



COURT ORDER INFORMATION PACKET
FOR
PREBLE COUNTY RESIDENTS
SEEKING TO OBTAIN
A COURT ORDERED TITLE

SITUATIONS WHERE A COURT ORDERED TITLE MAY BE OBTAINED

Requesting the Court to order the issuance of a certificate of title may be an available remedy in the following situations:

- **Lost or stolen title:** The Certificate of Title is lost or stolen and a duplicate is no longer available from the Preble County Auto Title Division. The required motion, affidavit and orders must be filed by the party requesting the duplicate title. Contact must have been made with the Ohio BMV and a statement included that the title could not be obtained through The State of Ohio ATPS.
- **Incomplete sale:** There is proof of the transaction and the previous owner of record has not provided the Certificate of Title, or if applicable, a transferable Certificate of Title from a state outside of Ohio. Documentation must be submitted showing that there has been the effort made, by certified mail, to contact the prior owner and lienholder (if applicable) requesting a title be provided.

****** FILING OF THIS PAPERWORK DOES NOT GUARANTEE THE COURT WILL GRANT YOU A COURT ORDERED TITLE******

PRE-INSTRUCTIONS INFORMATION

In instances where transfer of ownership occurs by operation of law, title may be obtained through the Preble County Auto Title Division pursuant to Ohio Revised Code 4505.10.

Ownership occurs by operation of law in the following circumstances: inheritance, devise, bequest, order in bankruptcy, insolvency, replevin, or execution sale, if motor vehicle is sold to satisfy storage or repair charges, or repossession is had upon default in performance of terms of a security agreement as provided in chapter 1309 of the Ohio revised code and secured party has notified the debtor as required by division (B) of the Ohio Revised Code (1309.611). In such cases set forth above, the Fiscal Department, Auto Title Division, upon the surrender of the prior certificate of title or the manufacturer's or importers' certificate, or, when that is not possible, upon presentation of an Application 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 the possession and ownership, together with a copy of the journal entry, court order or instrument upon which claim of possession and ownership is founded, and upon payment of the fee prescribed, will issue a certificate of title for the motor vehicle

INSTRUCTIONS FOR OBTAINING A COURT ORDERED MOTOR VEHICLE

CERTIFICATE OF TITLE

If the BMV finds your evidence insufficient, you may motion the Preble County Court of Common Pleas for a court order that the Auto Title Division issue a certificate of title. You must retain denial notices from the Preble County Auto Title Division to file with your motion for a Court Ordered Title.

This guide for obtaining a court ordered title has been compiled for purposes of example only. It is only intended to provide a summary, and should not be regarded as a complete digest of laws affecting motor vehicle title, nor should it be regarded as legally binding on the County of Preble, the Preble County Auto Title Division or the Preble County Clerk of Courts, none of whom are authorized to provide legal advice to petitioners. Instead, petitioners are encouraged to consult with private legal counsel.

If you do not have the requisite evidence of ownership set forth in the Pre-Instruction Information above, proceed as set forth below to utilize the Court Ordered Title process. These instructions and forms are to be used only if the applicant is a resident of Preble County. Incomplete/inaccurate paperwork may cause your case to be dismissed.

1. Complete and submit BMV Form 1173 to the BMV to identify the title holder of record. In order to receive the most accurate and up-to-date information, please check the "Copy of Title Record" and "Last Known Address" boxes on the form (each costing \$5.00). Retain a copy of the results from the BMV search to be included with your motion for certificate of title.
2. Request lienholder information for the vehicle at the Preble County Auto Title Division
3. Provide notice to the title holder of record and any lienholder by certified mail and return receipt advising that you are in possession of the motor vehicle and intend to petition the court for a title. (Please allow at least 30 days for a response and retain copies of the letter and certified mail receipt).
4. Obtain an Ohio State Highway (OSHP) inspection Request Form signed by the deputy clerk at the Preble County Auto Title Division. This will allow you to begin the process of having the vehicle inspected by OSHP.
5. Take the signed OSHP Inspection Request Form to any BMV office to pay for and obtain a salvage inspection report. The inspection cost is \$53.50.
6. Once the inspection has been paid for and a receipt issued, you will need to make an appointment with the OSHP to have the vehicle inspected. The receipt obtained at the BMV allows the customer to drive the vehicle/from the inspection station without a license plate. A list of the OSHP Inspection Stations is included in this packet.

7. Prepare and complete the enclosed MOTION FOR ORDER TO ISSUE CERTIFICATE OF TITLE. Complete the Affidavit which requires the signature of a notary public. If a lien was identified on the vehicle, please include this in the affidavit so the lien can be properly addressed in the judgment entry.
8. Complete the petitioner's portion of the JOURNAL ENTRY. Complete the vehicle MAKE, MODEL, YEAR, and VIN NUMBER. Also complete the Petitioner's Name, Home Address, Email Address and Telephone Number. Leave the following areas blank, Case Number, Judge's signature and date.
9. Once the vehicle has been inspected by OSHP, take the original and 2 copies of each of the following, Motion, Affidavit, Inspection Results, and the partially completed Journal Entry, and all other documents and evidence and \$100.00 filing deposit fee to the Preble County Clerk of Courts office located at 101 E Main Street, 3rd Floor between the hours of 8:00 a.m. – 4:00 p.m., Monday through Friday. The deposit fee may be paid by cash, check or credit card. The motion for the Court Order to Issue Certificate of Title must be filed within 60 days of the vehicle inspection.
10. If the order to issue title is approved, the Judge will sign the order and a certified copy of the order will be sent to you in the mail.
11. Take the certified copy of the order to the Preble County Auto Title Division office for the issuance of a Certificate of Title. At that time, you will be responsible for title fees and any sales tax (if applicable) associated with the title transaction.



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.

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)			
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.			
<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 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)	
<i>Note: If requesting records on more than 1 person or vehicle, you may attach additional sheet(s).</i> <input type="checkbox"/> Check if attaching additional sheet(s)		
NAME OF OTHER PERSON (If Applicable)		
OHIO DRIVER LICENSE (If Applicable)	DATE OF BIRTH (If Applicable)	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 type="checkbox"/> Vehicle Title Record – 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) – 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: _____ **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

OHIO STATE HIGHWAY PATROL INSPECTION REQUEST

To: The Ohio State Highway Patrol
District Inspection Station

From: Preble County Auto Title Division
546 North Barron Street
Eaton OH 45320

Date: _____

Customer Name(s): _____

The above-named customer has requested a certificate of title through the State of Ohio. The customer does not have the proper documentation or evidence for us to issue a title. Therefore, we have recommended that this customer apply to the Preble County Common Pleas Court for a court order to obtain a vehicle title.

You are hereby requested to complete a physical inspection of the subject vehicle upon presentation of receipt/proof of payment of the inspection fee.

If you have questions, please contact the Preble County Title Office at 937-456-8181.

_____ Deputy Clerk's printed name

_____ Deputy Clerk's signature

OHIO STATE HIGHWAY PATROL INSPECTION SITES

BUCYRUS DISTRICT 1653 Marion Rd Bucyrus, OH 44820 Phone: (419)-563-0272	CAMBRIDGE DISTRICT 95 Wildflower Drive New Concord, OH 43762 Phone: (740) 826-1030
CLEVELAND DISTRICT 5225 W. 140 th St. Brook Park, OH 44142 Phone: (216) 265-1677	COLUMBUS DISTRICT 1583 Alum Creek Drive Columbus, OH 43209 Phone: (614) 644-1667
FINDLAY DISTRICT 8210 County Rd 140, Suite D Findlay, OH 45840 Phone : (419)-423-2957	JACKSON DISTRICT 25 McCarty Lane Jackson, OH 45640 Phone: (740)-286-3457
MASSILLON DISTRICT 8730 Lake Rd. Seville, OH 44273 Phone: (330)-769-5089	PIQUA DISTRICT 1275 Experiment Farm Rd, Suite D. Troy, OH 45373 Phone: (937)-335-6412
WARREN DISTRICT 3424 Parkman Rd. Southington, OH 44470 Phone: (330)-898-2894	WILMINGTON DISTRICT 9971 Cincinnati-Dayton Rd. West Chester, OH 45069 Phone: 513-777-5547

- Inspections may be scheduled online
- For questions please call an inspection location
- For more information about salvage inspections please see the [Salvage Inspection Brochure](#) on the Ohio State Highway Patrol's website – <http://www.statepatrol.ohio.gov>

IN THE COURT OF COMMON PLEAS OF PREBLE COUNTY, OHIO

(Applicant's Name) Plaintiff

Vs.

MOTION FOR ORDER TO ISSUE
CERTIFICATE OF TITLE

Brionne Reynolds
Clerk of Courts

Defendant

I _____ being duly sworn according to law, make the following
statements:

(How did you obtain vehicle?)

(Vehicle Description)

(If you purchased the vehicle, list date of transaction, who did you buy it from and how much did you pay?
(Attach copy or receipt, check or other proof of transaction)

(State why you do not have a title)

I hereby respectfully motion that the Court Order the defendant, Brionne Reynolds as Clerk of Court of
Preble County, Ohio as the public official in charge of the Preble County Title office to issue the Plaintiff
a title for the above said vehicle.

(Applicant's Signature)

(Applicant's Address)

IN THE COURT OF COMMON PLEAS OF PREBLE COUNTY, OHIO

(Applicant's Name) Plaintiff

Vs.

AFFIDAVIT

Brionne Reynolds
Clerk of Courts

Defendant

STATE OF OHIO
COUNTY OF PREBLE

Now comes the Plaintiff, as stated above, in the State of Ohio, County of Preble, being duly sworn, deposes and says that:

(state the facts of how you obtained the vehicle, motorcycle, or watercraft. List dates of transaction, who you bought it from, previous title owner, costs the value of the vehicle, make, model, VIN, year of the vehicle. Attach a copy of receipt, check or other proof of transaction, copy of certified letter to previous owner, return receipt requested, result of BMV record search, and insufficient evidence letters from the Title Department.)

Applicant's Signature

Applicant's Printed Name

Before me a Notary Public in and for said State personally appeared the aforementioned _____ (Applicant's Name), who acknowledged that he/she did sign and execute the foregoing instrument and that the same is his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at _____, Ohio on the _____ day of _____, 20__.

Notary Public
Expires:

IN THE COURT OF COMMON PLEAS OF PREBLE COUNTY, OHIO

(Applicant's Name) Plaintiff

Vs.

ORDER TO ISSUE
CERTIFICATE OF TITLE

Brionne Reynolds
Clerk of Courts

Defendant

This matter came before the court to be heard on the Motion and Affidavit of the above applicant for an order authorizing the issuance of a Certificate of Title for the vehicle described in the Affidavit.

The Court, being fully advised, finds that the Motion is well taken and the Certificate of Title should be issued to the above applicant as requested.

IT IS THEREFORE ORDERED that the Preble County Auto Title Department issue a Certificate of Title for the vehicle, MAKE _____, Model _____, Year _____, MILEAGE _____, VIN _____ to the Applicant, and set forth above.

(Judge's Signature)