



CUYAHOGA COUNTY COURT ORDER TITLE INFORMATION PACKET (Ohio Revised Code 4505.10)

**** Please recognize that there is no guarantee 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 the possession and ownership of the subject motor vehicle. ****

In Cuyahoga County the Cuyahoga County Fiscal Office, Auto Title Division, 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 Auto Title Division to issue you a motor vehicle certificate of title. These circumstances include:

- I. **Lost or stolen title with no historical records:** 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 lack of historical title records.
- II. **Incomplete sale:** 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. **Abandoned:** 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 able to complete the transaction by supplying required documents.
- IV. **Repair garage, storage facility or towing company:**
 - a. When you are the owner of a repair garage or storage facility who is in possession of a vehicle valued at **more** than \$3,500.00 after deduction of repairs to restore the vehicle to wholesale value. The vehicle has to have been unclaimed by the owner for more than fifteen days after notice to reclaim the vehicle.
 - b. When the repair garage, storage facility or towing company does not have documents necessary to file an Unclaimed Motor Vehicle Affidavit. If uncertain if this applies, please request the information for an Unclaimed Motor Vehicle Affidavit.

The Ohio Revised Code sets forth specific procedures to follow in instances other than the four listed above. Here are some examples of circumstances when Section 4505.10 of the Ohio Revised Code does **not** apply:

- I. When you are the owner of a repair garage or storage facility in possession of a vehicle valued **less** than \$3,500.00 after deduction of repairs, where the vehicle has remained unclaimed by the

- owner for more than fifteen days after notice to reclaim the vehicle (ORC 4505.101)
- II. When you are the operator of a manufactured home park attempting to remove a tenant's manufactured home from the park property (ORC 3733.091 and 1923.12)
 - III. When you are the 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 (ORC 4505.102)
 - 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 (ORC 4513.60 through 4513.65, inclusive)

INSTRUCTIONS FOR OBTAINING A COURT ORDERED MOTOR VEHICLE CERTIFICATE OF TITLE

This guide for obtaining a court ordered title has been compiled for purposes of example only. It is only intended to provide a summary and should not be regarded as a complete digest of laws affecting motor vehicle titles, nor should it be regarded as legally binding on the County of Cuyahoga, the Cuyahoga County Fiscal Officer, or the Cuyahoga County Clerk of Courts, none of whom are authorized to provide legal advice to petitioners. Instead, petitioners are encouraged to consult with private legal counsel.

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 division to issue a motor vehicle certificate of title to you. Please keep in mind that incomplete/inaccurate paperwork may cause your case to be dismissed. The recommended steps are outlined within.

You should attach the following documents to your Affidavit as exhibits:

- Copies of the record search report (BMV 2433) you obtained from the BMV
- State Highway Patrol Inspection form (HP 106/HP106F)
- 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.
- Copies of any additional documentation or evidence you believe necessary to support your claim, including, for example:
 - 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.
 - Sworn statements of other persons familiar with the circumstances surrounding your possession of the vehicle.

<u>Step</u>	<u>Where To Go</u>	<u>What Is Needed</u>
Step One: Vehicle Owner Record Search	 (614) 752-7671 www.bmv.ohio.gov Ohio BMV Attn: BMV Records PO Box 16520 Columbus, OH 43216-6520	- Complete BMV 1173 Form and check the box “Last Known Address” and “Copy of Record” 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 at least 15 business days for processing. - Please retain BMV 2433 form to file with your petition as a necessary exhibit.
Step Two: Certified Mail Notifications	 www.usps.gov	- Mail a certified letter to the vehicle owner(s) and lien holder(s) using information provided by the BMV and Auto Title Division 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 30 days from the date of mailing for appropriate parties to respond.
Step Three: Obtain OSHP Inspection Receipt	 Deputy Registrar Office (614) 752-7671 www.bmv.ohio.gov	- 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.
Step Four: OSHP Inspection	 OHIO STATE HIGHWAY PATROL (614) 644-1667 www.statepatrol.ohio.gov	- 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.

Step Five: Filing Your Petition to the Court of Common Pleas	 Cuyahoga County Court of Common Pleas Justice Center 1200 Ontario Street Cleveland, OH 44113	• Bring your original Petition for Court Order, Affidavit in Support of the Petition, and your evidence, to be filed as a miscellaneous case. • Add all possible interested parties who may have a claim to the title, such as any title holders and lien holders that you identified through your BMV Vehicle Owner Record Search (BMV 2433) and your OSHP Inspection (106). • 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. • If the vehicle is an unrecovered, stolen vehicle, the proposed Court order must state that the BMV is instructed to lift all holds on the title long enough to transfer the title to the petitioner. • A filing fee of \$250.00 will need to be paid at the time of filing your petition.
Step Six: Notification by the Clerk of Courts	 Cuyahoga County Court of Common Pleas Justice Center 1200 Ontario Street Cleveland, OH 44113	• Your petition will be assigned as a case to a judge. Ultimately, the judge must sign the order granting your petition before the Cuyahoga County Fiscal Department Auto Title Division may issue a Certificate of Title. • The judge may hold case management conferences and request more information be provided. This is at the judge's discretion. You may receive notices in the mail from the Clerk of Courts. You may also keep track of your case on the Cuyahoga County Clerk of Courts Docket website: https://cpdocket.cp.cuyahogacounty.us/Search.aspx • If you need legal assistance, contact an attorney, the Court Resource Center, or Legal Aid of Cleveland. • After approval or denial by a Judge, you will be contacted by the Clerk of Courts Office. • If the order was approved, the Judge will sign, and you can pick up a certified copy at the Clerk of Courts Office. • There is a \$1.00 per page charge for the certified copy.
Step Seven: Obtaining Certificate of Title	 Cuyahoga County Auto Title Division (216) 443-8900	• Take the certified copy of the order to any Cuyahoga County Fiscal Department Auto Title Division for issuance of a Certificate of Title. • You will be responsible for title fees and any sales tax (if applicable) associated with the transaction.

Additional Documentation and Reference Material

Attached you will find the forms and reference materials needed to complete the steps of the court ordered title process. These forms as well as supporting evidence will need to be submitted with the Petition for Court Order to Issue Certificate of Title. The required petition must be filed within 60 days of the vehicle inspection.

Forms and materials attached include:

- Locations of BMV Deputy Registrar License Agencies in Cuyahoga County
- Ohio State Highway Patrol Inspection Sites
- Ohio State Highway Patrol Inspection Request
- Application for Order to Issue Certificate of Title
- Order to Issue Certificate of Title
- Petitioner Affidavit Certificate of Motor Vehicle Title



AUTO DRIVERS LICENSE BUREAUS

LOCATIONS AND BUSINESS HOURS

Location	Address	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Cleveland	2765 East 55th Street, Suite #4 - (216) 431-1445	8 am to 5:30pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 12:30 pm
Church Square Plaza	8039 Euclid Ave - (216) 721-8020	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 1 pm
Brooklyn	7000 Biddulph Road - (216) 459-9332	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 12 pm
Bedford	22125 Rockside Rd - (216) 662-3004	8 am to 6 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 2 pm
Independence	6901 Rockside Road, Suite #17 - (216) 642-1373	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 12 pm
Lakewood	3345 Edgecliff Terrace - (216) 941-8008	8 am to 5 pm	8 am to 5 pm	8 am to 6:30pm	8 am to 5 pm	8 am to 5 pm	8 am to 12 pm
Mayfield Hts	1593 Goldengate Plaza - (440) 461-2847	8 am to 5 pm	8 am to 6 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 2 pm
North Olmsted	26642 Brookpark Rd Extension - (440) 779-0830	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 12:30pm
North Royalton	12771 State Road - (440) 582-0410	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 12 pm
Parma	12000 Snow Road, Suite 12 - (440) 885-0844	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 2 pm
Parma Hts	6339 Olde York Road, Suite #1 - (440) 888-0388	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 12 pm
Shaker Hts	16945 Chagrin Blvd - (216) 283-4000	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 12 pm
Strongsville	12218 Pearl Road - (440) 572-1505	8 am to 5:30pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 12 pm
University Hts	2173 South Taylor Road - (216) 321-9091	8 am to 5:30pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 5 pm	8 am to 12 pm
Bureau of Motor Vehicles- Columbus, Ohio		OHIO E ✓ CHECK CENTERS (CUYAHOGA COUNTY)					
(614) 752-7600		1-800-CAR-TEST					
	Berea - 1291 West Bagley Rd		Cleveland West - 4557 Industrial Pkwy			Valley View - 6150 West Canal Rd	
	Cleveland - 2724 East 55th St		Euclid - 1750 Metro Drive			Warrensville Hts - 19000 S. Miles Rd	
	Cleveland East - 17704 St. Clair Ave		North Royalton - 13000 York Delta Drive			Westlake - 24770 Sperry Dr	

OHIO STATE HIGHWAY PATROL INSPECTION SITES

BUCYRUS DISTRICT 3617 State Route 4 Bucyrus, OH 44820 Phone: (419) 563-0272	CAMBRIDGE DISTRICT 4633 Glenn Highway Cambridge, OH 43725 Phone: (740) 826-1030
CLEVELAND DISTRICT 5225 W. 140 th St. Brook Park, OH 44142 Phone: (216) 265-1677	COLUMBUS DISTRICT 1640 Alum Creek Drive Columbus, OH 43209 Phone: (614) 644-1667
FINDLAY DISTRICT 8210 County Rd 140, Suite D Findlay, OH 45840 Phone : (419) 423-2957	JACKSON DISTRICT 25 McCarty Lane Jackson, OH 45640 Phone: (740) 286-3457
PIQUA DISTRICT 1506 One Stop Ct. Troy, OH 45373 Phone: (937) 335-6412	WARREN DISTRICT 3424 Parkman Rd. Southington, OH 44470 Phone: (330) 898-2894
WILMINGTON DISTRICT 9971 Cincinnati- Dayton Rd. West Chester, OH 45069 Phone: (513) 777-5547	

- Inspections may be scheduled online
- For questions please call an inspection location
- For more information about salvage inspections please see the **Salvage Inspection Brochure** on the Ohio State Highway Patrol's website –
- <http://www.statepatrol.ohio.gov>



OHIO STATE HIGHWAY PATROL INSPECTION REQUEST

TO: The Ohio State Highway Patrol
District Inspection Station

FROM: Cuyahoga County Fiscal Office
Auto Title Division

Date: _____

Customer Name: _____

VIN: _____

The above-named customer has requested a certificate of title through the State of Ohio. The customer does not have the proper documentation or evidence for us to issue a title. Therefore, we have recommended that this customer apply to the Cuyahoga County Common Pleas Court for a court order to obtain a vehicle title.

You are hereby requested to complete a physical inspection of the subject vehicle upon presentation of the receipt/proof of payment of the inspection fee.

If you have questions, please contact one of the Title Offices below.

Deputy Clerk: _____

Deputy Clerk Signature: _____

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

Applicant's Name

Address

Case Number: _____

**APPLICATION FOR ORDER
TO ISSUE CERTIFICATE OF TITLE**

VEHICLE OWNER AND/ OR LIENHOLDER

I, _____, being duly sworn according to law, make the following
(Applicant's name)

Statements:

(How did you obtain the vehicle?)

If you purchased the vehicle, list date of transaction, who did you buy it from and how much did you pay? ATTACH COPY OF RECEIPT, CHECK OR OTHER PROOF OF TRANSACTION)

(Did you obtain a record check by the Bureau of Motor Vehicles? ATTACH COPY OF THE RESULTS.)

(State why you do not have a title. ATTACH COPY OF CERTIFIED LETTER SENT TO PREVIOUS OWNER, WITH RETURN RECEIPT, ASKING FOR THE TITLE.)

(Did you request a title through the Bureau of Motor Vehicles? ATTACH COPY OF LETTER FROM BUREAU OF MOTOR VEHICLES.)

I hereby respectfully make application for the Cuyahoga County Fiscal Department to issue a Certificate of Title to me for the described vehicle

Sworn to and subscribed before me on

(Date)

(Notary Public, State of Ohio)

Re: Certificate of Title For:

MAKE _____

YEAR _____

MODEL _____

VIN _____

Applicant's Signature

Applicant's Name (Printed)

Address (1)

Address (2)

Home Phone #

Cell Phone #

Email Address

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

JOURNAL ENTRY

Applicant's Name

Address (1)

Address (2)

Home Phone

Cell Phone

Email Address

Case Number: _____

**ORDER TO ISSUE CERTIFICATE
OF TITLE**

On this day, this matter came before the court to be heard ex parte upon the Affidavit and Application of the above applicant for an order authorizing the issuance of a Certificate of Title for the vehicle described in the Affidavit.

The Court, being fully advised, finds that the Application is well taken, and the Certificate of Title should be issued to the above applicant as requested.

IT IS THEREFORE ORDERED that the Cuyahoga County Fiscal Department issue a Certificate of Title for the vehicle described in the Affidavit and Application, to the Applicant, and set forth above.

Witness my hand this _____ day of _____

Judge's Signature

Re: Certificate of Title For:

MAKE _____

YEAR _____

MODEL _____

VIN _____

**STATE OF OHIO
CUYAHOGA COUNTY**

AFFIDAVIT CERTIFICATE OF MOTOR VEHICLE TITLE

PETITIONER

Now comes the Petitioner, as stated above, in the State of Ohio, County of Cuyahoga, being duly sworn, deposes and says that:

(state the facts of how you obtained the vehicle, motorcycle, or watercraft. List dates of transaction, who you bought it from, previous title owner, costs, the value of the vehicle, make, model, VIN, year of the vehicle. Attach a copy of receipt, check or other proof of transaction, copy of certified letter to previous owner, return receipt requested, result of BMV record search, and insufficient evidence letters from Fiscal Department and BMV.)

Witness whereof he/she has hereto set his hand and seal,

Petitioner's Signature

Address

City, State, Zip Code

Phone

I, _____, a Notary Public of the County and State aforesaid, hereby
certify that _____ personally known to me to be the affiant in the foregoing
affidavit, personally appeared before me this day and having been by me duly sworn deposes and says
that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this _____ day of _____, _____.

My Commission Expires: ____/____/____

Notary Public

(Seal)