

MOTOR VEHICLE AND WATERCRAFT TITLING GUIDE

SURVIVING SPOUSE LAWS

WHEN TO PROBATE

**RELIEF FROM
ADMINISTRATION**

FAMILY TRUST

RIGHT OF SURVIVORSHIP

MULTIPLE OWNERSHIP

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SURVIVING SPOUSE

A surviving spouse may obtain, in their name, the title of up to two automobiles, one boat and one outboard motor upon the death of their spouse. The surviving spouse should present the original Ohio Certificate of Titles, certified copy of the death certificate, an application for a Certificate of Title, and a surviving spouse affidavit that the automobile, boat or outboard motor is not otherwise disposed of by a will or testament. A separate application is needed for each automobile, boat or outboard motor being transferred.

The surviving spouse affidavit must include a complete description of each automobile, boat or outboard motor being transferred. If two cars are being transferred, the affidavits must contain an approximate appraised value of the vehicle being transferred along with the total appraised value of both automobiles. The total appraised value of both automobiles cannot exceed \$40,000. When only one automobile, boat or outboard motor is being transferred, the affidavit must declare an approximate appraised value of the automobile, boat or outboard motor.

This affidavit form can be obtained from the Clerk of Courts' Title Department or your attorney. Ask for the affidavit pertaining to surviving spouse for automobiles and/or the affidavit pertaining to watercraft. No more than two automobiles, one boat and one outboard motor may be transferred by using the surviving spouse affidavit.

The surviving spouse laws allow for the transfer of the titles without any probate papers. However, the value of the automobile(s), boat and outboard motor transferred must be claimed in the Ohio Estate Tax return. It is recommended that you contact an attorney to explain the estate tax laws.

After the title is transferred into the surviving spouse's name, the surviving spouse should go to a deputy registrar's office to have the license plate registrations transferred into their name.

WHEN THERE'S A WILL AND/OR AN ESTATE

When there is an estate involved and a will is probated through the courts, the executor appointed will act for the decedent to handle the transfer of ownership of the motor vehicle(s) and/or watercraft. The Executor should obtain a certified copy of the court executed document showing the appointment of the Executor (Letters of Authority). The Executor should give the properly assigned Ohio Title and a certified copy of the appointment of the Executor of the heir or the buyer. The heir or the buyer can take the assigned Ohio Certificate of Title and the certified copy of the appointment papers to the Clerk of Courts' Title Department to obtain a Certificate of Title in their name(s). The heir or the buyer must make application for an Ohio Certificate of Title within 30 days of the assignment of the Ohio Title. Your attorney can aid you in obtaining the correct Probate Court documents.

The license plates should immediately be removed from any motor vehicle when the title is assigned by the Executor. The new owner must obtain their own license plate through a deputy registrar after they obtain the certificate of title in their name. The new owner can obtain a 30-day tag form a deputy registrar to operate the vehicle until they obtain the title in their name.

WHEN THERE IS NO WILL OR ESTATE

When there is no will and the assets of the estate are \$25,000 or less, or the assets are \$85,000 or less and the surviving spouse is entitled to all of the assets, an heir or their attorney needs to file for “Relief from Administration” with the Probate Court. When the Probate Court approves the Relief from Administration, the court will appoint an individual to complete the transfer of the estate’s assets or order the Clerk of Courts to transfer the title. The appointed individual should complete the assignment on the Ohio Certificate of Title to the new owner, and provide a certified copy of the “Relief from Administration” order for each motor vehicle and/or watercraft title being transferred. This order should note the complete description, including the identification numbers, of the motor vehicles and/or watercraft being transferred and the authorized person appointed to transfer the title. The license plates should be removed from any motor vehicle upon the assignment of the title.

The new owner needs to obtain the title in their name within 30 days from the assignment date. They need to present the assigned certificate of title and the “Relief from Administration” court order to the Clerk of Courts’ Title Department when making application for the title in their name. They may obtain a 30-day tag to use the motor vehicle until they are able to obtain the Ohio Certificate of Title in their name.

TRUSTS

A motor vehicle and/or watercraft title may be in the name of a family trust. The name of the Family Trust (Smith Family Trust), not the names of the trustees (John & Mary Smith, trustees), appears on the Ohio Certificate of Title. The individual(s) set out in the trust are required to sign all title and registration documents as trustees. An example is “The Smith Family Trust, by S/ John Smith, Trustee”.

You should consult an attorney, estate planner or trust consultant regarding legal liability issues prior to placing a motor vehicle and/or watercraft into a family trust. They should advise you on matters of Family Trust and how they relate to probating an estate and the Ohio Estate Tax Return.

RIGHT OF SURVIVORSHIP

Titles to motor vehicles and/or watercraft may be placed in joint tenancy with right of survivorship. The owners’ names on the title are to be shown as “John Doe and Mary Smith, WROS”. To transfer ownership, signatures of both parties are required if both are Living. If one of the parties is deceased, the survivor applies for a certificate of title in their name. No assignment of the title is necessary. An application for title, signed by the survivor is needed along with a certified copy of the death certificate.

There is no requirement to probate the motor vehicle(s) and/or watercraft unless both parties are deceased. This does not exempt the motor vehicles or watercraft from the Ohio Estate Tax Return.

The surviving party must apply for the license plates from a deputy registrar after the title has been transferred.

MULTIPLE OWNERSHIP

A title may be in the name of more than one individual. However, this requires all owners to sign all documents for the transfer of the ownership of the motor vehicle and/or watercraft.

Ohio does not allow for the use of “or” in titling. The correct term for multiple ownership is “and”. Only one of the owners is required to apply for the license plates.

MISCELLANEOUS INFORMATION ON PROBATE

Motor vehicles that have a title from out of Ohio must have the vehicle inspected for a vehicle identification number verification. This inspection can be done at any deputy registrars’ office or many car dealerships. Contact the Clerk of Courts’ Title Department to see what laws may apply when the title or estate is from out of state. Many times, these transfers must take place in the state that has jurisdiction over the decedent.

If a duplicate title is needed, the administrator, commissioner, executor or executrix of the estate may sign the application for the duplicate title by presenting the letter of appointment. A duplicate title is not necessary for transferring a title to a surviving spouse if the original title has been lost, destroyed or stolen. The title may be transferred to the surviving spouse if the original title has been lost, destroyed or stolen. The title may be transferred to the surviving spouse from the records in the Clerk of Courts’ Title Department if a surviving spouse affidavit and an application for title are presented. A photocopy of the file copy of the original title or copy of the Automated Title Processing System records can be used as evidence of ownership.

When a title has been assigned to a person who passes away prior to titling the motor vehicle and/or watercraft and it is being probated, the administrator of the deceased person’s estate, with presentation of a letter or order of appointment, can make application for the decedent in the name of estate. If the motor vehicle and/or watercraft was purchased, sales tax must be collected on the purchase price. If the estate is not being probated, a court order (Relief from Administration) is needed to issue the title.

When the owner of a motor vehicle is deceased and the vehicle has not been probated when the license plates registration expires, the Executor or Administrator of the estate can perform a **ONE-TIME RENEWAL REGISTRATION** for the deceased. The Executor or Administrator needs to present proper documentation of their appointment to a deputy registrar, use their social security number and sign the financial responsibility forms along with the application for registration.

Please contact the Clerk of Courts’ Title Department when there is a lien noted on the certificate of title to see what additional paperwork may be necessary for the transaction. It may be necessary to obtain the lien holders permission for the transaction and obtain a copy of the security agreement.

In a time of grief, we want you to know that we understand and can relate to your feelings. We want to be able to easily assist you in the transfer of ownership of the motor vehicles and/or watercraft.