

TUSCARAWAS COUNTY
CLERK OF COURTS
JEANNE STEPHEN

Court Ordered Title Packet for a Single Motor Vehicle

This packet includes the following documents:

- Instructions to Customers Seeking an Order by the Tuscarawas County Common Pleas Court Directing the Clerk of Courts Auto Title Division to issue a Certificate of Title for a Motor Vehicle (R.C. 4505.10);
- Petition for Court Order Directing the Clerk of Courts to Issue Certificate of Title for a Motor Vehicle and Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue Certificate of Title for a Motor Vehicle (R.C. 4505.10);
- Judgment Entry Granting Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title for the Motor Vehicle Described Herein (R.C. 4505.10).
- BMV Form 1173- OBMV Record Request (R.C. 4501.15, 4501.27 and 4507.53).

(Rev. 7/2021)

CLERK OF THE COURT OF COMMON PLEAS OF TUSCARAWAS COUNTY, OHIO

Instructions to Customers Seeking an Order by the Tuscarawas County Common Pleas Court
Directing the Clerk of Courts Auto Title Department to issue a Certificate of Title for a Motor
Vehicle (R.C. 4505.10)

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(S).

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 Department (title office) to issue you a motor vehicle certificate of title. These circumstances include:

- I. 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; or
- II. 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
- III. When you are owner of a repair garage or vehicle storage facility who is in possession of a vehicle valued at more than \$3,500.00 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 three listed above. Here are some examples of circumstances with respect to which R.C. 4505.10 does not apply:

- I. When you are owner of a repair garage or storage facility in possession of a vehicle valued at less than \$3,500.00 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 (R.C. 4505.101); or
- II. When you are the operator of a manufactured home park attempting to remove a tenant's manufactured home from the home park property (R.C. 3733.091 and 1923.12); or
- 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 (R.C. 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 simply want it moved or disposed of (R.C. 4513.60 through 4513.65, inclusive).

What steps do I need to take to obtain a court ordered title in Tuscarawas County?

Step	Where To Go	What Is Needed
<p>Step One: Copy of Title Record Search- <i>Visit a Clerk of Courts Title Office to obtain a court order packet and request a copy of title record search.</i></p>	<p>Tuscarawas County Clerk of Courts Title Office •New Phila Title Office 125 E High Ave, Room 125 New Phila, OH 44663 330-365-3227 •Uhrichsville Title Office 206 E. Third Street Uhrichsville, OH 44683</p>	<ul style="list-style-type: none"> •<u>Fee</u>: A \$5.00 record search fee will apply for each copy of title record search. •Please make checks payable to: Tuscarawas County Clerk of Courts.
<p>Step Two: Last Known Address Search</p>	<p>BMV Deputy Registrar's Office 614-752-7671 •Visit www.bmv.ohio.gov for a list of locations.</p>	<ul style="list-style-type: none"> •<u>Fee</u>: A \$5.00 record search fee will apply for each last known address search. •Complete BMV 1173 form and check the box “last known address” for the vehicle owner and submit 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. •Please allow at least 15 business days for processing. •Please retain BMV 2433 form to file with your petition/affidavit to the Court as a necessary exhibit.
<p>Step Three: Certified Mail Notifications- <i>Mail a certified letter to current owner and lien holder apprising them of your intention to petition the court for a certificate of title.</i></p>	<ul style="list-style-type: none"> •Visit www.usps.gov for information about the U.S. Post Office. 	<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 a 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 back to you.

<p>Step Four: File your petition/affidavit and Judgment Entry with the Tuscarawas County Court of Common Pleas</p>	<p>Tuscarawas County Clerk of Courts Legal Department •125 E High Ave, Room 230 New Phila, OH 44663 330-365-3243</p>	<ul style="list-style-type: none"> •Fee: \$223.00 (After approval or denial, court costs will be figured and applied from the deposit money and any overage will be returned to you). •A civil case will be opened when you submit an original and two copies of the following: a notarized petition/affidavit (included in packet); unsigned Judgment Entries; copies of any certified mail notifications and receipts; BMV 2433 form; All relevant documentation (i.e. proof of attempt to contact owner of record, copies of past insurance and/or motor vehicle registration, copies of checks or receipts to show payment made for motor vehicle, and any other documents to support ownership) needs to be attached to the petition/affidavit at the time of filing.
<p>Step Five: Obtain Ohio State Highway Patrol Inspection Receipt</p>	<p>BMV Deputy Registrar's Office • Visit www.bmv.ohio.gov for a list of BMV locations</p>	<ul style="list-style-type: none"> •Fee: \$55.00 •Visit your local BMV Deputy Registrar's office to purchase an OSHP Inspection Receipt (BMV 106 form).
<p>Step Six: Schedule your OSHP Inspection upon receiving the signed Judgment Entry Ordering an Inspection from the Clerk of Courts</p>	<p>Ohio State Highway Patrol •Columbus District Office 1583 Alum Creek Drive Columbus, OH 43209 614-644-1667 •Visit https://ext.dps.state.oh.us/SalvageInspectionAppointment/Pages/Public/Home.aspx for more details.</p>	<ul style="list-style-type: none"> •Return the BMV 106 form provided to you by the Ohio State Highway Patrol to the Tuscarawas County Clerk of Courts Title Division.
<p>Step Seven: Court will rule on your petition</p>	<p>Tuscarawas County Common Pleas</p>	<ul style="list-style-type: none"> •If granted, you will be mailed a certified copy of the Judgment Entry to present to the title office for your certificate of title.
<p>Step Eight: Return to the Clerk of Courts Title Office to make an application for certificate of title</p>	<p>Tuscarawas County Clerk of Courts Title Office •New Phila Title Office or •Uhrichsville Title Office</p>	<ul style="list-style-type: none"> •Fee: Title fees and applicable sales tax apply. •Please bring certified copy of the Judgment Entry and a valid photo identification card to one of the two title offices to apply for a certificate of title.

THERE CAN BE NO ASSURANCE THAT A COURT ORDER DIRECTING ISSUANCE OF A MOTOR VEHICLE CERTIFICATE OF TITLE WILL BE GRANTED.

- I. Available at the Tuscarawas County Clerk of Courts Auto Title offices are standardized, pre-printed forms of a Petition for Court Order Directing the Clerk of Courts to Issue a Certificate of Title for a Motor Vehicle and Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue Certificate of Title for a Motor Vehicle 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 petition/affidavit and the Judgment Entry. On the petition 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/affidavit.

- II. You should attach to your petition/affidavit the following as exhibits:
 - A. A copy of the refusal or denial letter you received from the Clerk of Courts Auto Title Department;
 - B. Copies of the record search reports you obtained from the title office and the BMV;
 - C. State Highway Patrol Inspection (BMV 106 form) 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.

ADDRESSES AND PHONE NUMBERS OF IMPORTANCE:

- Tuscarawas County Clerk of Courts Legal Department
- 125 E High Ave, Room 230
New Philadelphia, OH 44663
Phone: 330-365-3243
Hours: 8:00 AM-4:30 PM (Monday-Friday)
- Tuscarawas County Clerk of Courts Title
 - New Philadelphia Title Office
125 E High Ave, Room 125
New Philadelphia, OH 44663
Phone: 330-365-3227 Fax: 330-365-3308
Hours: 8:30 AM-4:30 PM (Monday-Friday)
Closed Saturday
 - Uhrichsville Title Office
206 E Third Street
Uhrichsville, OH 44683
Phone: 740-922-6804 Fax: 740-922-4564
Hours: 9:00 AM-5:00 PM (Monday-Friday)
8:00 AM-12:00 PM (Saturday)
Closed for lunch 12:00-1:00 (Monday-Friday)
- Ohio Bureau of Motor Vehicles (BMV)
(Ask for the Title Section) Phone: 614-752-7671
- Ohio State Highway Patrol (OHSP) Vehicle Inspection Facility- District 6
Columbus District Office
1583 Alum Creek Drive
Columbus, Ohio 43209 Phone: 614-644-1667

IN THE COURT OF COMMON PLEAS OF TUSCARAWAS COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE OF TITLE FOR A MOTOR VEHICLE:

_____ : Case No. _____
(Petitioner's Full Name)

_____ : _____
(Petitioner's Address) Judge

_____ :
(City, State, Zip Code)

Petition for Court Order Directing the Clerk of Courts to Issue Certificate of Title for a Motor Vehicle and Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue Certificate of Title for a Motor Vehicle (R.C. 4505.10)

PETITION

The undersigned a resident of Tuscarawas County, Ohio, petitions this Court for an Order directing the Tuscarawas County Clerk of Courts Auto Title Department to issue, under R.C. 4505.10(A) of the motor vehicle certificate of title in petitioner's name as true and lawful owner of the motor vehicle fully described as follows:

Make: _____ Model: _____

Year: _____ Color: _____ VIN #: _____

In support of this petition, the Court will find attached petitioner's affidavit setting forth the circumstances under which petitioner came into possession of the subject motor vehicle; the facts that support issuance of a motor vehicle certificate of title in petitioner's name; and documents and other evidence that show petitioner's compliance with the requirements of R.C. 4505.10(A) and otherwise support petitioner's claim of entitlement to ownership of the described vehicle.

AFFIDAVIT

I, _____, being first sworn, state the following to be true to the best of my personal
(Petitioner's Full Name)
knowledge and belief:

1. I am petitioning this Court to order the Tuscarawas County Clerk of Courts Auto Title Department to issue in my name a certificate of title for the motor vehicle fully described in my petition and now in my possession and under my control.
2. The described motor vehicle is not an "abandoned junk motor vehicle" as defined in R.C. 4513.63 and subject to the procedures set forth in that statute.
3. I am not the owner of a repair garage or a place of vehicle storage required to follow the procedures set forth in R.C. 4505.101, if the value of the subject vehicle is less than \$3,500.00.
4. I am not a pawnbroker required to follow the procedures set forth in R.C. 4505.102.
5. I am not the operator of a manufactured home park required to follow the procedures set forth in R.C. Chapters 1923 and 3733.
6. I applied to the Tuscarawas County Clerk of Courts Auto Title Department for a certificate of title, but issuance was refused because I was unable to produce the documentation required by R.C. 4505.10, for the Clerk to issue the certificate, to wit: a.) prior certificate of title; b.) manufacturer's or importer's certificate; or c.) a copy of the journal entry, court order or other instrument upon which my claim of possession and ownership is founded.
7. The circumstances by which I came into possession of the described motor vehicle were as follows:
State how the motor vehicle was obtained: _____

If purchased, the motor vehicle was sold by: _____

Date of the transaction: _____ Purchase price: _____.

*Attach a copy of your receipt, cancelled check, or bill of sale of other documentation of the transaction.

If the seller failed or refused to give you the prior certificate of title or the motor vehicle was otherwise abandoned by the previous owner to your possession, state what steps you have taken to obtain the prior certificate of title from the owner:

*Attach copies of the correspondence to the prior owner along with certified mail receipts to show that you have tried to contact the previous owner to ask for the title or other required documentation.

*Attach any other documentation that you believe supports your request to be declared true and lawful owner of the subject motor vehicle.

8. I have asked the Tuscarawas County Clerk of Courts Auto Title Department or the Bureau of Motor Vehicles to complete a record search of the motor vehicle identification number set forth in my Petition, and have attached a copy of the results of the search to this affidavit as an exhibit. I am unaware of any lien on the motor vehicle for which I am seeking a certificate of title other than as listed in the attached report from the Tuscarawas County Clerk of Courts or Bureau of Motor Vehicles. Attach a copy of the results of the search.

9. I have asked the Bureau of Motor Vehicles, Ohio Department of Public Safety, to complete a record search of the motor vehicle identification number noted in my petition to determine if the motor vehicle for which I am seeking a certificate of title has been reported stolen, and have attached a copy of the results of the search to this affidavit as an exhibit. I do not know, nor do I have reason to believe, that the motor vehicle for which I am seeking a certificate of title has been stolen. See, R.C. 4505.19(A). Attach a copy of the results of the search.
10. In furnishing this affidavit, I acknowledge my understanding that, under the terms of R.C. 2921.13(A)(1) and (A)(5), to knowingly make a false statement in any official proceeding and to swear to or affirm the truth of a false statement before a notary public or other person empowered to administer oaths may constitute the offense known as falsification, a misdemeanor of the first degree.

Signature of Petitioner

Sworn to before me and subscribed in my presence this _____day of _____, 20____.

Signature of Notary Public

My Commission Expires _____, _____.

IN THE COURT OF COMMON PLEAS OF TUSCARAWAS COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE OF TITLE FOR A MOTOR VEHICLE IN THE NAME OF:

_____ Case No. _____
(Petitioner's Full Name)

Petitioner: _____ Judge _____

Judgment Entry Granting Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title for A Motor Vehicle (R.C. 4505.10,)

This cause was considered by the Court upon the petition/affidavit, exhibits filed by

_____, asking the Court to order the Tuscarawas County Clerk of Courts
(Petitioner's Full Name)
Auto Title Department to issue, under R.C. 4505.10(A), a motor vehicle certificate of title in Petitioner's name as true and lawful owner of the motor vehicle described as follows:

Make: _____ Model: _____

Prior Title #: _____
(If available from documents or records search)

Year: _____ Color: _____ VIN #: _____
(Vehicle Identification Number)

The Court finds that Petitioner has complied with the requirements of R.C. 4505.10(A) and that the evidence is sufficient to require the certificate of title to the described vehicle to be issued in Petitioner's name. The Court finds the Petition to be well taken and grants the same.

The Court ORDERS the Tuscarawas County Clerk of Courts Auto Title Department to issue in Petitioner's name a motor vehicle certificate of title for vehicle described above. Petitioner shall present a copy of this Order to the Clerk of Courts Auto Title Department when applying for the certificate of title. If, at the time of the application, there appears from records of the Clerk to be any lien on the motor vehicle, the certificate of title shall contain a statement of the lien unless the application is accompanied by proper evidence of its extinction; all in accordance with R.C. 4505.10(A). The Clerk shall collect any applicable application fees and taxes at the time of the application for the certificate of title is made.

IT IS SO ORDERED.

Date: _____

Judge, Tuscarawas County Common Pleas Court

IN THE COURT OF COMMON PLEAS OF TUSCARAWAS COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE OF TITLE FOR A MOTOR VEHICLE IN THE NAME OF:

_____ Case No. _____
(Petitioner's Full Name)

Petitioner. _____ Judge _____

Judgment Entry Ordering an Inspection

This cause was considered by the Court upon the Affidavit, and Application of
_____ for an order authorizing the issuance of a certificate of title for
(Petitioner's Full Name)
the vehicle described in the Affidavit.

It is so Ordered that _____ deliver the vehicle to the Ohio State Highway
(Petitioner's Full Name)
Patrol for a vehicle inspection and a determination that the vehicle is not stolen. The Ohio State Highway
Patrol shall report its findings back to _____ who must file the results of
(Petitioner's Full Name)
the inspection with the court within 90 days of the date of this order.

Judge's Signature

Date

Copies to: Ohio State Highway Patrol, 4633 Glenn Hwy Cambridge, OH 43725

Petitioner