

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. **THE DEPARTMENT 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 FORM DL-135 TO THE DEPARTMENT ALONG WITH THE APPROPRIATE FEES.

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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, the Department 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 Department-approved publication. Approved Department 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

Motions For Title to Vehicles --Procedure:

(1) All applications to the court requiring action by a judge shall be presented to the court at a session of motions court. The times and dates for motions court sessions shall be published by the Court Administrator in the Court Calendar from time to time. No written response shall be necessary.

(2) The moving party must give notice to all other parties in interest, and to the motions court judge, of the intention to present an application at a session of motions court at least one (1) week in advance of the specific motions court session at which it will be presented, by providing a copy of the application and proposed order to all other parties in interest, by certified mail return receipt requested, and to the motions court judge.

(i) The application and proposed order must be served by certified mail, return receipt requested, on the previous owner of record, if any, and upon any other person with a colorable right of title to or possession of the motor vehicle, including all lienholders of record.

(ii) The application shall be verified, and contain a statement of how the applicant came to possess the vehicle, a certified copy of the results of a Department of Transportation records search to identify any previous owner of record, and shall contain a specific description of the vehicle, including year, make, model, and vehicle identification number.

(3) All applications to the court shall include a certificate by the moving party that notice was given pursuant to section (2) above.

(4) Should a party wish to file a response, an original of the response shall be filed with the Prothonotary and the party shall cause a copy to be delivered to the Court Administrator who will forward the copy to the assigned judge.

(5) Should a moving party wish to reschedule the presentation of an application to the Court, a written notice of that intent shall be sent to the Court Administrator, with a copy to all other parties, specifying the new date on which the motion will be presented to the court. The new date shall be in accordance with the notice requirement set forth in (2).

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

In Re: _____ : No: 20__ SU _____

[Year of Vehicle] [Make of Vehicle] [Model of Vehicle]

VIN: _____

ORDER AWARDING TITLE TO MOTOR VEHICLE

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] _____, with vehicle identification number _____, to _____, the applicant in this proceeding, and the right, title, and interest of any other person to the 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 applicant 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 the vehicle.

A copy of this ORDER has been given to the applicant. The Prothonotary shall serve a copy of this Order on any other party in interest at the party's last known address.

By the Court,

, Judge