

COMMON PLEAS COURT
MARION CO. OHIO

2021 SEP 22 AM 11:00

CLERK OF COURT

**IN THE COURT OF COMMON PLEAS FOR MARION COUNTY, OHIO
GENERAL DIVISION**

In Re: : **CASE NO.:** 2021 MISC 001

Adoption of Local Rule 227 :
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This matter comes before the Court on the matter of the adoption of a Local Rule to facilitate procedures to comply with Revised Code 4505.10. After consideration of comments and revisions based upon those comments, the Court hereby adopts the attached Local Rule 227 and packet on September 21, 2021.

Pursuant to Superintendence Rule 5, the Court hereby files this Rule with the Clerk and the Clerk of the Ohio Supreme Court and all other interested parties listed below.


Judge Warren T. Edwards

cc:
The Supreme Court of Ohio
Marion County Clerk of Courts Jessica Wallace
Marion County Bar Association President David Lowther
Marion County Prosecuting Attorney Raymond Grogan
Marion County Commissioners
Marion County Treasurer
Marion County Auditor

RULE 227: Court filing for Motor Vehicle Certificate of Title

(A)(1) Revised Code 4505.10 – Certificate of title when ownership changed by operation of law.

- (a) Only a Marion County Resident may file for a Certificate of Title in the Marion County Common Pleas Court.
- (b) If the prior owner/title holder is deceased, please use proper probate procedures in Family Court.
- (c) Pursuant to Ohio Revised Code §4505.10(A), apply to the Marion County Clerk of Courts – Title Division, for a title. Attach any documentation and denial to the petition.
- (d) The Petitioner shall file for a vehicle title record with the BMV (Form 1173 when this rule was created). A copy of those results shall be attached to the petition as an Exhibit.
- (e) Additionally, if the vehicle was obtained from another state or jurisdiction, the Petitioner shall obtain a search of the records of that state or jurisdiction and attach a copy of that search as an exhibit to the petition.
- (f) The Petitioner shall list the name and last known address of the party who owned the vehicle in question.
- (g) If there is evidence of any lien on the motor vehicle, any newly issued title under this rule shall include that lien, unless satisfactory proof of the extinguishment of that lien is presented.
- (h) The Petitioner shall attach copies of any other relevant documentation for the Court. The Petitioner shall retain all originals.

- (i) A Petition for a title shall be accompanied by the normal filing fee in Civil Cases and shall proceed as a civil case.
- (j) The law requires attempts to contact the relevant owner and lienholders. The Clerk shall attempt Service by Certified Mail and Ordinary Mail simultaneously with the filing of the Petition. If the addresses of record are not valid, this does not cancel the hearing or preclude the grant of a new title.
- (k) A filing for a title does not guarantee that a title will be issued. The Court shall grant or deny the petition based on the sufficiency of the evidence presented to the court.

(2) The following are not eligible to file under this rule per Ohio law:

- (a) 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 day after notice to reclaim the vehicle (See O.R.C. Section 4505.101 and BMV Form 4202)
- (b) When you are the operator of a manufactured home park attempting to remove a tenant's manufactured home from the home park property (See O.R.C. Section 3733.091 and 1923.12)
- (c) 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 O.R.C. Section 4505.102)
- (d) 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 O.R.C. Section 4513.60 through 4513.65, inclusive).



**JESSICA WALLACE,
MARION COUNTY CLERK OF COURTS**

Court Ordered Title Packet for a Single Motor Vehicle

This packet included the following documents:

- Instructions to Customers Seeking an Order by the Marion County Common Pleas Court Directing the Clerk of Courts Auto Title Division to issue a Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.)
- Petition for Court Order Directing the Clerk of Courts to Issue Certificate of Title for a Motor Vehicle and Affidavit in Support of a Petition for Court Order Directing the Clerk of Courts to Issue Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.)
- Judgement Entry Granting Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title for the Motor Vehicle Described herein (Section 4505.10, O.R.C.)
- BMV Form 3753 – Information Sheet
- BMV Form 1173 – OBMV Record Request (Section 4501.15, 4501.27 and 4507.53 O.R.C.)

Marion County Clerk of Courts

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

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 OR VEHICLES.

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 4505.02 of the Ohio Revised Code is not available from the Clerk or BMV due to a lack of historical title records; or
- 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; or
- III. When you have been given a vehicle or it has been left in our 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 \$3,500.00 after deduction of legally allowed 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 circumstance 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 \$3,500.00 after deduction of repair and storage fees, which vehicle has remained unclaimed by the owner more than fifteen day after notice to reclaim the vehicle (See O.R.C. Section 4505.101 and BMV Form 4202); 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 (See O.R.C. Section 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(See O.R.C. Section 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 O.R.C. Section 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. 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. While at the title office you should request a record search of the vehicle identification number (VIN) to determine if any

liens have been recorded against the vehicle. The Title Office will furnish you with a copy of the report of search results.

- II. If your application for a certificate of title is denied by the title office because of insufficient proof, you may review the BMV Information Sheet (BMV Form 3753) 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 form 3753, please submit your evidence to the BMV in accordance to the instructions provided in BMV form 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 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 Form 3753 or the BMV determine 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:

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

Step	Where To Go?	What Is Needed?
<p>Step One: Lienholder Record Search- Visit a Clerk of Courts Title Office to obtain a court order packet and request a lienholder record search</p>	<p>The Marion County Building- Clerk of Courts, Title Division 222 West Center Street Marion, OH 43302 740-223-4080</p>	<ul style="list-style-type: none"> • The Vehicle Identification Number (VIN) is necessary for any record search • A fee of \$5.00 will be charged for each title record search, and a letter will be issued either stating lienholder information found, or a denial notice due to insufficient evidence, which you must retain with your petition as a necessary exhibit. We accept cash, checks, or credit.(Credit will be charged a 3 % service fee with a minimum of \$0.50)
<p>Step Two: Vehicle Owner Record Search</p>	<p>Ohio State Bureau of Motor Vehicles, Deputy Registrar Title Support 614-752-7671</p>	<ul style="list-style-type: none"> • A \$5.00 record search fee will apply to each title record search • Complete the BMV 1173 form and check the box "last known address" for the vehicle

		<p>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</p> <ul style="list-style-type: none"> • 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 the BMV 2433 form to file with your petition/affidavit to the court as a necessary exhibit
<p>Step Three: Obtain an Ohio State Highway Patrol (OSHP) Inspection Receipt</p>	<p>BMV Deputy Registrar's Office (License Bureau) Marion County Building License Bureau 222 W Center Street Marion, OH 43302 740-387-1467 Visit www.bmv.ohio.gov for alternative locations, or call 614-752-7671</p>	<ul style="list-style-type: none"> • Visit your License Bureau to purchase an OSHP Inspection Receipt (BMV 106 Form) • A Fee of \$53.50
<p>Step Four: Schedule your OSHP Inspection</p>	<p>Ohio State Highway Patrol Inspection Station See https://services.dps.ohio.gov/VehicleInspection/VI/Schedule/ScheduleAppointment for more information (This is a Court Order Inspection) – One of the purposes of the inspection is to ensure the parts and vehicles are not stolen.</p>	<ul style="list-style-type: none"> • Retain the BMV 106 form you are provided to submit with

		<p>your petition/affidavit to the court.</p>
<p>Step Five: File your petition/affidavit and Judgment Entry with the Marion Court of Common Pleas</p>	<p>Marion County Clerk of Courts, Legal Division Marion County Courthouse, Second Floor 100 N Main St Marion, OH 43302 740-223-4270</p>	<ul style="list-style-type: none"> • A fee will be charged • 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 Entry (complete one per vehicle, included in packet); copies of any receipts; BMV 2433 form; BMV 106 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 check 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.
Step Six: Appear before Common Pleas Court	Marion County Common Pleas Court Marion County Courthouse 100 N Main St Marion, OH 43302	<ul style="list-style-type: none"> • After you file the petition and supporting evidence an oral hearing will be set for the Court to consider your documents. If your petition is granted, the Judge will sign the Judgement Entry and direct you to the Clerk of Courts Legal Division
Step Seven: File your Judgment Entry in the Clerk of Courts, Legal Division	Marion County Clerk of Courts Legal Division Marion County Courthouse 100 N. Main St Marion, OH 43302 740-223-4270	<ul style="list-style-type: none"> • Once filed, you will be given a certified copy of the Judgment Entry to present to the title office for your certificate of title
Step Eight: Return to the Clerk of Courts Title Division to make an application for certificate of title	The Marion County Building- Clerk of Courts, Title Division 222 West Center Street Marion, OH 43302 740-223-4080	<ul style="list-style-type: none"> • Fee: Title fees and applicable sales tax apply • Please bring the certified copy of the Judgment Entry and valid identification to the Marion

		County Clerk of Courts Title Division
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THERE CAN BE NO ASSURANCE THAT A COURT ORDER DIRECTING ISSUANCE OF A MOTOR VEHICLE CERTIFICATE OF TITLE WILL BE GRANTED.

- V. Available at the Marion County Clerk of Court Auto Title office 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 all blanks (except for the Judge's name, the case number and the date) on both the petition/affidavit and the Judgment Entry. If filing for more than one vehicle, complete as many vehicle information pages as necessary. On the petition you should furnish the details of how you came into possession of the motor vehicle and the fact 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.
- VI. You should attach to your petition/affidavit the following as exhibits:
 - A. A copy of the refusal or denial letter you received from the Marion County Clerk or Courts Title Division
 - B. Copies of the record search report you obtained from the Marion County Clerk of Courts Title Division and form BMV 2433 you obtained from the Bureau of Motor Vehicles
 - C. State Highway Patrol Inspection Receipt (BMV 106 form);
 - D. Correspondence and evidence showing you have tried to contact the current owner(s) and lienholder(s) (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

- ii. Sworn statements of other persons familiar with the circumstances surrounding our possession of the vehicle

Addresses and Phone Numbers of Importance:

- The Marion County Building
Auto Title Division
222 W Center Street
Marion, OH 43302
740-223-4080
- The Marion County Building
License Bureau
222 W Center St
Marion, OH 43302
740-387-1467
- The Marion County Courthouse
Marion County Clerk of Courts, Legal Division
100 N Main St
Marion, OH 43302
740-223-4270
- The Ohio Bureau of Motor Vehicles
614-752-7671

IN THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE
TITLE FOR A MOTOR VEHICLE

Case No. _____

: (Petitioner's Full Name)

: (Petitioner's Street 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 (Section 4505.10, O.R.C.)

PETITION

The undersigned a resident of Marion County, Ohio, petitions this Court for an Order directing the Marion County Clerk of Courts Auto Title Department to issue, pursuant to Section 4505.10 (A) of the Ohio Revised Code, a 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#: _____

AFFIDAVIT

I, _____, having been duly cautioned and sworn, state the following to be true to the best of my knowledge and belief:
(Petitioner's Full Name)

1. I am petitioning this Court to order the Marion County Clerk of Courts Auto Title Division 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 Section 4513.63 of the Ohio Revised Code and subject to the procedures set forth in that statute.
3. I am not an owner of a repair garage or a place of vehicle storage required to follow the procedures set forth in Section 4505.101 of the Ohio Revised Code if the value of the subject vehicle is less than \$3500.00.
4. I am not a pawnbroker required to follow the procedures set forth in Section 4505.102 of the Ohio Revised Code.
5. I am not the operator of a manufactured home park required to follow the procedures set forth in Chapters 1923 and 3733 of the Ohio Revised Code.
6. I applied to the Marion County Clerk of Courts Auto Title Division for a certificate of title, but issuance was refused because I was unable to produce documentation required by Section 4505.10 of the Ohio Revised Code 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 or 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 documentation.*

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

8. After the Clerk of Courts Auto Title Division found my evidence of title insufficient and refused to issue a Certificate of Title in my name to the described motor vehicle; I applied, as provided in Section 4505.10(A) of the Ohio Revised Code, directly to the Registrar of the Bureau of Motor Vehicle, Ohio Department of Public Safety, for the Registrar to authorize the Clerk of Courts to issue a certificate of title.

9. The Registrar of the Bureau of Motor Vehicle did not find the evidence I presented to be sufficient for the purpose of issuing a letter of authority to the Clerk of Courts Auto Title Division as indicated in the refusal letter issued instead by the Registrar. A copy of the refusal letter is attached hereto as documentation that I am entitled to file my petition in accordance with the provisions of Section 4505.10(A) of the Ohio Revised Code.
Attach a copy of the refusal letter from the Clerk of Courts.

10. I have asked the Marion County Clerk of Courts Auto Title Division to complete a lienholder 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 Marion County Clerk of Courts. *Attach a copy of the results to the search.*

11. 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 [Section 4505.19(A) of the Ohio Revised Code]. *Attach a copy of the results of the search (BMV Form 2433).*

12. I hereby instruct the Clerk of Court to serve the following part(ies) who are the immediately preceding owners by simultaneous by both CERTIFIED MAIL AND ORDINARY MAIL pursuant to Civil Rules 4.1(A)(1) and 4.6(B),(C), and (D):

Name _____	Name _____
Address _____	Address _____
City/State/Zip _____	City/State/Zip _____

13. I hereby instruct the Clerk of Court to serve the following lienholders whose liens may be extinguished by both CERTIFIED MAIL AND ORDINARY MAIL pursuant to Civil Rules 4.1(A)(1) and 4.6(B),(C), and (D). If there are no liens, or the petition is to be subject to the liens of record, please check the appropriate box and leave the addresses blank.

Name _____	Name _____
Address _____	Address _____
City/State/Zip _____	City/State/Zip _____

There are no lienholders of record

I am requesting a title subject to the liens of record.

14. In furnishing this affidavit, I acknowledge my understanding that, under the terms of Section 2921.13(A)(1) and (A)(5) of the Ohio Revised Code, 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.

Further, Affiant saith naught.

Signature of Petitioner

Sworn to before me and subscribed in my presence this _____ day of _____, _____.

Signature of Notary Public
My Commission Expires _____, _____.

IN THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO

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

Case No. _____

(Petitioner's Full Name)

Judge

**Judgment Entry Granting Petition for Court Order Directing the Clerk of this Court to Issue
Certificate of Title for the Motor Vehicle Described Herein(Section 4505.10, O.R.C.)**

This cause was considered by the Court upon the petition/affidavit, exhibits and
testimony of _____, asking the Court to order the Marion County
Clerk of Courts Auto Title Division

(Petitioner's Full Name)

to issue, pursuant to Section 4505.10 (A) of the Ohio Revised Code, a motor vehicle certificate
of title in petitioner's name as true and lawful owner of the motor vehicle fully described as
follows:

Make: _____ Model: _____

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

Year: _____ Color: _____ VIN#: _____

The Court finds that Petitioner has complied with the requirements of O.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 hereby ORDERS the Marion County Clerk of Courts Auto Title Division to issue in the Petitioner's name a motor vehicle certificate of title for the vehicle described herein. Petitioner shall present a copy of this Order to the Clerk of Courts Auto Title Division 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 the proper evidence of its extinction; all in accordance with O.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.

Date: _____

Judge, Marion County Common Pleas Court