

INSTRUCTION GUIDE TO OBTAIN A COURT ORDER FOR TRANSFER OF MOTOR VEHICLE TITLE

Use these forms if you bought a motor vehicle and the seller has not given you the title or other documents required by the division of Minnesota Driver and Vehicle Services (DVS) and DVS has not put your name on their records for the vehicle.

By filing this motion, you are starting a district court action asking a judge to issue an order directing the Commissioner of the Department of Public Safety to issue a title to a motor vehicle in your name. You will be required to prove that you are the rightful owner of the vehicle as well as why you are not able to obtain a title in your name through the usual means. Even if the court issues the order, you will still be required to apply for a title through DVS (submitting a certified copy of the order with the application) and pay all applicable taxes and fees, if you have not done so already.

You may NOT use this court process if Minnesota law requires a specific process for obtaining a title in your name under the particular circumstances. Some such circumstances include:

- If the title is in your name, but the title has been lost or destroyed. In that situation, you may apply for a duplicate title at any motor vehicle registration office. See Minn. Stat. § 168A.09, subd. 1.
- If the vehicle was abandoned on your property. In that case, you must follow the procedures for disposition of abandoned property. See MN Statutes Chapter 168B.
- If you performed work on the vehicle and the owner has failed to pay for those services. In that case, you must follow the procedures for a satisfaction of a mechanic's lien. See Minn. Stat. §§ 514.18 to 514.22.
- If the vehicle is part of an estate after the death of the owner. In that case, you must follow the procedures for the probate of an estate. See Minn. Stat. Ch. 524 & 525. Note that an executor or administrator of an estate can apply for a duplicate title in the name of the decedent.

If you still need to proceed, you will need to open a case in District Court. The following documents are required to open the case:

- Notice of Motion, Motion and Affidavit for Order Directing Issuance of the Title to a Motor Vehicle
- Pay the filing fee or seek fee waiver order (IFP)

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

Steps to bring your case before the judge:

1. Complete all information on the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle. Call or go to court administration and request a date and time for a hearing on your motion. Fill in the hearing information on your Motion. **You will need to appear in court for the hearing. DO NOT** complete the Affidavit of Mailing section at this time.
2. **Sign** the Notice of Motion, Motion and Affidavit under penalty of perjury. Then **print** your name and other information on the lines under your signature.

By signing your name under penalty of perjury, you are stating that the information in the document is true to the best of your knowledge. If you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/?id=609.48>). Sign and date the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle under penalty of perjury.

3. Make a copy of the signed Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle for each person you have named as a seller of the vehicle and a copy for the Commissioner of the Department of Public Safety. Make one additional copy for your records.
4. A copy of the Notice of Motion, Motion and Affidavit for Order Directing Issuance of Title to a Motor Vehicle must be served on the seller(s) and the Commissioner of the Department of Public Safety by first class mail. The copy for the Commissioner of the Department of Public Safety may be mailed to:

**The Commissioner of the Department of Public Safety
C/o Attorney General's Office, Public Safety Division
445 Minnesota Street Suite 1800
St. Paul MN 55101-2134**

Service may also be by personal service in accordance with the Minnesota Rules of Court, Rules of Civil Procedure, Rule 4.03 Personal Service.

Mailed service or personal service must be made by someone at least eighteen (18) years of age and not a party to the action. Papers cannot be served on legal holidays. Service must be completed at least 28 days before the hearing date. 3 days must be added if service is by mail.

5. The "Affidavit of Mailing" forms tell the court who served the papers on the other parties (sellers and the Commissioner of Public Safety), and how and when the papers were served.

The person who served the papers (by mail or by personal service) should complete the “Affidavits of Mailing” and sign them under penalty of perjury. Signing the Affidavit under penalty of perjury means the person is stating that the information in the Affidavit is true to the best of their knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth, punishable by jail or other sanctions.

6. Bring or mail your completed forms to court administration for filing at least 28 days before the hearing date. There is a statutory fee for filing this action, which must be paid when you file your papers. If this is a hardship, you may qualify to have the fees waived if your income falls within the Federal Poverty Guidelines. Forms to ask to have the filing fee waived are available at court administration or on-line at the courts public website at www.mncourts.gov/forms – click on “Court Forms” and then on “Fee Waiver/In Forma Pauperis.” Complete the Affidavit for Proceeding In Forma Pauperis form and sign it before a notary public or court deputy and bring or mail it to court administration with your other completed forms. If the court orders that your fees be waived, service fees and copy fees will also be waived in addition to the filing fee.

7. Appear in court on the date and time provided for your hearing. Bring any documents or other evidence you have to support your Motion. You may also bring witnesses to testify. The judge will issue an order after the hearing. If the seller or the Commissioner of the Department of Public Safety appears and objects to your Motion, the judge may take up to 90 days to issue his/her decision in the case. If the case is not contested, the order will normally be issued within two weeks. A copy of the judge’s order deciding the case will be sent to you, the seller(s), and the Commissioner by mail.

If the judge grants your Motion and orders the Commissioner of the Department of Public Safety to issue a title to the vehicle in your name, you can request a certified copy of the order from court administration. A certified copy fee is required unless you have been granted a fee waiver by the judge. You must then take the certified copy of the order to a motor vehicle registrar or directly to the Department of Motor Vehicles in St. Paul for them to issue a new title. You will be required to apply for a title and pay all applicable taxes and fees, if you have not done so already.