

Ohio Motor Vehicle Transfer and the Probate Process

About this Web Page. . .

This publication is intended as a service to the public in order to provide a general understanding of the probate process as it pertains to motor vehicle transfer in Ohio.

This web page should not be considered as a legal reference. If you have a legal question pertaining to motor vehicle transfer, you should consult a lawyer.

Do you always need an attorney to handle the estate of a decedent?

Legal practice in the probate court is restricted by law to attorneys who are licensed by the Supreme Court of Ohio. If an individual wishes to handle his or her own case, they may do so; however, they must not represent others.

Due to the complexity of probate law and the desire to avoid costly errors, many people choose to be represented by an attorney.

Deputy Clerks are prevented from practicing law and, therefore, are limited in the amount of advice they are permitted to give.

If you need a Lawyer. . .

Many local bar associations offer lawyer referral services. In Lucas County you may call the Toledo Bar Association at (419) 242-2000 for a referral. Ask for free information when you call.

The Ohio State Bar Association also cosponsors the statewide pro seniors legal hotline and referral service for persons over age 60.

For more information about this service call 1-800-488-6070

Estates · Trusts · Survivorship and Inheritance from Estate

The applicant for transfer of title who has inherited a motor vehicle from an estate must have the title (in the deceased person's name), an authorization from the Lucas County Probate Court for the transfer of the title of the vehicle and "letters of authority" to show who has been appointed by the court to handle the decedent's estate (which will be provided to you by the attorney for the estate). The transfer is tax-exempt and no odometer statement is needed.

Purchase from Estate

If you have purchased a motor vehicle from an estate, you will need the vehicle's title (in the decedent's name), the transfer of motor vehicle form from the probate court and a copy of the "letters of authority" from the attorney of record. The assignment on the back of the title should be completed and signed by the person indicated on the "letters of authority."

The applicant (purchaser) must complete the application on the back of the title. The purchase price must be stated and sales tax will be collected when the new title is issued.

You will also need an odometer statement (these forms are available at your local auto office).

Trusts

You are not required to present a copy of the trust agreement when transferring a vehicle to or from a trust. When purchasing a motor vehicle from a trust, the buyer completes the application on the back of the title and the trustee completes the assignment.

The purchase price must be stated and sales tax will be collected when the new title is issued. You will also need an odometer statement (these forms are available at your local auto title office).

Right of Survivorship

If the certificate of title lists the applicant as a joint owner of the motor vehicle with a right of survivorship, such as: John Doe and Mary Smith,

wros (with right of survivorship), The signature of both parties are required to transfer the vehicle if both are living.

If one of the parties is deceased, the survivor may apply for a Certificate of Title by presenting proof of the decedent's death and completing the back of the existing title.

An odometer statement is not required.

Transferring the Vehicle of a Decedent

How do I transfer ownership of the vehicle of a decedent to a surviving spouse? The surviving spouse must present a title (in either their deceased spouse's name or both of their names) and a surviving spouse affidavit to the title clerk at a local auto title office. The affidavit requires:

- 1) Approximate value of the automobile
- 2) Vehicle's year of manufacture
- 3) Manufacturer's serial number
- 4) Make (manufacturer's name)
- 5) Body type model
- 6) Ohio certificate of title number

The application on the back of the title must be completed and sworn to by the surviving spouse in front of a notary public, attorney, clerk or deputy clerk.

Only one automobile or pickup truck may be transferred by this affidavit if the death of the spouse was before March 11, 1996. If the death occurred on or after this date, two automobiles or pickup trucks may be transferred by this method. All other vehicles must be transferred by the probate court.

This transfer does not affect any liens upon the vehicle.

Other Information

Note:

- In addition to the previously mentioned requirements, out-of-state titles require vehicle inspections (available at license agencies).

- If a duplicate title is needed, the individual listed on the "letters of authority" may sign the application for issuance of a duplicate title
- If a title has been assigned to a person who dies prior to titling the vehicle, the applicant may transfer the title by presenting "letters of authority" and the probate court order authorizing transfer. If the vehicle was purchased, sales tax must be paid.

What if a previously unknown vehicle is found after the estate is closed?

In this event, the attorney of record should be contacted. They will need to reopen the estate, report the vehicle to the probate court, and obtain the necessary authority to transfer the vehicle. The name of the attorney of record can be obtained through the probate court.

Which Probate Court handles a decedent's estate?

The decedent's residence (at the time of death) determines which probate court handles the decedent's estate. If the decedent owned property in multiple states, the probate process must begin in the decedent's state of residence.

How would a non-relative co-habitant of a decedent be able to retain possession of a motor vehicle?

If the non-relative co-habitant was listed on the certificate of title as joint owner with right of survivorship, the applicant must present proof of the death of the other joint owner (and the completed certificate of title) to the clerk to transfer. This transfer is tax exempt.

If the non-relative co-habitant was not a joint owner but inherited the motor vehicle through the will of the decedent, they should follow the "Inheritance from Estate" process outlined earlier.

If the non-relative co-habitant was not a joint owner and did not receive the motor vehicle through the will of the decedent, they may have to purchase the vehicle from the estate to retain possession.

Does it make any difference if the decedent left a will?

No. Regardless of whether the decedent died with or without a will, the transfer of the motor vehicle must properly follow the processes previously outlined. You may not transfer the motor vehicle of a decedent by merely presenting the will to the auto title clerk.

The will must be filed in the probate court.

Vehicle Registration

After the title is transferred by any of the previously mentioned methods, the applicant should take the new title to a deputy registrar in order to register the vehicle. The application for registration may be obtained at a license agency. The application shall be accompanied by a service fee, a transfer fee and the newly transferred certificate of title. Upon proper filing, the deputy registrar will issue a certificate of registration in the name of the applicant. If the applicant is a surviving spouse, the plates will remain on the vehicle but the registration will need to be updated and/or renewed. If the applicant is not a surviving spouse, the new owner will be issued a certificate of registration and a new set of license plates. If the owner of a motor vehicle is deceased and the person appointed by the court has not yet transferred the vehicle, a one-time renewal registration for the deceased may be issued by the license agency (upon presentation of the decedent's registration and the "letters of authority"). Though the renewal registration will remain in the decedent's name, the applicant must use his/her own social security number and sign the application and accompanying forms (including the financial responsibility statement).

Fees

Fees for Title Service (per section 4505.09, O.R.C.)

Certificate of Title	\$ 5.00
Duplicate Title	\$ 5.00
Memorandum Title	\$ 5.00
Duplicate Memorandum	\$10.00
Notation of Lien	\$ 5.00
Cancellation of Lien	free

Physical Inspection	\$ 1.50
Late Fee	\$ 5.00
Affidavit Fee (each)	\$ 1.00
Boat Certificate of Title	\$ 5.00
Boat Memorandum	\$ 5.00
Boat Notation of Lien	\$10.00
Boat Duplicate Title	\$ 5.00
Salvage Title	\$ 4.00
Photocopies	.25
Certified Copies	\$ 2.00
Records Search	\$ 2.00

For additional information or if you have any questions in regards to fees, please contact the Lucas County Clerk of Courts (419)245-4201****please do not contact the Lucas County Probate Court****

Use Tax

A 7.25% use tax must be paid by a resident of Ohio when he / she purchases a motor vehicle outside of the State of Ohio. This applies to the purchase of any motor vehicle either for use or storage in Ohio.

If the tax had been paid out of state at the time of purchase, the customer must furnish the title office with proof of such payment. The difference in the tax, if any, is due at that time.

Sales Tax

The Ohio State Legislature enacted a sales tax law (effective 5/21/51) on casual sales of motor vehicles. Any person purchasing a motor vehicle from another person will be required to state the purchase price, upon which a 7.25% sales tax is levied. This statement must be sworn to before a person duly authorized to administer oaths. Effective 8/1/81, all boats and motors became taxable in the same manner as motor vehicles. Any person purchasing a boat or motor from another person will be required to state the

purchase price, upon which a 7.25% sales tax is levied. This statement must be sworn to before a person duly authorized to administer oaths.

How to Pay for Title Fees and Taxes

Ohio sales tax and use tax must be paid in **cash, certified check, draft or money order** to the Clerk of Courts before an application for an automobile or watercraft title can be accepted. For your convenience, we now also accept master card and visa.

The Clerk of Courts is required to administer this law and collect this tax for the State of Ohio. Please note that the fees and tax rates listed on this web page are provided for information only and are subject to change without notice.