

FACT SHEET

Involuntary Transfer of Ownership of a Vehicle by Court Order

PURPOSE

This Fact Sheet outlines the procedures that must be followed when applying for a Certificate of Title involving the involuntary transfer of a vehicle's ownership. This procedure involves obtaining a court order and should be used only in those circumstances where it is impossible to transfer ownership of a vehicle by the use of a Certificate of Title or Vehicle Manufacturer's Certificate of Origin. Since every set of facts and surrounding circumstances will be unique, a person attempting to be declared owner of a vehicle where proper ownership documents are not available should seek the advice of a private attorney. **PennDOT WILL NOT OFFER LEGAL ADVICE REGARDING THE INVOLUNTARY TRANSFER OF OWNERSHIP OF A VEHICLE.**

PROCEDURES

1. A person attempting to obtain ownership of a vehicle must commence a proceeding with a court of competent jurisdiction setting forth the facts and circumstances of the case. The ownership of the vehicle will be determined by the court. Please note that a sample court order is provided on the reverse side of this fact sheet. **UNLESS THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION IS THE OWNER OF THE VEHICLE IN QUESTION, THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION IS NOT AN INTERESTED PARTY TO THIS COURT PROCEEDING. THEREFORE, THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION SHOULD NOT BE A NAMED PARTY IN THE PROCEEDING.**
2. A person attempting to be declared owner of a vehicle by court order must notify all persons with an interest in the vehicle of the pendency of the court proceeding. The notification must be sent by certified mail, return receipt requested, and must include the following:
 - (1) A specific description of the vehicle (i.e., year, make, model and VIN);
 - (2) The court of competent jurisdiction where an action will be or has been filed; and
 - (3) The time, date and place of any court proceeding.

AT A MINIMUM, THE NOTICE MUST BE SENT TO THE PERSON(S) TO WHOM THE VEHICLE IS PRESENTLY TITLED AND REGISTERED AND EVERY LIENHOLDER THAT IS LISTED ON THE TITLE RECORD. PLEASE NOTE THAT IF A PERSON ATTEMPTING TO BE DECLARED OWNER OF A VEHICLE IS UNAWARE OF ANY PERSON WITH AN INTEREST IN THE VEHICLE, THE PERSON ATTEMPTING TO OBTAIN OWNERSHIP OF THE VEHICLE MAY OBTAIN A CERTIFIED COPY OF THE VEHICLE'S COMPUTER RECORD BY COMPLETING FORM DL-135 (REQUEST FOR VEHICLE INFORMATION), AND SUBMITTING TO PENNDOT ALONG WITH THE APPROPRIATE FEES.

3. In the event the notice sent to a person with an interest in the vehicle is returned as "Unclaimed," the person attempting to be declared owner of the vehicle must advertise a legal notice at least once in the county legal journal(s) and at least once per week for three consecutive weeks in the newspaper(s) of general circulation where any person known to claim an interest in the vehicle may be located and where the vehicle is located, if these two locations are different. Please refer to the *Pennsylvania Bar*

Association Lawyers Directory & Product Guide to determine the appropriate legal journal. The advertisement should include the following:

- (1) A specific description of the vehicle (i.e., year, make, model and VIN);
 - (2) The court of competent jurisdiction where an action will be or has been filed; and
 - (3) The time, date and place of any court proceeding.
4. When the above procedure is followed and the court of competent jurisdiction enters an order declaring an individual the rightful owner of the vehicle, PennDOT may issue a Certificate of Title to the person named in the court order upon receipt of the following:
- (1) A certified copy of the court order entered declaring the individual owner of the vehicle;
 - (2) Form MV-1, "Application for Certificate of Title," and check or money order payable to the Commonwealth of Pennsylvania.
 - (3) Appropriate sales tax, title and registration fees.

Unless the petitioner is eligible to claim a Sales Tax Exemption, sales tax must be paid on the Fair Market Value of the vehicle as listed in a current edition of a PennDOT-approved publication. Approved PennDOT publications include the following: *N.A.D.A.*, *The Automobile Red Book*, *The Black Book Official Used Car Guide*, *American Used Car Guide*, and *The Kelley Blue Book Used Car Guide*.

SAMPLE COURT ORDER

AND NOW, this _____ day of _____, 20 ____, after reasonable notice and an opportunity for hearing having been provided to all interested parties, the Court hereby awards ownership of one [year], [make], [model], bearing vehicle identification number _____ to [name of applicant], and the right, title and interest of any other person to said vehicle is hereby extinguished. The Commonwealth of Pennsylvania, Department of Transportation may accept this order as evidence of ownership in lieu of a Certificate of Title. The Petitioner shall submit the appropriate forms, taxes and fees and comply with any other procedures of the Commonwealth of Pennsylvania, Department of Transportation in order to receive the appropriate Certificate of Title for said vehicle.

BY THE COURT:

Judge

Please Note: Authorized agents are under contract to PennDOT and may charge a market driven service (delivery) fee; these are in addition to any PennDOT statutory fees for temporary, or in some cases, permanent motor vehicle registration plates and cards or other related products and services offered by the agent. The agent's service (delivery) fees are market driven, and vary by agent. To compare service (delivery) fees, you are encouraged to contact the authorized agents in your area for the applicable service (delivery) fees charged.

MOTION FOR INVOLUNTARY TRANSFER OF VEHICLE OWNERSHIP

DISCLAIMER

COURTHOUSE STAFF ARE UNABLE TO PROVIDE YOU ADVICE ABOUT HOW TO PROCEED. THE INFORMATION IN THIS PACKET IS NOT A SUBSTITUTE FOR THE LEGAL ADVICE OF COUNSEL. IT IS STRONGLY RECOMMENDED THAT YOU CONSULT AN ATTORNEY. THE COURT AND COURTHOUSE OFFICES ASSUME NO RESPONSIBILITY OR LIABILITY ARISING FROM THE USE OF THESE INSTRUCTIONS AND FORMS.

1. Before you can file a motion you must determine who last had title to the subject property and who may have an interest in the property. For a motor vehicle, you may obtain a certified copy of the vehicle's computer record by completing Form DL-135 (request for vehicle information) and submit that form to the Department of Transportation along with the appropriate fees.
2. After you have discovered the identity of the last person who had title to the property and anyone that may have an interest in this property, complete the Motion For Involuntary Transfer of Vehicle Ownership that is included in this packet. Fill in each and every line of the enclosed motion. In the caption section of the motion (In Re:) you write your name. Attach the vehicle information obtained from the Department of Transportation. Your case will be given a docket number by the Prothonotary when you file the motion.
3. Make a copy for each person or entity that has or asserts an interest in the subject property. For example, if only one person or entity is involved, you need to make three copies of the original for a total of four documents. Take the copies and original motion to the Prothonotary office (Erie County Courthouse, Room 120). The filing cost is \$114.00. The original will be left with the Prothonotary and you keep a copy and one copy is for each individual or entity that has or asserts an interest in the property.
4. Take the Scheduling Order to the Court Administrator's office (Room 204) for assignment of a hearing date. File a signed and completed Scheduling Order with the Prothonotary.
5. Service. Mail a copy or copies of all documents to all interested parties by certified mail, return receipt requested at their last known address. A hearing will only be conducted if you have properly served the other parties. This is your responsibility. At the date and time of the hearing, you must be prepared to present all evidence to prove that you have served the interested parties with a copy of the motion and scheduling order and explain to the judge why your motion should be granted. In the event the notice sent to a person with an interest in the vehicle is returned as "Unclaimed," you must advertise a legal

notice at least once in the county legal journal and at least once per week for three consecutive weeks in the newspaper of general circulation where any person known to claim an interest in the vehicle may be located and where the vehicle is located, if these two locations are different. Please refer to the Pennsylvania Bar Association Lawyers Directory & Product Guide to determine the appropriate legal journal. The Erie County Legal Journal is located at 302 W. 9th St. Erie, PA 16502-1427, (814) 459-3111. The advertisement should include the following: (1) A specific description of the vehicle (i.e., year, make, model and VIN); (2) The court of competent jurisdiction where the action has been filed; and (3) The time, date and place of any court proceeding.

6. If a judge enters an order declaring you to be the owner of the property, the Pennsylvania Department of Transportation may issue a Certificate of Title to the person named in the Court Order upon receipt of the following:
 1. A certified copy of the Court Order entered declaring the individual owner of the vehicle;
 2. Form MV-1 “Application for Certificate of Title,” and check or money order payable to the Commonwealth of Pennsylvania;
 3. Appropriate sales tax, title and registration fees.

See http://www.dmv.state.pa.us/pdotforms/fact_sheets/fs-intr.pdf

Once again, if you find that this procedure is beyond your capabilities, you should consult an attorney to assist you.

5. The individuals or entities and addresses who have or assert an interest in the above property are as follows: (Form DL-135 Request for Vehicle Information attached)

WHEREFORE, it is respectfully requested that the Court grant the above motion and award ownership of the above-referenced vehicle to me.

Respectfully submitted,

Signature

VERIFICATION

I, _____(Name), verify that the facts set forth in the Motion for Involuntary Transfer of Vehicle Ownership are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. Sect. 4904 relating to unsworn falsification to authorities.

(Date)

Signature

IN RE:

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**IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA
NO.**

ORDER

AND NOW, THIS _____ day of _____, 20____, after reasonable notice and hearing, the Court hereby awards ownership of the _____(Description of property) to _____(Name), and the right, title and interest of any other person to said vehicle is hereby extinguished. The Commonwealth of Pennsylvania, Department of Transportation may accept this order as evidence of ownership in lieu of a Certificate of Title. The above named party shall submit the appropriate forms, taxes, and fees and comply with any other procedures of the Commonwealth of Pennsylvania, Department of Transportation in order to receive the appropriate Certificate of Title for said vehicle.

BY THE COURT:

Judge

Distribution: (Name and address of all interested parties to be given notice)

IN RE:

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**IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA
NO.**

SCHEDULING ORDER

AND NOW, THIS ____ day of _____, 20____, upon review of the Motion for Involuntary Transfer of Vehicle Ownership, a hearing is scheduled for _____ in Courtroom _____, of the Erie County Courthouse, 140 West 6th Street, Erie, PA 16501. The above party filing this motion is required to serve copies of the motion and this scheduling order on all interested parties and provide proof of service, or proof of publication if applicable, to the Court at the time of the hearing.

BY THE COURT:

Judge

Distribution: (Name and address of all interested parties to be given notice)

