

NOTICE TO THOSE SEEKING VEHICLE TITLE

A request for an Order to the Indiana BMV will likely be in one of the three following scenarios. Please read the following carefully to determine which scenario applies to you.

SCENARIO NUMBER ONE: PREVIOUSLY ISSUED TITLE

If you have previously been issued a title to a vehicle which has subsequently been lost, stolen, or destroyed, you may obtain an order from the Court for a Substitute Title by obtaining a Motion & Affidavit for Substitute Title from the clerk of Circuit Court Number 1 and having a stolen vehicle check performed by the Clark County Sheriff. You must then present them to the office of Magistrate Abbott.

SCENARIO NUMBER TWO: NO PREVIOUSLY ISSUED TITLE

If a title has never been issued in your name, there are legal issues as to ownership and possible liens that must be eliminated by filing a legal action. For instance, was the person who conveyed the vehicle the true owner? Was the person who conveyed the vehicle the only owner -- was there a co-owner? If the person was married, did the spouse have an interest that was properly extinguished? Was there a recorded or non-recorded lien on the vehicle?

If you are seeking to have an Indiana title issued to you for the first time because the previous owner has failed or refused to transfer a title to you for some reason, and the Bureau of Motor Vehicles has recommended that you need a Court Order:

1. You must file a Small Claims Complaint naming:
 - a. The person who was to transfer title.
 - b. A second Defendant described as "Any other person or entity which may have an interest in the vehicle".
 - c. Bureau of Motor Vehicles
2. You must serve the transferor and the Bureau of Motor Vehicles with notice of the hearing.
3. You must publish notice of the action in the News and Tribune (Jeffersonville Evening News), giving the date and time of the hearing.
4. You must have a Stolen Vehicle Check.
5. You must be prepared to prove that you are the true owner of the vehicle.
6. You must pay the Court filing fee and cost of the publication in the News and Tribune (Jeffersonville Evening News).

A Small Claims Form with the recommended language is available in the Clerk's Office.

SCENARIO NUMBER THREE: NO PREVIOUS TITLE – VALUE \$5,000.00 OR LESS

If you are seeking to have an Indiana title issued to you for the first time because the previous owner has failed or refused to transfer a title to you for some reason, and the Bureau of Motor Vehicles has recommended that you need a Court Order, **AND** the value of the vehicle is \$5,000.00 or less, it is recommended that you review 140 I.A.C. 6-1-2 (2010) which is attached hereto, which requires the BMV to issue you a title on vehicles valued under \$5,000.00 if you meet certain criteria. This process will be much less expensive than the procedure outlined in Scenario Number Two.

IT IS HIGHLY RECOMMENDED THAT YOU CONTACT AN ATTORNEY TO ASSURE THAT THE APPROPRIATE FORMALITIES ARE COVERED.

CLARK CIRCUIT COURT NO. 1
Small Claims Division
Hearing held in Magistrate "A" Courtroom, Room 111

Service by: Sheriff and Publication
 Certified Mail and Publication

CASE NO: 10C01-_____ -SC- _____

NAME (PLAINTIFF)

NAME (DEFENDANT)

STREET ADDRESS

STREET ADDRESS

CITY, STATE, ZIP

CITY, STATE, ZIP

TELEPHONE E-MAIL ADDRESS

TELEPHONE E-MAIL ADDRESS

ANY OTHER PERSON OR ENTITIES
WHICH MAY HAVE AN INTEREST IN
THE VEHICLE/MOBILE HOME
DEFENDANT

PETER L. LACY, COMMISSIONER
BUREAU OF MOTOR VEHICLES
INDIANA GOVERNMENT CENTER NORTH
100 NORTH SENATE AVENUE, ROOM 402
INDIANAPOLIS, IN 46204 **DEFENDANT**

ALSO SERVE:
CURTIS T. HILL, JR., ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
302 W. WASHINGTON ST, IGCS 5TH FLOOR
INDIANAPOLIS, IN 46204

TO THE DEFENDANTS: You have been sued by the Plaintiff whose name appears above

STATEMENT OF CLAIM

The Plaintiff is seeking an Indiana Title to the Vehicle/Mobile Home Described as:

Year _____ Make: _____ Model: _____
Color _____ Vehicle Identification No: _____

If you have a legal interest in this vehicle/mobile home, you must appear at the stated Trial Date.
Otherwise, a Title will be issued.

PLAINTIFF

A TRIAL HAS BEEN SCHEDULED FOR _____ at _____ . M.. **IN MAGISTRATE "A" COURTROOM
ROOM 111**

The Plaintiff asks for judgment in this Court against you for the claim stated above. If you fail to appear in Court on the date and at the time set for trial, the Plaintiff can receive a judgment for the amount claimed, plus Court costs.

By filing this small claim, the Plaintiff has waived the right to a trial by jury. You have ten (10) days from receipt of this notice to file a Motion requesting a jury trial and to pay the costs for transferring the case. Your failure to do so waives your right to trial by jury.

You may represent yourself in this Court. You do not need to employ an attorney. You may, however, have an attorney represent you if you wish.

If you have questions concerning this matter, or if you are unable to appear at the time designated, you should call the Court Reporter at 812-280-5661 or write to Clark Circuit Court No. 1, County-Government Building, 501 E. Court Avenue, Jeffersonville, IN 47130.

(11/2018)



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1 of 1 DOCUMENT

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* Dated July 28, 2010 *

TITLE 140. BUREAU OF MOTOR VEHICLES
ARTICLE 6. TITLES
RULE 1. APPLICATION, CHANGE, TRANSFER OF TITLE; PROCEDURES

140 IAC 6-1-2 (2010)

140 IAC 6-1-2 Application for title; contents

Sec. 2. (a) In addition to the requirements in IC 9-17-2, an application for a certificate of title shall contain the following:

(1) The name, residence, mailing address, and SSN or FEIN for the person in whose name the vehicle is titled. An applicant's information and SSN presented to the bureau must match the information that the Social Security Administration has in its records for the SSN. An applicant who is not a United States citizen must show proof of current lawful status in the United States by presenting sufficient evidence showing the applicant meets the requirements of:

(A) IC 9-24-9-2.5 for a driver's license; or

(B) 9-24-16-3.5(1) [IC 9-24-16-3.5(1)]-- for an identification card.

(2) The vehicle's description shall include the vehicle's:

(A) make;

(B) model;

(C) model number;

(D) manufacture year; and

(E) VIN or special identification number.

(3) The former title number, if any.

(4) The purchase or acquisition date.

(b) An individual must apply for an Indiana title before obtaining registration plates; however, registration plates need not be purchased at the time application for title is made.

(c) Accompanying the application for certificate of title shall be an affidavit of the seller or transferor certifying that the Indiana sales or use tax has been paid to the seller or transferor. If the affidavit is not presented to the license branch, the branch shall collect the sales or use tax on the vehicle.

(d) If the owner assembled or rebuilt the vehicle, then the owner must have a police officer's inspection of the vehicle. The inspecting police officer shall verify the facts stated in the application and note the following information on the application:

(1) The VIN.

(3) The police officer's:

- (A) name;
- (B) title;
- (C) police agency; and
- (D) signature.

(4) The inspection date.

(e) In addition to IC 9-17-2, an applicant who purchased a vehicle and is unable to obtain a properly executed title for a vehicle that is valued at five thousand dollars (\$5,000) or less may obtain a title by presenting all of the following items:

- (1) A valid bill of sale.
- (2) An affidavit of ownership on the bureau's designated form.
- (3) A letter requesting the registered owner/seller to provide the signed title to the purchaser. The letter must have been:
 - (A) sent to the seller by registered mail at the seller's last known address; and
 - (B) returned to the sender unopened and marked as being unclaimed.
- (4) A VIN inspection.
- (5) A lien release, if necessary.

The bureau will issue a new title to the applicant if the bureau determines that sufficient credible evidence exists to substantiate the applicant's claim of ownership.

(f) In addition to IC 9-17-2, an applicant who purchased a vehicle and is unable to obtain a properly executed title for a vehicle that is valued at more than five thousand dollars (\$5,000) shall present a court order that establishes the applicant as the legal owner of the purchased vehicle for which the applicant is seeking a title.

(g) United States government verification will be accepted as proof of ownership from military personnel who did not obtain the standard port of entry forms for importing the personnel's personal vehicle from out of the country.

(h) To record a lien on an existing title, an applicant must apply for a new title and include the following information:

- (1) The new lien holder's information.
- (2) The signatures of all the persons whose names appeared on the original title.

(i) The bureau may require a VIN inspection whenever unusual or suspicious circumstances exist pertaining to a title transaction or a title's information.

Authority: *IC 4-1-8-1; IC 9-14-2-2; IC 9-17-2-8; IC 9-17-2-10*

Affected: *IC 6-2.5; IC 9-17-2-2; IC 9-18; IC 9-23; IC 9-24-9-2.5; IC 9-24-16-3.5*

HISTORY:

(Bureau of Motor Vehicles; (9-1-2-1)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 133; filed Sep 23, 1988, 8:30 a.m.: 12 Ind. Reg. 249; errata filed Aug 10, 1992, 3:00 p.m.: 15 Ind. Reg. 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 Ind. Reg. 4230; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212- Ind. Reg. -140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105- Ind. Reg. -140080215FRA; filed Nov 12, 2009, 3:44 p.m.: 20091209- Ind. Reg. -140090169FRA)