



Laura A. Zupka

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 bm.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, inspection 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



OHIO DEPARTMENT OF PUBLIC SAFETY
BUREAU OF MOTOR VEHICLES

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)

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 your full name, mailing address, and choose how the results of your request should be returned.

FULL NAME (REQUIRED)

MAILING ADDRESS (REQUIRED)

COMPANY NAME (If Applicable)

STREET ADDRESS

CITY STATE ZIP CODE PHONE NUMBER

E-MAIL (If email address is illegible, invalid, or unverified, the records will be mailed to the above mailing address)

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.

☐ I would like my results emailed as provided ☐ 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 ☐ I am requesting my driving or vehicle(s) record. (Provide your applicable identifiers below; no name required)

OPTION 2 ☐ 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): ☐ 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) 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 4Qualification 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: Belmont 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 / Lienholder's name

Date Letter is Mailed

Address

City, State, Zip Code

Re: Petition for Certificate of Title for a Motor
Vehicle (ORC Section 4505.10)

Dear: _____
(Owner / Lienholder'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)

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 am unable to obtain a Certificate of Title because _____

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

Please contact me, in writing, within fifteen (15) 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 Code

Sincerely,

Sign Petitioner's Full Name

IN THE COURT OF COMMON PLEAS OF BELMONT COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE OF
TITLE FOR A MOTOR VEHICLE:

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

(Petitioner's Address) : _____
Judge

(City, State, Zip Code) :

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)

PETITION

The undersigned, a resident of Belmont County, Ohio, petitions this Court for an Order directing the Belmont County Clerk of Courts Auto Title Department to issue, pursuant to Section 4505.10(A) of the Ohio Revised Code, 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 #: _____

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 that support issuance of a motor vehicle certificate of title in petitioner's name; and documents and other evidence that show 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.

AFFIDAVIT

I, _____, having been duly cautioned and sworn, state the following to be
(Petitioner's Full Name)

true to the best of my personal knowledge and belief:

1. I am petitioning this Court to order the Belmont County Clerk of Courts Auto Title Department to issue in my name a certificate of title for the motor vehicle fully described in my petition and now in my possession and under my control.
2. The described motor vehicle is not an "abandoned junk motor vehicle" as defined in Section 4513.63 of the Ohio Revised Code and subject to the procedures set forth in that statute.

3. I am not the owner of a repair garage or a place of vehicle storage required to follow the procedures set forth in Section 4505.101 of the Ohio Revised Code if the value of the subject vehicle is less than \$3,500.00.
4. I am not a pawnbroker required to follow the procedures set forth in Section 4505.102 of the Ohio Revised Code.
5. I am not the operator of a manufactured home park required to follow the procedures set forth in Chapters 1923 and 3733 of the Ohio Revised Code.
6. I applied to the Belmont County Clerk of Courts Auto Title Department for a certificate of title, but issuance was refused because I was unable to produce the documentation required by Section 4505.10 of the Ohio Revised Code 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.
7. The circumstances by which I came into possession of the described motor vehicle were as follows:
State how the motor vehicle was obtained: _____

If purchased, the motor vehicle was sold by: _____

Date of the transaction: _____ Purchase price: _____.

*Attach a copy of your receipt, cancelled check, or bill of sale of other documentation of the transaction.

If the seller failed or refused to give you the prior certificate of title or the motor vehicle 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 the 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 that you believe supports your request to be declared true and lawful owner of the subject motor vehicle.

8. After the Clerk of Courts Auto Title Department found my evidence of title insufficient and refused to issue a Certificate of Title in my name to the described motor vehicle; I applied, as provided in Section 4505.10(A) of the Ohio Revised Code, directly to the Registrar of the Bureau of Motor Vehicles, Ohio Department of Public Safety, for the Registrar to authorize the Clerk of Courts to issue a certificate of title.
9. The Registrar of the Bureau of Motor Vehicle did not find the evidence I presented to be sufficient for the purpose of issuing a letter of authority to the Clerk of Courts Auto Title Department as indicated in the refusal letter issued instead by the Registrar. A copy of the refusal letter is attached hereto as documentation that I am entitled to file my petition in accordance with the provisions of Section 4505.10(A) of the Ohio Revised Code. Attach a copy of refusal letter from the Clerk of Courts.
10. I have asked the Belmont County Clerk of Courts Auto Title Department to complete a lien holder record search of the motor vehicle identification number 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 motor vehicle for which I am seeking a certificate of title other than as listed in the attached report from the Belmont County Clerk of Courts. Attach a copy of the results of the search.
11. I have asked the Bureau of Motor Vehicles, Ohio Department of Public Safety, to complete a record search of the motor vehicle identification number noted in my petition to determine if the motor vehicle 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 motor vehicle for which I am seeking a certificate of title has been stolen [Section 4505.19(A) of the Ohio Revised Code]. Attach a copy of the results of the search (BMV Form 2433).
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 offense known as falsification, a misdemeanor of the first degree.

Further, Affiant saith naught.

Signature of Petitioner

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

Signature of Notary Public

(seal)

My Commission Expires _____, _____.



Laura A. Zupka

Belmont County Clerk of Courts

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This packet includes the following documents:

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- 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, inspection 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.