

# JENNIFER JOHNSON

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## GUERNSEY COUNTY CLERK OF COURTS

**Legal Office**  
801 Wheeling Ave  
Cambridge, Ohio 43725  
(740) 432-9230

**Title Office**  
401 Wheeling Ave  
Cambridge, Ohio 43725  
(740) 432-9235

**BMV Office**  
405 Wheeling Ave  
Cambridge, Ohio 43275  
(740) 439-4088

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### **Instructions to Customers Seeking an Order by the Guernsey County Common Pleas Court – General Division directing the Clerk of Courts Auto Title Division to issue a Certificate of Title to a Motor Vehicle for Guernsey County Residents. (Section 4505.10, Ohio Revised Code)**

<b>IMPORTANT BEFORE BEGINNING:</b> You <b><u>CANNOT</u></b> go through this process if the owner is deceased, you <b><u>MUST</u></b> go through PROBATE COURT.
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STEP 1: You **MUST** start at the Guernsey County Title Department to have it checked for Liens!

- A. You first need to obtain a salvage inspection receipt by going to the License Bureau and paying the \$55.00 inspection fee. The License Bureau will provide a receipt for the inspection fee that also allows you to drive the vehicle to and from the State Patrol inspection site.
1. Make an appointment with the Ohio State Highway Patrol Inspection Facility by calling the number on the salvage receipt.
  2. Present the vehicle on the scheduled date with ALL documentation as to how you came into possession of the vehicle. Receipts, written estimates, repair orders, parts receipts, etc., will be reviewed for verification.
  3. Title history of the vehicle will be checked through the BMV records to verify current ownership and lien status.
  4. CARFAX check will be done on the vehicle to check previous salvage history, previous state titles and any brand notices such as non-repairable title, mileage discrepancy, etc.
  5. N.I.C.B. records will be checked for stolen vehicle reports.
  6. Vehicle will be inspected to verify identity.
  7. The State Patrol will issue you a copy of a form HP-106.
- B. Prepare both the Application and the Affidavit Form from the packet. The Affidavit must be notarized. The Clerk of Courts' office can notarize this document for you when you appear in person along with proper identification. All of the information requested should be typed or printed on the form and your explanation. Present your application, affidavit, and inspection documentation (Form HP-106) to the Clerk of Courts Legal Department, along with your filing fee/deposit of \$50.00. The Clerk's office will prepare your case file and send to the Judge for a non-oral hearing upon the documentation submitted.
- C. If all the requirements are met, the Judge may sign the Order which may be used to obtain a title to the vehicle. This filing and review process may take up to 120 days. If your application is approved, a Certified Copy of the Judge's Order will be mailed to you. You must then take that Certified Copy to the Guernsey County Auto/Title office located at 401 Wheeling Avenue, Cambridge, Ohio 43725, for the issuance of a certificate of title. You will be required to pay the appropriate titling fees and taxes at that time.

*NOTE: There is no guarantee that a Court Order will be granted. If there is incomplete or incorrect documentation, all documents will be returned to the filing party and the action will be terminated. There will be no refund of any portion of the filing fee.*

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### MEMORANDUM OSHP INSPECTION REQUEST

TO: The Ohio State Highway Patrol  
District 5 Inspection Station

FROM: Guernsey County Auto/Title Department

Customers Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

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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 Guernsey 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. You are requested to assign a VIN if one cannot be located.

#### Vehicle Information

Make: \_\_\_\_\_ Year \_\_\_\_\_

Model: \_\_\_\_\_

Lien Information: \_\_\_\_\_

If you have any questions, please contact the Auto/Title Department at 740-432-9235.

**JENNIFER JOHNSON, Clerk of Courts**

By: \_\_\_\_\_, Deputy Clerk

**IN THE COURT OF COMMON PLEAS  
GUERNSEY COUNTY, CAMBRIDGE, OHIO**

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

Case No. \_\_\_\_\_

\_\_\_\_\_  
Petitioners Full Name

Judge Daniel G. Padden

\_\_\_\_\_  
Petitioners Address

\_\_\_\_\_  
City, State, Zip Code

**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 a Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.)**

PETITION

The undersigned, \_\_\_\_\_, a resident of Guernsey County, Ohio, petitions this Court for an order directing the Guernsey County Clerk of Courts Auto/Title Division to issue, pursuant to ORC Section 4505.10(A), a motor vehicle certificate of title in Petitioner's name as true and lawful owner of the motor vehicle more fully described as follows:

Make \_\_\_\_\_

Model \_\_\_\_\_

Year \_\_\_\_\_

Color \_\_\_\_\_

VIN \_\_\_\_\_

In support of this Petition, the Court will find attached and incorporated herein 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 Petitioners name; and document and other evidence that show Petitioner's compliance with the requirements of R.C. 4506.10(A) and otherwise support Petitioner's claim of entitlement to ownership of the described vehicle.

AFFIDAVIT

The undersigned, \_\_\_\_\_, having been first duly sworn and cautioned, states as follows to the best of my personal knowledge and belief:

1. I am petitioning this Court to order the Guernsey County Clerk of Courts Auto Title Office 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 ORC Section 4513.63 and therefore 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 Section 4505.101 of the Ohio Revised Code 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 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 Guernsey County Clerk of Courts Auto Title Office for a certificate of title, but issuance was refused because I was unable to produce the documentation required by Section 4505.10 of the Ohio Revised Code.
7. The circumstances by which I came into possession of the described motor vehicle are 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. After the Clerk of Courts Auto Title Department 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 Vehicles, 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 Department 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 refusal letter from the Clerk of Courts.*
10. I have asked the Guernsey County Clerk of Courts Auto Title Department to complete a lien holder 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 Guernsey County Clerk of Courts. *Attach a copy of the results of 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. 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 sayeth naught.

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Affiant/Petitioner's Signature

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Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Signature of Notary Public

Commission Expiration: \_\_\_\_\_

**IN THE COURT OF COMMON PLEAS  
GUERNSEY COUNTY, CAMBRIDGE, OHIO**

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

Case No.: \_\_\_\_\_

\_\_\_\_\_  
Petitioners Full Name

Judge Daniel G. Padden

**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 ex parte upon the Petition, Affidavit and exhibits presented by the Petitioner, asking the Court to order the Guernsey County Clerk of Courts Auto Title Office to issue, pursuant to 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 No. (if available) \_\_\_\_\_

Year: \_\_\_\_\_ Color: \_\_\_\_\_ VIN: \_\_\_\_\_

The Court finds 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 Guernsey County Clerk of Courts Auto Title Office to issue in 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 Office when applying for the certificate of title. If, at the time of the application, there appears from the 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 are made.

IT IS SO ORDERED:

\_\_\_\_\_  
Judge Daniel G. Padden

# Guernsey County Auto/Title Division

## Jennifer Johnson, Clerk of Courts

### *What steps do I need to take to obtain a court ordered title in Guernsey County?*



#### **Step One: Lien Holder Record Search**

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Auto Title Division (740) 432-9235

- Inquire applicable lien holder information for the vehicle being petitioned at any of our four Guernsey County Title offices.
- A \$5.00 record search fee will apply for each title record search.
- Please make checks payable to: Guernsey County Clerk of Courts
- Please retain denial notice due to insufficient evidence letter from the Clerk of Courts office to file with your petition as a necessary exhibit.



#### **Step Two: Vehicle Owner Record Search**

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Ohio BMV (614) 752-7671

[www.bmv.ohio.gov](http://www.bmv.ohio.gov)

PO Box 16520

Columbus, Ohio 43216

- Complete BMV 1173 form and check the box "**last known address**" for the vehicle owner and remit the form, via mail, 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](http://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 Three: Certified Mail Notifications**

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United States Postal Service

[www.usps.gov](http://www.usps.gov)

- 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 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.



#### **Step Four: Obtain OSHP Inspection Receipt**

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Ohio BMV (614) 752-7671

[www.bmv.ohio.gov](http://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 \$55.00.
- Visit [www.bmv.ohio.gov](http://www.bmv.ohio.gov) or call (614) 752-7671 for your nearest deputy registrar location.



### Step Five: OSHP Inspection

Ohio State Highway Patrol (614) 644-1667

[www.statepatrol.ohio.gov](http://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/HP106F 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/HP106F form you are provided by the OSHP. This document will be required as necessary evidence in your petition to the court.

### Step Six: Filing your Petition to the Court of Common Pleas

Guernsey County Clerk of Courts

801 Wheeling Ave., D200

Cambridge, Ohio 43725



- Bring your original and one (1) copy of the completed Petition for Court Order, an Affidavit in Support of the Petition and Judgment Entry to the Clerk of Courts General Division to file as a miscellaneous case. The original is for the case file, while one copy is for your records.
- The Affidavit will need to be certified. The Clerk of Courts office can do this for you with proper identification.
- You should attach to your petition/affidavit the following as exhibits:
  1. A copy of the refusal or denial letter you received from the Clerk of Courts Auto Title Department;
  2. Copies of the record search reports you obtained from the title office and the BMV;
  3. State Highway Patrol Inspection (BMV 106 form) form;
  4. 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;
  5. 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; and/or
    - Sworn statements of other persons familiar with the circumstances surrounding your possession of the vehicle.
- A filing fee of \$50.00 will need to be paid at the time of filing your Petition.

### Step Seven: Before the Judge

Common Pleas Court

801 Wheeling Ave., 3<sup>rd</sup> FL

Cambridge, Ohio 43725



- After you file the Petition and supporting evidence, the Clerk's office will prepare your file and forward to the Court. The Judge will consider your documents and any statement you may want to make to supplement your evidence.
- If the Court grants your Petition the Judge will sign the Judgment Entry and the Clerk will mail a Certified Copy by regular FCM.