

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:

July 2017

- over -



pennsylvania
DEPARTMENT OF TRANSPORTATION

- (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 assets 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 (Eric County Courthouse, Room 120). 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 assets 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 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/pdot/forms/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.

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

MOTION FOR INVOLUNTARY TRANSFER OF VEHICLE OWNERSHIP

AND NOW I, _____ (Name) respectfully aver
as follows:

1. I, _____ (Name), am
requesting ownership of a motor vehicle. My address is:

2. The vehicle is identified as follows (Description, Year, Make, Model,
Vehicle Identification Number, Color):

3. On or about _____ (Date), I obtained possession of the
vehicle described in paragraph 2 above.

4. I am unable to obtain a Certificate of Title from the Commonwealth of
Pennsylvania, Department of Transportation for the following reasons:

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:

:
:
:
:
:
:
:

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:

:
:
:
:
:
:
:

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)

REQUEST FOR VEHICLE INFORMATION

\$10.00 Fee required for each record requested or \$34.00 Fee for each certified record
 The most current version of this form can be found at www.dmv.pa.gov



pennsylvania
 DEPARTMENT OF TRANSPORTATION

PRINT OR TYPE ALL INFORMATION LEGIBLY · DO NOT SEND CASH

SEE REVERSE FOR INSTRUCTIONS/INFORMATION

A REQUESTER INFORMATION				B END USER OF INFORMATION BEING REQUESTED			
NAME				NAME OF BUSINESS			
ADDRESS: P.O. Box number may be used in addition to the actual address, but cannot be used as the only address.				ADDRESS: (P.O. Box not accepted), need to provide physical location of business/residence			
CITY		STATE	ZIP CODE	CITY		STATE	ZIP CODE
DAYTIME TELEPHONE NUMBER (Required)		REFERENCE NUMBER		CONTACT PERSON		PHONE #	
SIGNATURE <u>X</u>				NAIC NUMBER		POLICY NUMBER	
NOTARIZATION <u>NOT</u> REQUIRED WHEN REQUESTING YOUR OWN RECORD				CLAIM NUMBER			
C VEHICLE INFORMATION <i>(read instructions for number 2 on the back of the form)</i>				D MICROFILM Certified - <input type="checkbox"/> YES (\$34.00 Required)			
TAG NUMBER		TITLE NUMBER		CHECK (✓) ONE ONLY: SEE REVERSE SIDE FOR EXPLANATION OF INFORMATION YOU WILL RECEIVE.			
VEHICLE IDENTIFICATION NUMBER		DATE OF ACCIDENT (if applicable)		<input type="checkbox"/> TITLE - CURRENT RECORD <input type="checkbox"/> ODOMETER - CURRENT RECORD <input type="checkbox"/> TITLE - PREVIOUS RECORD <input type="checkbox"/> ODOMETER - PREVIOUS RECORD <input type="checkbox"/> ENCUMBRANCE <input type="checkbox"/> INSURANCE <input type="checkbox"/> OTHER _____			
NAME				E VEHICLE OWNER RELEASE			
ADDRESS				I _____ NAME OF VEHICLE OWNER hereby request the PA Department of Transportation to furnish a copy of my PA vehicle record to.			
CITY		STATE	ZIP CODE	NAME OF REQUESTER _____			
				SIGNATURE OF VEHICLE OWNER _____		DATE _____	
F AFFIDAVIT OF INTENDED USE - YOU MUST CHECK (✓) ONE ITEM							
_____ 1. 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. _____ 2. For use in connection with matters of 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 survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers. _____ 3. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only: a. to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and b. if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual. _____ 4. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court. _____ 5. For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals. _____ 6. For use by an insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting. _____ 7. For use in providing notice to the owners of towed or impounded vehicles. _____ 8. For use in connection with the operation of private toll transportation facilities.							
NOTARIZATION	SUBSCRIBED AND SWORN TO BEFORE ME: MONTH DAY YEAR			I hereby certify that _____ will			
	SIGNATURE OF PERSON ADMINISTERING OATH _____			NAME OF REQUESTER			
	SIGN IN PRESENCE OF NOTARY			use the vehicle information requested pursuant to Section 6114 of the Pennsylvania Vehicle Code, for the purpose checked above only and for no other reason. This affidavit is filed in compliance with Section 607 of the Fair Credit Reporting Act and the Federal Drivers Privacy Protection Act. I/we state that I/we have read and signed this form after its completion, and I/we swear or affirm that the statements made herein are true and correct, and that any statement made on or pursuant to this form is subject to the penalties of 18 PA C.S. Section 4903(a)(2) (relating to false swearing), which shall include punishment of a fine not exceeding \$5,000, or to a term of imprisonment of not more than two years, or both.			
S E A L				SIGNATURE OF REQUESTER _____		TITLE OF REQUESTER (if applicable) _____	

INSTRUCTIONS

1. A \$10.00 non-refundable fee is required for each request. If the Bureau has no record for the information requested or the data supplied is insufficient, the fee will be applied to the cost of the search.
2. **PRINT OR TYPE** all requested information on front of form. Submitting **ONLY** a name or name and address does not provide enough information for a proper search of the vehicle files. If the TAG Number is the only vehicle information available, Section B must be completed and must include NAIC Number, Policy Number and Claim Number or attach a copy of the accident report or parking ticket.

Reference Number - Is a unique identifier assigned by the Requestor. This information will be printed on the vehicle record that is returned to the Requestor. The Reference Number can assist you in processing the record when it is returned to your office. This information is not required.

3. **If requesting your own record**, complete Sections A, C and D only. Notarization is NOT required. If you currently own/ owned the vehicle but are requesting a Title History, you must complete Section F and have the application notarized.
4. **If requesting someone else's record**, complete Sections A, C, D, and either E or F.
5. **If requesting a record on behalf of another person**, complete Sections A, B, C, D, and either E or F. NAIC Number, Policy Number and Claim Number are only required when the only vehicle information available is the TAG Number.
6. **When requesting a title history**, a \$10.00 fee is required for each title record. To determine the appropriate fee, please contact the numbers listed below to determine the number of title records available.
7. **If choosing "Other" in Section D**, please include documentation stating what you are requesting.
8. Make check or money order payable to: "**Commonwealth of PA**".
DO NOT SEND CASH. Attach your check or money order and send to:

**Department of Transportation
Bureau of Driver Licensing
Vehicle Record Services
P.O. Box 68691
Harrisburg, PA 17106-8691**

DESCRIPTION OF INFORMATION AVAILABLE

Vehicle record information is available for the past 10 years only

NOTE: Sales tax and purchase price are considered confidential and will only be provided to the individual who purchased the vehicle, and the dealership that sold the vehicle. Otherwise, this information will not be provided.

- **Title History** A copy of the title transaction documents and basic information will be provided.
- **Odometer** A copy of the title/renewal transaction and basic information will be provided.
- **Insurance** A copy of the title/renewal transaction and basic information will be provided.
- **Encumbrance** Includes owners name, address, title number, tag, vehicle identification number (VIN), make and expiration date of tag and lienholder(s) name, address and expiration date of lien(s).

IMPORTANT INFORMATION CONCERNING THE USE OF VEHICLE INFORMATION

- Vehicle record information is confidential and restricted information and the Requestor/End User is responsible for establishing procedures to protect the confidentiality of these records.
- Vehicle record information can only be used for the purpose stated in Section F.
- Vehicle record information cannot be sold, assigned, or otherwise transferred to any party, other than the End User.
- PennDOT retains exclusive ownership of all vehicle record information and the Requestor/End User shall not combine and/or link in with any other data on any database except as may be required by law.
- The vehicle record information cannot be used for direct mail advertising or any other type or types of mail or mailings.
- The vehicle record information cannot be disseminated or published on the Internet without the express written permission of PennDOT.
- PennDOT reserves the right to audit each request for vehicle record information. If the Requestor/End User is found to have requested vehicle record information for an unauthorized purpose, access to Pennsylvania vehicle record information will be terminated.

Visit us at www.dmv.pa.gov or call us at:

In state: 1-800-932-4600 ♦ TDD: 1-800-228-0676 ♦ Out-of-State 1-717-412-5300 ♦ TDD Out-of-State: 1-717-412-5380