

# Tioga County Self Help Kit



## HOW TO FILE AN INVOLUNTARY TRANSFER OF VEHICLE TITLE

### Disclaimer

Neither the staff in Court Administration nor the staff in any Court office will be able to give you legal advice or help you fill out/complete these forms. The information in the packets is not to be a substitute for legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may call North Penn Legal Services at 1-877-953-4250.

## INVOLUNTARY TRANSFER OF VEHICLE TITLE

### Purpose:

**The procedures set forth in this packet are for rare factual situations that do not involve abandoned vehicles or situations where a title can be obtained by the use of the Certificate of Title or the Vehicle's Manufacturer's Certificate of Origin.**

This packet will serve to help guide individuals seeking an involuntary transfer of title to a vehicle. This procedure involves obtaining the vehicle information from PennDOT, starting a legal action to obtain the title, providing notice to all potentially interested parties, and attempting to prove your case at a hearing. **Please note that following the procedures outlined in this packet to not guarantee that the Court will grant you an involuntary transfer to the title of the vehicle.**

This procedure does not apply to abandoned vehicles. An abandoned vehicle should be reported to the police. If the abandoned vehicle remains unclaimed after the police, the salvors, and PennDOT go through the necessary steps required by Chapter 73 of Title 75 of the Purdon's Pennsylvania Statutes, then title to the abandoned vehicle could be obtained after purchasing of the vehicle at a public auction.

An "abandoned vehicle" in the context of private property is defined under Pennsylvania law 75 Pa.C.S.A. § 102 as:

(1) A vehicle (other than a pedacycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence: ...

(iv) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.

Since every set of facts and surrounding circumstances will be unique, a person attempting an involuntary transfer of a vehicle title should seek the advice of a private attorney. **Please do not approach courthouse personnel to aid you in your pursuit of an involuntary transfer of title.**

## **Procedures:**

1. Follow the instructions and file the DL-135 form (request for vehicle information) along with the appropriate fees to PennDOT. The DL-135 form and instructions are provided with this packet.
2. Once PennDOT provides you with the vehicle information that you requested through form DL-135, you could commence an action with a court of competent jurisdiction. Unfortunately, describing the type of action to be commenced or the court within your action should be commenced is impossible given the wide range of potential facts for your case. If you do not know what type of action to file or where to file it, you should contact a private attorney. **You should not inquire with any Court personnel about the answers to these questions.**
3. When you commence the legal action, you must immediately provide notice to all parties described in the vehicle information obtained from PennDOT. The notice must be sent by U.S. certified mail, return receipt required, and must include:
  - a. A copy of all paperwork filed with or received from the Court;
  - b. A specific description of the vehicle including the year, make, model, title number, vehicle identification number (VIN), and registration plate number. You should include as much of the above information that is known to you;
  - c. State the location where the vehicle is being held;
  - d. The court of competent jurisdiction where the action was commenced; and
  - e. The time, date and place of any Court proceeding or hearing.
4. If you receive a response from the interested parties, please attempt to resolve the vehicle ownership without the Court's involvement.
5. If any of the notices sent via certified mail come back for any reason, then you must publish the contents of the notice set forth in #3 (only b-e) at least once in the county legal journal(s) and at least one 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 and Product Guide* to determine the appropriate legal journal.
6. Once the notice requirements are satisfied, you should ask the Court within which you filed an action to schedule a hearing if one has not already been scheduled.

7. A second notice must be sent to all potential parties identified by PennDOT once a hearing has been scheduled. This notice must also include items a-e described in #3 above.

8. Again, if any of the notices sent via certified mail come back for any reason, then you must publish the contents of the notice set forth above (only b-e) as set forth in #5.

9. Attend the hearing and be prepared to prove to the Court that you have satisfied all the steps required by this packet.

**Please note that because the facts of every case can vary greatly, complying with the requirements set forth in this packet does not guarantee that the Court will transfer the title to you.**

10. If the Court enters an order granting your request for an involuntary transfer of the vehicle title, PennDOT may issue a Certificate of Title to the person named in the Court order upon receipt of the following:

- a. A certified copy of the Court order entered declaring the owner of the vehicle;
- b. Form MV-1, "Application for Certificate of Title", and check or money order payable to the Commonwealth of Pennsylvania.
- c. Appropriate sales tax, title, and registration fees.

11. A separate document titled "Civil Cover Sheet" must be prepared and submitted at the same time the appeal is filed.

- Commencement of Action is PETITION
- The Lead Defendant's Name is THE COMMONWEALTH OF PA
- No monetary damages requested
- Not a Class Action Suit
- Not an MDJ Appeal
- Check the box indicating you are Self-Represented
- Nature of the case is MISCELLANEOUS---- TRANSFER VEHICLE TITLE

**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 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 said vehicle.

BY THE COURT:

\_\_\_\_\_

**REQUEST FOR VEHICLE INFORMATION**

\$5.00 Fee required for each record requested or \$10.00 Fee for each certified record  
The most current version of this form can be found at [www.dmv.state.pa.us](http://www.dmv.state.pa.us)

**PRINT OR TYPE ALL INFORMATION LEGIBLY • DO NOT SEND CASH****SEE REVERSE FOR INSTRUCTIONS/INFORMATION**

<b>A REQUESTER INFORMATION</b>				<b>B END USER OF INFORMATION BEING REQUESTED</b>			
NAME				NAME OF BUSINESS			
ADDRESS: P.O. Box number may be used in addition to the actual address, but cannot be used as the only address.				ADDRESS: (P.O. Box not accepted), need to provide physical location of business/residence			
CITY		STATE	ZIP CODE	CITY		STATE	ZIP CODE
DAYTIME TELEPHONE NUMBER (Required)		REFERENCE NUMBER		CONTACT PERSON		PHONE #	
				NAIC NUMBER		POLICY NUMBER	
SIGNATURE X _____ NOTARIZATION <u>NOT</u> REQUIRED WHEN REQUESTING YOUR OWN RECORD				CLAIM NUMBER			
<b>C VEHICLE INFORMATION</b> <i>(read instructions for number 2 on the back of the form)</i>				<b>D MICROFILM</b> <b>Certified - <input type="checkbox"/> YES (Additional \$5.00 Required)</b>			
				CHECK (✓) ONE ONLY: SEE REVERSE SIDE OF FORM FOR EXPLANATION OF INFORMATION YOU WILL RECEIVE.			
TAG NUMBER		TITLE NUMBER		<input type="checkbox"/> TITLE HISTORY- Indicate if you want:		<input type="checkbox"/> ODOMETER READINGS	
VEHICLE IDENTIFICATION NUMBER		DATE OF ACCIDENT (if applicable)		<input type="checkbox"/> CURRENT RECORD, or the		<input type="checkbox"/> ENCUMBRANCE/BASIC	
				<input type="checkbox"/> PREVIOUS RECORD		<input type="checkbox"/> BASIC INFORMATION	
				<input type="checkbox"/> INSURANCE _____			
<b>E VEHICLE OWNER RELEASE</b>							
NAME				I _____ NAME OF VEHICLE OWNER			
ADDRESS				hereby request the PA Department of Transportation to furnish a copy of my PA vehicle record to,			
CITY				NAME OF REQUESTER			
STATE				SIGNATURE OF VEHICLE OWNER			
ZIP CODE				DATE			
<b>F AFFIDAVIT OF INTENDED USE - YOU MUST CHECK (✓) ONE ITEM</b>							
<p>_____ 1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.</p> <p>_____ 2. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers.</p> <p>_____ 3. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:</p> <p style="margin-left: 20px;">a. to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and</p> <p style="margin-left: 20px;">b. if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.</p> <p>_____ 4. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.</p> <p>_____ 5. For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.</p> <p>_____ 6. For use by an insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.</p> <p>_____ 7. For use in providing notice to the owners of towed or impounded vehicles.</p> <p>_____ 8. For use in connection with the operation of private toll transportation facilities.</p>							
<b>NOTARIZATION</b>	SUBSCRIBED AND SWORN TO BEFORE ME:      MONTH      DAY      YEAR						
	SIGNATURE OF PERSON ADMINISTERING OATH						
	<b>S E A L</b>	<b>SIGN IN PRESENCE OF NOTARY</b>					
I hereby certify that _____ will NAME OF REQUESTER							
use the vehicle information requested pursuant to Section 6114 of the Pennsylvania Vehicle Code, for the purpose checked above only and for no other reason. This affidavit is filed in compliance with Section 607 of the Fair Credit Reporting Act and the Federal Drivers Privacy Protection Act. I/We state that I/we have read and signed this form after its completion, and I/we swear or affirm that the statements made herein are true and correct, and that any statement made on or pursuant to this form is subject to the penalties of 18 PA C.S. Section 4903(a)(2) (relating to false swearing), which shall include punishment of a fine not exceeding \$5,000, or to a term of imprisonment of not more than two years, or both.							
SIGNATURE OF REQUESTER				TITLE OF REQUESTER (if applicable)			

**THIS FORM MAY BE PHOTOCOPIED****MESSENGER NO.**

## INSTRUCTIONS

1. A \$5.00 non-refundable fee is required for each request. If the Bureau has no record for the information requested or the data supplied is insufficient, the fee will be applied to the cost of the search.
2. **PRINT OR TYPE** all requested information on front of form. Submitting **ONLY** a name or name and address does not provide enough information for a proper search of the vehicle files. A search on TAG Number only is restricted to insurance claims investigation. If the TAG Number is the only vehicle information available, Section B must be completed and must include NAIC Number, Policy Number and Claim Number.

Reference Number - Is a unique identifier assigned by the Requestor. This information will be printed on the vehicle record that is returned to the Requestor. The Reference Number can assist you in processing the record when it is returned to your office. This information is not required.

3. **If requesting your own record**, complete Sections A, C and D only. Notarization is NOT required. If you currently own the vehicle but are requesting a Title History, you must complete Section F and have the application notarized.
4. **If requesting someone else's record**, complete Sections A, C, D, and either E or F.
5. **If requesting a record on behalf of another person**, complete Sections A, B, C, D, and either E or F. NAIC Number, Policy Number and Claim Number are only required when the only vehicle information available is the TAG Number.
6. **When requesting a title history**, a \$5.00 fee is required for each title record. To determine the appropriate fee, please contact the numbers listed below to determine the number of title records available.

### HOURS TO CALL FOR INFORMATION...8:00 A.M. TO 5:00 P.M.

IN STATE ..... 1-800-932-4600  
 OUT-OF-STATE ..... (717) 412-5300  
 TDD IN STATE ..... 1-800-228-0676  
 TDD OUT-OF-STATE ..... (717) 412-5380

7. Make check or money order payable to: "**Commonwealth of PA**".  
**DO NOT SEND CASH.** Attach your check or money order and send to:  
**Department of Transportation**  
**Bureau of Driver Licensing**  
**Vehicle Record Services**  
**P.O. Box 68691**  
**Harrisburg, PA 17106-8691**

## DESCRIPTION OF INFORMATION AVAILABLE

Vehicle record information is available for the past 10 years only

**NOTE: Sales tax and purchase price are considered confidential and will not be provided.**

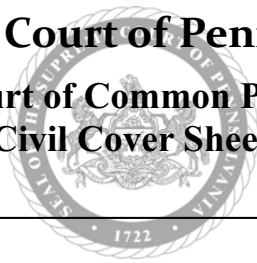
- **Title History** ..... A copy of the title transaction documents will be provided.
- **Odometer** ..... A copy of the title/renewal transaction will be provided.
- **Encumbrance** ..... Includes basic information listed above in addition to lienholder's name and address and expiration date.
- **Insurance** ..... A copy of the title/renewal transaction will be provided.
- **Basic** ..... Includes name, address, title number, tag, vehicle identification number (VIN), make and expiration date of tag.

## IMPORTANT INFORMATION CONCERNING THE USE OF VEHICLE INFORMATION

- Vehicle record information is confidential and restricted information and the Requestor/End User is responsible for establishing procedures to protect the confidentiality of these records.
- Vehicle record information can only be used for the purpose stated in Section F.
- Vehicle record information cannot be sold, assigned, or otherwise transferred to any party, other than the End User.
- PennDOT retains exclusive ownership of all vehicle record information and the Requestor/End User shall not combine and/or link in with any other data on any database except as may be required by law.
- The vehicle record information cannot be used for direct mail advertising or any other type or types of mail or mailings.
- The vehicle record information cannot be disseminated or published on the Internet without the express written permission of PennDOT.
- PennDOT reserves the right to audit each request for vehicle record information. If the Requestor/End User is found to have requested vehicle record information for an unauthorized purpose, access to Pennsylvania vehicle record information will be terminated.

# Supreme Court of Pennsylvania

## Court of Common Pleas Civil Cover Sheet



County \_\_\_\_\_

*For Prothonotary Use Only:*

Docket No: \_\_\_\_\_

TIME STAMP

*The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.*

SECTION A

**Commencement of Action:**

- Complaint       Writ of Summons       Petition  
 Transfer from Another Jurisdiction       Declaration of Taking

Lead Plaintiff's Name: \_\_\_\_\_

Lead Defendant's Name: \_\_\_\_\_

Are money damages requested?  Yes  No

Dollar Amount Requested:  within arbitration limits  
(check one)  outside arbitration limits

Is this a *Class Action Suit*?  Yes  No

Is this an *MDJ Appeal*?  Yes  No

Name of Plaintiff/Appellant's Attorney: \_\_\_\_\_

**Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)**

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

**TORT** (do not include Mass Tort)

- Intentional  
 Malicious Prosecution  
 Motor Vehicle  
 Nuisance  
 Premises Liability  
 Product Liability (does not include mass tort)  
 Slander/Libel/ Defamation  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**MASS TORT**

- Asbestos  
 Tobacco  
 Toxic Tort - DES  
 Toxic Tort - Implant  
 Toxic Waste  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**PROFESSIONAL LIABILITY**

- Dental  
 Legal  
 Medical  
 Other Professional: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CONTRACT** (do not include Judgments)

- Buyer Plaintiff  
 Debt Collection: Credit Card  
 Debt Collection: Other  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Employment Dispute:  
 Discrimination  
 Employment Dispute: Other  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Other:  
 \_\_\_\_\_  
 \_\_\_\_\_

**REAL PROPERTY**

- Ejectment  
 Eminent Domain/Condemnation  
 Ground Rent  
 Landlord/Tenant Dispute  
 Mortgage Foreclosure: Residential  
 Mortgage Foreclosure: Commercial  
 Partition  
 Quiet Title  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CIVIL APPEALS**

- Administrative Agencies  
 Board of Assessment  
 Board of Elections  
 Dept. of Transportation  
 Statutory Appeal: Other  
 \_\_\_\_\_  
 \_\_\_\_\_

- Zoning Board  
 Other:  
 \_\_\_\_\_  
 \_\_\_\_\_

**MISCELLANEOUS**

- Common Law/Statutory Arbitration  
 Declaratory Judgment  
 Mandamus  
 Non-Domestic Relations  
 Restraining Order  
 Quo Warranto  
 Replevin  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



## NOTICE

**Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:**

**Rule 205.5. Cover Sheet**

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at [www.pacourts.us](http://www.pacourts.us).