

**CLERK OF THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

Administration

373 S. High St., Fl. 23
Columbus, OH 43215-6312
Phone (614) 525-3600
Fax: (614) 525-4325

Office of Fiscal Services

373 S. High St., Fl. 23, 43215

Appeals

373 S. High St. Fl. 23, 43215-6312

Auto Title Main Branch

45 Great Southern Blvd., 43207



General Division/Civil

345 S. High St., Fl. 1B, 43215-4544

General Division/Criminal

345 S. High St., Fl. 1B, 43215-4544

Domestic Division

373 S. High St., Fl. 4, 43215-4596

Juvenile Division

373 S. High St., Fl. 4, 43215-4591

Juvenile Traffic

399 S. Front St., Fl. 1, 43215-5038

**MARYELLEN O'SHAUGHNESSY
CLERK OF COURTS**

**Instructions to Customers Seeking an Order by the Franklin County Common Pleas Court
Directing the Clerk of Courts Auto Title Division to issue a Certificate of title to a Motor
Vehicle (Section 4505.10, Ohio Revised Code)**

PLEASE RECOGNIZE THAT THERE CAN BE NO ASSURANCE THAT A COURT ORDER DIRECTING ISSUANCE OF A MOTOR VEHICLE CERTIFICATE OF TITLE WILL BE GRANTED. THE DECISION DEPENDS ON THE COURT FINDING THAT YOU HAVE PRESENTED SUFFICIENT EVIDENCE TO ESTABLISH YOUR CLAIM THAT YOU ARE ENTITLED TO POSSESSION AND OWNERSHIP OF THE SUBJECT MOTOR VEHICLE.

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 Division (title office) 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;
- 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;
- 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 \$2,500.00 after deduction of repair and storage fees, 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 some 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 \$2,500.00 after deduction of repair and storage fees, which vehicle has remained unclaimed by the owner more than fifteen days after notice to reclaim the vehicle (See, ORC §4505.101);
- 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);
- 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. Those 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 title office. The Franklin County Clerk of Courts has four title office locations to serve you as listed below. 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 to the instructions provided in BMV 3753.
- III. If the BMV determined that the evidence you compile and present 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 title office. A certificate of title will be issued based upon that letter of authority and upon 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:

<u>Step</u>	<u>Where To Go</u>	<u>What Is Needed</u>
Step One: Lien Holder Record Search	 Auto Title Division (614) 525-3090	<ul style="list-style-type: none"> • Inquire applicable lien holder information for the vehicle being petitioned at any of our four Franklin County Title offices. • A \$5.00 record search fee will apply for each title record search. • Please make checks payable to: FRANKLIN COUNTY CLERK OF COURTS • Please retain denial notice due to insufficient evidence letter from the Clerk of Courts office to file with your petition as a necessary exhibit.
Step Two: Vehicle Owner Record Search	 (614) 752-7671 www.bmv.ohio.gov	<ul style="list-style-type: none"> • Complete BMV 1173 form and check the box “last known address” for the vehicle owner and remit the form to the BMV using the instructions provided on the form. The BMV will mail a BMV 2433 form to you containing the results of the record search. • BMV 1173 forms are available online at www.bmv.ohio.gov or by calling (614) 752-7671. • A \$5.00 record search fee will apply for each title record search. • Please allow <u>at least 15 business days</u> for processing. Please retain BMV 2433 form to file with your petition as a necessary exhibit.
Step Three: Certified Mail Notifications	 UNITED STATES POSTAL SERVICE™ www.usps.gov	<ul style="list-style-type: none"> • Mail a certified letter to the vehicle owner(s) and lien holder (s) using information provided by the BMV and Clerk of Courts offices notifying them of your intention to petition the Court for Certificate of Title. • Please retain copies of the letters mailed as well as the returned certified mail receipts to file with your petition as a necessary exhibit. • Please allow 15 days from the date of mailing for appropriate parties to respond.
Step Four: Obtain OSHP Inspection Receipt	 Deputy Registrar Office (614) 752-7671 www.bmv.ohio.gov	<ul style="list-style-type: none"> • Visit your local deputy registrar office to purchase an OSHP Inspection Receipt (HP105). • The cost for the OSHP Inspection Receipt is \$53.50. • Visit www.bmv.ohio.gov or call (614) 752-7671 for your nearest deputy registrar location.

<u>Step</u>	<u>Where To Go</u>	<u>What Is Needed</u>
<u>Step Five:</u> OSHP Inspection	 <p>Sgt. Timothy Root (614) 644-1667 www.statepatrol.ohio.gov</p>	<ul style="list-style-type: none"> • To schedule your OSHP Inspection contact the Ohio State Highway Patrol at (614) 644-1667. • Be sure to inform OSHP that you need to obtain an HP106 form for a court ordered title. • Bring your vehicle, inspection receipt (HP105) and any supporting documentation of ownership/possession to the inspection station on the day of your inspection. A VIN check will be performed by OSHP to determine whether the vehicle was stolen and/or if any brandings exist on the vehicle. • Please retain the HP106 form you are provided by the OSHP. This document will be required as necessary evidence in your petition to the court.
<u>Step Six:</u> Filing Your Petition to the Court of Common Pleas	 <p>General Division 345 S. High St., Fl. 1 (614) 525-3621</p>	<ul style="list-style-type: none"> • Bring your original and two copies of the completed Petition for Court Order, an Affidavit in Support of the Petition and Judgment Entry Directing the Clerk to Issue a Certification documents to the Clerk of Courts General Division to file as a miscellaneous case. The original is for the case file, while one copy is for the Judge, one copy is for your records. • Please see Section VI for a detailed list of recommended documentation to submit as evidence with your petition. • If a lien was identified on the vehicle please inform the clerk so the lien can be properly addressed in the petition and judgment entry. • A filing fee of \$35.00 will need to be paid at the time of filing your Petition.
<u>Step Seven:</u> Appearing Before the Judge	 <p>Common Pleas Court 345 S. High St., Fl. 2</p>	<ul style="list-style-type: none"> • After you file the Petition and supporting evidence you will be directed to an available judge who will consider your documents and any statement you may want to make to supplement your evidence. • If the Court grants your Petition the Judge will sign the Judgment Entry and direct you back to the General Division to file the entry.
<u>Step Eight:</u> Filing Judgment Entry	 <p>General Division 345 S. High St., Fl. 1 (614) 525-3621</p>	<ul style="list-style-type: none"> • Present your signed judgment entry to a deputy clerk for filing. • Please request a certified copy of the Judgment Entry to present to the title office for your certificate of title. • A \$1.00 fee applies for certification.

<u>Step</u>	<u>Where To Go</u>	<u>What Is Needed</u>
<p>Step Nine: Obtaining Certificate of Title</p>	 <p>Auto Title Division (614) 525-3090</p>	<ul style="list-style-type: none"> • Present your certified copy of the judgment entry to any of our four Franklin County title offices and apply for a certificate of title. • You will need to pay any applicable taxes and processing fees related to the issuance of the certificate of title at the time you present your application. • If issuance of the certificate of title was ordered because you were not furnished with a certificate of title after purchasing your vehicle, you should present a copy of your receipt or bill of sale to the title office so that any sales tax liability can be accurately determined.

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- V. Available at the Franklin County Clerk of Courts Auto Title Branches are standardized, pre-printed forms of a Petition for Court Order, an Affidavit in Support of the Petition and a Judgment Entry Directing the Clerk to Issue a Certificate of Title. 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 both the Affidavit and the Judgment Entry. On the Judgment Entry 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 and Affidavit.**

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

- A. A copy of the refusal or denial letter you received from the Clerk of Courts Auto Title Division and/or the BMV;
- B. Copies of the record search reports you obtained from the title office and the BMV;
- C. State Highway Patrol Inspection (HP106) 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.