motor vehicle" as defined in O.R.C. §4513.63 and subject to the procedures set forth in that statute.
- I am not the owner of a repair garage or a place of vehicle storage required to follow the procedures set forth in O.R.C. §4505.101 if the value of the subject vehicle is less than \$3,500.00
- I am not a pawnbroker required to follow the procedures set forth in O.R.C. §4505.12.
- I am not the operator of a manufactured home park required to follow the procedure set forth in Chapter 1923 and 3733 of the Ohio Revised Code.

3. I applied to the Summit County Clerk of Courts Auto Title Division for a certificate of title, but issuance was refused because I was unable to produce the documentation required by O.R.C. §4505.10 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.

4. The circumstances by which I came into possession of the motor vehicle were as follows:

(State how you obtained the motor vehicle. If purchased, give the date of the transaction, who sold you the motor

vehicle and how much you paid for it. If the seller failed or refused to give you the prior certificate of title or if the

motor vehicle was otherwise abandoned by the previous owner(s) to your possession, state what steps you have taken

to obtain the prior certificate of title from the owner(s). Attach copies of the letter(s) to the prior owner(s) along with

certified mail receipts to show you tried to contact the previous owner(s) to ask for title or other required

documentation. Attach any other documentation you believe supports your request to be declared true and lawful

owner of the subject motor vehicle. Attach additional pages, if necessary.)

5. Check each of the following that apply:

- 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 motor vehicle, the Clerk furnished me with a Denial Notice that includes the identity and address of any lien holder or records, if any. See attached Exhibits.
 - After reviewing BMV Form 3753 for those situations for which action by the BMC might be appropriate as provided in O.R.C. §4505.10(A), I applied directly to the Registrar of the Bureau of Motor Vehicle, Ohio Department of Public Safety, for the Registrar to authorize the Clerk to issue certificate of title. See attached Exhibits.
 - I made a record request from the BMV for current address information, if available, for the prior owner of record of the subject motor vehicle and any lien holder of record. See attached Exhibits.
 - I arranged for and obtained an inspection of the subject motor vehicle by the Ohio State Highway Patrol to ensure it has not been reported as stolen or otherwise compromised motor vehicle. See attached Exhibits.
 - I attempted to notify the owner of record and any lien holders of record by certified mail that I am in possession of the subject motor vehicle and am applying for a court ordered title. I did not receive a response. See attached Exhibits.
6. I am personally 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 Summit County Clerk of Courts.

7. In furnishing this Affidavit, I acknowledge my understanding that, under the terms of O.R.C. §2921.13(A)(1) and (A)(5), to knowingly make a false statements in any official proceedings and to swear to 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 sayeth 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
SUMMIT COUNTY, OHIO

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

MOTION AND ORDER SETTING HEARING DATE

I am filing a petition to obtain legal title to the following motor vehicle:

Make: _____ Model: _____

Year: _____ Color: _____ VIN: _____

I request a hearing on my petition for the court to resolve all conflicting claims identified above.

List the name(s) and address of each owner and active lien holder that you have identified in the Petition. Use an additional sheet if needed. _____

To the best of my knowledge, all potential claimants have been identified and will receive notice of the hearing.

Signature of Petitioner

ORDER

For good cause shown, the court hereby sets this matter for a hearing on objections to the Petition for Court Order Directing the Clerk of Court to Issue a Certificate of Title to the Motor Vehicle Described Herein (O.R.C. §4505.10) on _____.

____ The Hearing will be held via telephone bridge line. At the appointed date/time call: 330-926-2552; enter access code 70631.

____ The Hearing will be held *in person* at the Summit County Court of Common Pleas, 209 S. High St., 2nd Floor Annex, Akron, Ohio 44308.

IT IS SO ORDERED.

Magistrate, Summit County Court of Common Pleas

INSTRUCTIONS FOR SERVICE: The Clerk of Court is ordered to serve Petitioner via U.S. Mail and any parties named on this Motion via Certified Mail, return receipt requested.