



Laura A. Zupko

Belmont County Clerk of Courts

Procedures to petition the Belmont County Court of Common Pleas for a Court-Ordered Title must be filed with a \$225.00 non-refundable filing fee in the Legal Division located at 101 West Main Street, St. Clairsville, Ohio 43950.

This packet includes the following documents:

- Instructions to Customers Seeking an Order by the Belmont County Common Pleas Court Directing the Clerk of Courts Auto Title Department to issue a Certificate of Title for a Motor Vehicle (ORC Section 4505.10)
- BMV Form 3753 Information Sheet
- BMV Form 1173 BMV Record Request (ORC Sections 4501.15, 4501.27 and 4507.53)
- Sample Letter to Owner / Lienholder from Petitioner
- Petition for Court Order Directing the Clerk of Courts to Issue a Certificate of Title for a Motor Vehicle and Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title for a Motor Vehicle (ORC Section 4505.10)

The applicant must be a Belmont County resident or business to use this procedure.

You cannot use this procedure to obtain a title if:

- Your vehicle is self-assembled, rebuilt, does not have a VIN/has more than one VIN, or the VINs on the vehicle and title are mismatched.
- Your watercraft does not have a 12-digit HIN, or the HIN on the boat or motor does not match the HIN listed on the title.
- You have not determined if the new process for dealing with an abandoned boat applies in your case. The process to legally take ownership or dispose of an abandoned boat on your property changed as of January 29, 2021. *See information on ODNR Abandoned Boats on Private Property (<https://ohiodnr.gov/discover-and-learn/land-water/issues-for-landowners/abandonedboatsonprivateproperty>)*
- You have not applied directly to the registrar of motor vehicles, then you cannot use this procedure to obtain a title until the registrar finds the application to be insufficient.

It is strongly recommended that you consult with or hire a licensed attorney before proceeding.

*This guide for obtaining a court ordered title has been compiled for purposes of example only.
It is intended to provide a summary as we are not authorized to provide legal advice to petitioners.*

The Clerk of the Common Pleas Court in each Ohio County has principal responsibility for issuing motor vehicle certificates of title on behalf of, and in cooperation with, the Bureau of Motor Vehicles, 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 Department to issue you a motor vehicle certificate of title. These circumstances include:

- I. When the original certificate of title issued by the State of Ohio or any other state has been lost, destroyed or stolen and a duplicate of that certificate as provided by Section 4505.12 of the Ohio Revised Code is not available from the Clerk or BMV due to a lack of historical title records; or
- II. When you have purchased a vehicle, but the previous owner has failed, refused or otherwise been unable to furnish you with a properly assigned certificate of title; or
- III. When you have been given a vehicle or it has been left in your possession and ownership, but the previous owner has failed, refused or otherwise been unable to complete the transaction by supplying required documents; or
- IV. When you are owner of a repair garage or vehicle storage facility who is in possession of a vehicle valued at more than \$3,500.00 after deduction of repairs, 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 examples of circumstances with respect to which Section 4505.10 of the Ohio Revised Code does **not** apply:

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

- III. When you are a pawnbroker seeking forfeiture and title to a motor vehicle that has not been redeemed by the owner after expiration or breach of the loan secured by that motor vehicle (See, ORC 4505.102); or
- IV. When a motor vehicle, whether a “junk motor vehicle” or not, has been abandoned on private property owned by you; and you do not want title to the motor vehicle, but rather simply want it moved or disposed of (See, ORC 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. The 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 Auto Title Department. 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.
- II. If your application for a certificate of title is denied by the title office because of insufficient proof, you may review the BMV 3753 Information Sheet to determine if the BMV can provide additional assistance to you. In specific cases, the BMV can provide a letter of authority that will authorize the local title office to issue a certificate of title in your name. If your situation meets the criteria set forth in BMV 3753, please submit your evidence to the BMV in accordance with the instructions provided in BMV 3753.
- III. If the BMV determined that the evidence you compiled and presented is sufficient to establish your right to possession and ownership of the vehicle, you will be given a letter authorizing the title office to issue in your name a certificate of title for the motor vehicle. If you receive a letter of authority from the BMV, you should bring the

letter along with copies of the evidence you presented to the BMV to a Clerk of Courts Auto Title Department. A certificate of title will be issued based upon that letter of authority and payment of any applicable fees and taxes. A petition for Court Order will not be necessary.

- IV. If your situation does not meet the criteria set forth in the BMV 3753 Information Sheet or the BMV determines that the evidence you compile and present is not sufficient to establish your right to possession and ownership of the vehicle, you have the option to petition for a court ordered motor vehicle certificate of title. Here is the procedure:

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

Step One: Lienholder Record Search

Where to Go: Belmont County Auto Title Department
52180 National Road, Suite A
St. Clairsville, OH 43950

What to Do: Find out the status of the title for the vehicle you want to have titled in your name. You must have the entire VIN of the vehicle for the record search. Fees apply for each title record search.

Step Two: Vehicle Owner / Lienholder Record Search

Where to Go: www.bmv.ohio.gov or contact BMV 614-752-7671

What to Do: Complete and submit the Ohio BMV 1173 Record Request form to the BMV using the instructions on the provided form. Allow fifteen (15) business days for processing. Results are mailed on a BMV 2433 form.

Note: Deputy registrar locations cannot assist with this process.

Step Three: Certified Mail Notification

What to Do: Mail a certified letter to the vehicle owner(s) at the last known address provided by the BMV and lienholder(s) at the address provided by the Clerk of Courts notifying them of your intention to petition the court for a certificate of title. Allow fifteen (15) days for all parties to respond.

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

Where to Go: Your local BMV Deputy Registrar's Office. Visit bmv.ohio.gov for a list of deputy registrar locations.

What to Do: Purchase an OSHP Inspection Receipt (HP105 form)

Step Five: Schedule and complete the OSHP Inspection

Where to Go: Visit [services.dps.ohio.gov/Vehicle Inspection](http://services.dps.ohio.gov/Vehicle%20Inspection) or call (614) 644-1667.
Inspection Location: 4633 Glenn Hwy, Cambridge, OH 43725

What to Do: Schedule your inspection. Be sure to inform OSHP that the inspection is for a court order. On the day of your inspection, bring the vehicle, receipt (HP105) and any supporting proof of ownership/possession to the inspection station.

Step Six: File your petition with the Belmont County Court of Common Pleas

Where to Go: Belmont County Clerk of Courts Legal Office
101 W. Main St., 3rd Floor
St. Clairsville, Ohio 43950

What to Do: File your petition and pay \$225.00 filing fee. Forms and instructions are provided in court order packet. If the vehicle has a lien, please inform the clerk so the lien can be properly addressed in the petition and judgment entry.

Step Seven - Appear before the Common Pleas Court Judge

If your petition is granted, the judge will sign the Judgment Entry and direct you back to the Clerk of Courts Legal Office.

Step Eight - File the Judgment Entry in the Clerk of Courts Legal Office

Request a certified copy of the Judgment Entry to present to a Clerk of Courts Auto Title Department. Fees may apply.

Step Nine - Apply for your certificate of title

Where to Go: Belmont County Auto Title Department
52180 National Rd., Suite A
St. Clairsville, Ohio 43950

What to Do: Title fees and applicable sales tax apply. Bring your certified copy of the Judgment Entry and Ohio driver's license/identification. If the court order was due to not being furnished with a certificate of title after purchasing your vehicle, bring a copy of your receipt or bill of sale so that any sales tax liability can be accurately determined.

(Fees are subject to change and may increase or decrease at any time.)

- V. You should fill in your name and address on the petition and complete the detailed description of the motor vehicle, including the vehicle identification number (VIN). A petition without the VIN will not be accepted. You should also fill in the blanks (except for the judge's name, the case number, and the date) on the petition and affidavit. If filing for more than one vehicle, complete as many vehicle information pages, as necessary. On the petition you should furnish the details of how you came into possession of the motor vehicle and the facts upon which you base your claim that you should be declared the owner of the vehicle with all rights of possession. Be thorough and attach additional sheets, if necessary. **Documents noted in these instructions as necessary exhibits must be filed with the petition.**

VI. You should attach to your petition the following as exhibits:

- A. Copy of the refusal or denial letter you received from the Clerk of Courts Auto Title Department;
- B. Copies of the record search reports you obtained from the BMV along with the BMV 2433 form;
- C. State Highway Patrol Inspection Receipt; (HP106/HP106F Form)

D. Correspondence and certified mail receipts showing you have tried to contact the current owner and lien holder (if applicable) in an attempt to secure a properly assigned certificate of title;

E. Copies of any additional documentation or evidence you believe necessary to support your claim, including, for example:

i. Any receipt, bill of sale, or cancelled check as evidence of your performance as purchaser in connection with an incomplete transaction that was not the result of your own failure to perform;

and/or

ii. Sworn statements of other persons familiar with the circumstances surrounding your possession of the vehicle.

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

Web links and forms

Ohio Revised Code Sections

1923.12

3733.091

4505.10

4505.10(A)

4505.101

4505.102

4505.12

4501.15

4501.27

4507.53

4513.60 through 4513.65, inclusive

www.bmv.ohio.gov

BMV Vehicle Title Support 614-752-7671

BMV Form 3753 Information Sheet

BMV Form 1173 BMV Record Request

Ohio State Highway Patrol Inspection

[services.dps.ohio.gov/Vehicle Inspection](http://services.dps.ohio.gov/Vehicle%20Inspection) (link)

(614) 644-1667

OSHP Inspection Site location: 4633 Glenn Hwy, Cambridge, OH 43725

Abandoned Boats on Private Property