

## 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 Courts and having a stolen vehicle check performed by the Clark County Sheriff. You must then present them to the office of the Magistrate.

### 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:
  - b. The person who was to transfer title.
  - c. 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 COUNTY COURTS**  
**Small Claims Division**  
**Hearing held in Magistrate "B" Courtroom, Room 249**  
**501 E. Court Avenue, Jeffersonville, Indiana**

Service by:  Sheriff and Publication  
 Certified Mail and Publication

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
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**

JOE HOAGE, COMMISSIONER FOR THE  
BUREAU OF MOTOR VEHICLES  
INDIANA GOVERNMENT CENTER NORTH  
100 NORTH SENATE AVENUE, ROOM 402  
INDIANAPOLIS, IN 46204 **DEFENDANT**

ALSO SERVE:  
TODD ROKITA, ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
302 W. WASHINGTON ST, IGCS 5<sup>TH</sup> 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 IS SCHEDULED FOR \_\_\_\_\_ at \_\_\_\_\_ . M. **TO BE HELD IN MAGISTRATE "B" COURTROOM, ROOM 249**

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 you should call 812-258-2593.

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

Authority: IC 4-1-8-1; IC 9-14-8-3

Affected: IC 6-2.5; IC 9-17-2-6; IC 9-17-2-12; IC 9-24-9-2.5; IC 9-24-16-3.5; IC 9-32

Sec. 2. (a) An individual's information and Social Security number presented to the bureau must match the information that the Social Security Administration has in its records for the Social Security number. An individual who is not a United States citizen must show proof of current lawful status in the United States by presenting sufficient evidence showing the individual meets the requirements of:

- (1) IC 9-24-9-2.5 for a driver's license; or
- (2) IC 9-24-16-3.5(1) for an identification card.

Sec. 2. (b) 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 vehicle inspection, if required under IC 9-17-2-12.
- (5) A lien release, if necessary.
- (6) An odometer statement, if required under IC 9-17-2-6.

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. (*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 IR 249; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230; readopted filed Nov 14, 2007, 1:31 p.m.: 20071212-IR-140070562RFA; filed Oct 7, 2008, 10:23 a.m.: 20081105-IR-140080215FRA; filed Nov 12, 2009, 3:44 p.m.: 20091209-IR-140090169FRA; readopted filed Nov 24, 2015, 4:18 p.m.: 20151223-IR-140150108RFA; filed Oct 5, 2017, 9:34 a.m.: 20171101-IR-140160492FRA*)

IN THE CLARK COUNTY COURTS  
STATE OF INDIANA

IN RE: THE APPLICATION FOR  
SUBSTITUTE TITLE

\_\_\_\_\_  
Petitioner

vs.

CASE NO: \_\_\_\_\_

BUREAU OF MOTOR VEHICLES  
AND ANY OTHER PERSON OR  
ENTITIES WHICH MAY HAVE AN  
INTEREST IN THE VEHICLE/MOBILE HOME,  
Respondent

ORDER FOR SUBSTITUTE TITLE

Comes now the Court, after a trial having been held in this matter and having considered evidence of vehicle ownership, and hereby orders and directs the Bureau of Motor Vehicles to issue a Substitute Title for the following vehicle:

Year: \_\_\_\_\_  
Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Color: \_\_\_\_\_  
VIN #: \_\_\_\_\_

to: Name: \_\_\_\_\_  
Address: \_\_\_\_\_

SO ORDERED THIS

\_\_\_\_\_  
JUDGE/MAGISTRATE

Copies:

Plaintiff  
Defendant  
Bureau of Motor Vehicles