



Greetings,

If you have received this packet, we have not been able to issue you a title through the standard procedures with the Clerk of Court's Auto Title Division. There is a process established to obtain a title when this happens. While the Clerk of Court's is unable to issue a title based on the information provided, the Common Pleas Court, General Division has the ability to issue you a Court Ordered title.

Attached is a blank "Petition for Court Ordered Certificate of Title" along with a statement of fact and a list of steps required to be completed in advance of your filing.

It is important that you complete the attached petition in its entirety and provide evidence of your compliance with the steps listed on the second page of this packet. This packet is the basis on which the court will determine if they can issue a Court Ordered Title. **As a reference, there is never too much information available to assist with the decision. This includes but is not limited to titles, photos of vehicle and VIN, screenshots, etc.**

After you have completed the forms, you must bring them to the Clerk of Courts Legal Division, located at 41 N. Perry Street, Room 104, Dayton, Ohio. The Deputy Clerk will file the Petition and create a civil case seeking a Court Ordered title. There is an initial deposit of \$334.75 due at the time of filing. This money will be on deposit. The Clerk's Office will issue a refund for the unused funds at the conclusion of the case. The Court may or may not determine if a hearing is necessary. Any communication regarding hearing proceedings will come from the Court.

Please note:

Probate Court: If you are seeking a Court Ordered Title for the vehicle of a recently deceased family member or other deceased individual, Probate Court is likely the more appropriate venue. If that is the case, please contact Probate Court in advance of taking any of the steps outlined on page 2 of this packet. Probate Court can be reached at: (937) 225-4640.

Release of Lien: If you are seeking a Court Ordered Title to discharge an active lien on your vehicle, you must first contact the Ohio Attorney General's Office to ensure that the lienholder is no longer in operation before petitioning the Court. The Ohio Attorney General can be reached at: 800-282-0515.

We realize the Court process may be intimidating; we hope this packet helps you get through the process easier. If you have any questions regarding this process, or what is required pursuant to the Ohio Revised Code, please consult with an attorney.

Sincerely,

Montgomery County Clerk of Courts



What steps do I need to take prior to filing my Petition for Court Ordered Title?

- 1) Visit one of our five conveniently located title offices in Montgomery County and request a Court Ordered Title Packet. Court Ordered Title Packets can also be obtained online at: www.mcclerkofcourts.org
- 2) Obtain and complete BMV Form 1173 and check the boxes for “Last Known Address” and “Vehicle Title Record” for the vehicle owner and remit the form to the BMV using the instructions provided on the form. The BMV will mail you the results of your request on BMV Form 2433 (please allow 15 days for processing). There will be a \$5.00 fee for each vehicle record requested. Please retain BMV Form 2433 to file with your petition as a necessary exhibit. If your record search returns no result, please keep that to file with your petition as well.
- 3) Mail a certified letter to the vehicle owner(s) and/or lienholder(s) identified by the BMV & Auto Title Division, notifying them of your intention to petition the Court for a Certificate of Title. Allow 15 days from the mailing date for the notified parties to respond. Retain evidence of all correspondence and attempted correspondence with identified parties. This is to be included with your petition at the time of filing (copies of letters sent, receipts with tracking information from mailings). For convenience, there is a sample letter attached to this packet for your use.
- 4) Visit your local BMV and purchase an Ohio State Highway Patrol (OSHP) Inspection Receipt (BMV Form HP 105). Fee: \$55.00. This will allow you to schedule your OSHP Inspection by calling the Ohio State Highway Patrol at: (614) 644-1667. At your inspection, inform the OSHP that you need to obtain form HP 106 for a Court Ordered Title. Retain HP 106 to include with your filing as an exhibit. While it is not mandatory, this step is highly recommended, especially in cases where your BMV Record Search has returned no result.
- 5) After the necessary steps are complete, you must bring your petition and accompanying documents to the Clerk of Courts Legal Division located at: 41 N. Perry Street, Room 104, Dayton, Ohio. The Deputy Clerk will file the petition and create a civil case seeking a Court Ordered Title. There is an initial deposit of \$334.75 due at that time of filing.
- 6) After filing, you will receive your hearing date in the mail at the address listed on your petition.
- 7) Upon Completion of your hearing, you will receive another mailing indicating the Judge’s Order.
- 8) If the Court rules in your favor, you will take the Judgement Entry you received in the mail to your local Auto Title office and may apply for your title. Title Fees and applicable sales tax will be due at the time of title issuance.

Montgomery County Courts Building • 41 North Perry Street • Dayton, Ohio 45422

Administration
Main Office
937.225.6118

Auto Title
Main Office
937.225.4480

Legal Department
Main Office
937.496.7623

Municipal Court
Eastern Division
937.496.7231

Municipal Court
Western Division
937.687.9999

Titled Owner: _____

Address: _____

RE: Letter of Intent, Court Ordered Title Petition

Greetings,

My name is _____. I am currently in possession of a (vehicle year, make, model): _____, with vehicle identification number: _____.

Per an Ohio BMV Record Request, you were identified as the titled owner or other interested party of this vehicle. Due to my inability to transfer this vehicle into my name via standard procedure, I am now petitioning the Montgomery County Court of Common Pleas for a Certificate of Title. Please respond to this letter within 15 days of receipt. After 15 days has passed, I will be moving forward with my petition for Certificate of Title.

Sincerely,

Name: _____

Address: _____

Phone: _____

Lienholder Name: _____

Address: _____

RE: Letter of Intent, Court Ordered Title Petition

Greetings,

My name is _____. I am currently in possession of a (vehicle year, make, model): _____, with vehicle identification number: _____.

Per an Ohio BMV Record Request, you were identified as the titled owner or other interested party of this vehicle. Due to my inability to transfer this vehicle into my name via standard procedure, I am now petitioning the Montgomery County Court of Common Pleas for a Certificate of Title. Please respond to this letter within 15 days of receipt. After 15 days has passed, I will be moving forward with my petition for Certificate of Title.

Sincerely,

Name: _____

Address: _____

Phone: _____

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

CASE NO:

JUDGE:

Petitioner,

VS.

PETITION FOR COURT

ORDERED CERTIFICATE OF TITLE

Montgomery County Clerk of Courts,

Respondent

I, _____, hereby petition the Montgomery County Court of Common Pleas, General Division, for an Order directing the Montgomery County Clerk of Court to issue, pursuant to Section 4505.10 of the Ohio Revised Code, a Certificate of Title in the Petitioner's name as the true and lawful owner of the Motor Vehicle(s) described as follows:

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

In support of this Petition, the Court will find attached the Statement of Fact completed by said Petitioner setting forth the circumstances under which the Petitioner came into possession of the subject matter vehicle(s), facts that support the issuance of a motor vehicle Certificate of Title in the Petitioner's name, and further documentation providing evidence of the Petitioner's compliance with the requirements of Ohio Revised Code, Section 4505.10(A). If Petitioning the Court for multiple vehicles, it is required there be one Statement of Fact for each vehicle that is to be included in this Petition.

STATEMENT OF FACT

The undersigned is to certify that I currently have in my possession the following described vehicle:

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

Description of how vehicle was acquired: _____

Date vehicle was acquired: _____

Address of former owner unknown: Yes _____ No _____

Knowledge of any lien(s): Yes _____ No _____

Ohio BMV Record Search (Form 2433): Yes _____ No _____

Evidence of mailings to identified owners: Yes _____ No _____

Ohio State Highway Patrol Inspection (Form HP106): Yes _____ No _____

Additional supporting documentation: _____

(Applicant's Printed Name)

(Street Address)

(City, State, Zip Code)

(Phone Number)

(Email Address)

(Applicant's Signature)

Sworn to and subscribed in my presence
by: _____ on this _____
day of _____ year _____

(Deputy Clerk / Notary)

Additional Property List

If petitioning the Court for more vehicles than allowed on the first page of this petition, please use the space below to list the additional vehicles.

Please note: An additional Statement of Fact will be necessary for each vehicle list below.

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____ Color: _____

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Year: _____ Make: _____ Model: _____ Color: _____

Vehicle Identification Number (VIN): _____