Obtaining a Certificate of Title Through Court Order

- Petitions for a certificate of title should be presented in open motions court. Motions court is held every Monday, Tuesday and Thursday morning promptly at 8:45 AM in Courtroom #6.
- Late motions will not be heard.
- A fee of \$154.75 is due upon filing in the Prothonotary's office after seeing the judge.
 Cash or check only. This fee may be waived if petitioner falls under the federal poverty guidelines. See the librarian for more information or for the paperwork to file In Forma Pauperis.
- There may be additional requirements of advertising associated with this petition. Those
 fees are assessed by the Beaver County Times or the Beaver County Legal Journal and
 cannot be waived.
- Court personnel cannot give legal advice. If you need advice, please call the Lawyer Referral Service at 724-728-4888.

FACT SHEET

DISPOSAL OF ABANDONED VEHICLES FROM PRIVATE PROPERTY

PURPOSE

This Fact Sheet provides information on disposing of vehicles which have been left on private property.

DEFINITIONS OF TERMINOLOGY USED:

ABANDONMENT: Abandonment involves an intention to abandon together with an act or omission to act by which such intention is carried into effect. "Abandoned property" is that to which an owner has relinquished all rights, title, claim and possession, with no intention of reclaiming it or resuming ownership or possession.

ABANDONED VEHICLE: Section 102 of the Vehicle Code defines an abandoned vehicle in the following manner:

- (1) A vehicle (other than a pedalcycle—shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
 - (i) The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.
 - (ii) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.
 - (iii) The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all the following:
 - (A) A valid registration plate.
 - (B) A current certificate of inspection.
 - (C) An ascertainable vehicle identification number.
 - (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.
- (2) Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

PRIVATE PARKING LOT: A parking bot open to the public or used for parking without charge; or a parking lot used for parking with charge. (Section 3353(b) of the Vehicle Code).

SALVOR: A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, recycling, selling, rebuilding, or exchauging the vehicles or parts thereof. (Section 102 of the Vehicle Code).

WAREHOUSEMAN: A person engaged in the business of storing goods for hire. (As defined in the Uniform Commercial Code U.C.C.).

July 2010

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METHODS OF DISPOSING OF ABANDONED VEHICLES FROM PRIVATE PROPERTY

The following methods do not apply to private parking lots unless such lots are posted to notify the public of any parking restrictions and the operator/owner of the vehicle violates such posted restriction.

- (1) Pursuant to Sections 3352(c) and 3353(c) of the Vehicle Code, the landowner may request a police department to declare the vehicle to be abandoned and to require a salvor to take possession of the vehicle.
- (2) The landowner may personally remove the vehicle from his or her private property to a place of storage pursuant to Section 3353(c) of the Vehicle Code and may bring an action before a District Justice to recover the costs of removal and storage. The landowner must provide the vehicle owner reasonable notice of any action initiated before the District Justice. Once judgment is entered on behalf of the landowner and reasonable notice is provided to the vehicle owner, the vehicle may be sold at a Sheriff's sale in execution of the judgment.
- (3) The landowner may file suit in Common Pleas Court requesting that an order be entered that (1) awards ownership of the subject vehicle to the landowner and, (2) extinguishes the right, title and interest of any other person to said vehicle. Pursuant to Sections 1114(a) and 1116(b) of the Vehicle Code, PennDOT would be able to accept such a court order as evidence of ownership in lieu of a certificate of title. In order for the applicant to obtain a certificate of title, a certified copy of the court order must accompany a completed MV-1 form, along with taxes, fees, and evidence satisfactory to PennDOT that reasonable notice of the court proceeding had been provided to the vehicle owner, and any other interested party, including anyone whose lien is endorsed upon the certificate of title for the vehicle according to the records of PennDOT. (NOTE: A sample court order is printed

A landowner may not repossess an automobile for the costs of storing the vehicle upon the landowner's private property unless the landowner is a bona fide warehouseman as provided by the Uniform Commercial Code, 13 P.S. Section 7102, et seq. A lien or bill incurred for repairs to a vehicle can be collected only by filing a complaint, obtaining judgment against the owner and having the vehicle sold at a Sheriff's sale to satisfy the judgment. Notice of the proceeding must be provided to any person who has a lien endorsed upon the certificate of title for the vehicle according to the records of PennDOT.

SAMPLE COURT ORDER

AND NOW, this day	y of ,	20 , after	reasonable not	ice
and an opportunity for I	nearing having been pr	ovided to all i	nterested parti	es,
the Court hereby award	ls ownership of one 20	, [make], [model], bea	aring
vehicle identification nu	mber			
to [name of applicant], a	and the right, title and i	nterest of any	other person	to said
vehicle is hereby exting	uished. The Departme	nt of Transpor	tation may acc	ept this
order as evidence of ow	nership in lieu of a cer	tificate of title.	The Petitione	r shall
submit the appropriate f	orms, taxes and fees a	and comply wi	th any other pr	ocedures
of the Department of Tra	ensportation in order to	receive the a	ppropriate cert	ificate
of title for said vehicle.				
BY	THE COURT:		*	
				Judge
			, ,	,

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA CIVIL ACTION - LAW

In Re:	· · · · · · · · · · · · · · · · · · ·			
VIN#	Docket No.			
	:			
	Petition to Award Ownership and Issue Certificate of Title			
1. Petitioner,, is an adult individual residing at				
	County of BEAVER Commonwealth of Pennsylvania.			
2. On or abo	out (Date), Petitioner purchased a			
	from			
Name Ad	dress, City, State, Zip			
raine, Au	ness, City, State, Zip			
3. The vehicle	purchased by the Petitioner was assigned the Vehicle Identification Number of			
2 ()				
4. Due to inad	vertence of the vehicle's seller, to Petitioner, the Certificate of Title to said vehicle was			
	erred into the Petitioner's name.			
5. Petitioner co	nducted a diligent search of Pennsylvania Department of Transportation records to			
	vehicle history and ownership status, and this search indicated that the vehicle is not			
reported stole	n and is not subject to any liens or encumbrances. A copy of said report is attached			
hereto as "Ex				
6. Despite Petitic	oner's efforts, the vehicle seller,, cannot be			
located to perfe	ect transfer of said vehicle title to Petitioner.			
7. By publication	in the on			
(Dates) and the	on			
the Petitioner pr	ovided public notice of intent to apply for Certificate of Title to said vehicle and has			

	received no contact from any persons of	or organizations asserting ownership interest in said vehic
	Proof of publications is attached hereto	
8.	According to Certificate of Title results	s maintained by the Department of Transportation, the
		sted as former owners and/or lien holders with regard to s
	vehicle.	
	aName, Address, City, Sta	ate, Zip
	Petitioner avers that the above persons no	o longer maintain any ownership or security interest in sa
WHE to be the	REFORE, Petitioner,	, prays that this Honorable Court declare him, VIN#
Date		Petitioner
	that the statements made in this Comp herein are made subject to the penalties n to authorities.	plaint are true and correct. I understand that false s of 18 Pa. Cons. Stat. Ann. § 4904 relating to unsworn
Date		Petitioner

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY CIVIL ACTION - LAW

PENNSYLVANIA

ORDER FOR HEARING AND NOW, this day of, 20 , upon consideration of the within Petition, it is HEREBY ORDERED AND DECREED that a hearing shall be held on the day of, 20 in Courtroom# of the BRAVER CO. Courthouse, BRAVER, Pennsylvania at a.m./p.m. to determine whether said Petition should be granted. IT IS FURTHER ORDERED AND DECREED that Petitioner shall serve a copy of this Petition and notify the following persons and/or entities of the date, time, and place of said hearing by certified U.S. mail, postage pre-paid, return receipt requested. IT IS FURTHER ORDERED AND DECREED that any person or entity objecting to the relief
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possessing to the ferrer
sought by this Petitioner shall appear at the time, date, and place of said hearing to express any objections.
BY THE COURT:
Judge

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,

PENNSYLVANIA

CIVIL DIVISION

In l	Re:	. :	Docket No.		
	VIN#	. :			
		:			
	~				
	ORI)FD			
	AND NOW, this day of				
oppo	ortunity for hearing having been provided to all in	nterested pa	arties, the Court	hereby awards	ownership
of	one	_, bearii	ng vehicle	identification	number
	to				, and the
	, title and interest of any other person to said v				
V V V	sportation may accept this order as evidence of				
	oner shall submit the appropriate forms, taxes an				
	rtment of Transportation in order to receive the ap				
Depa	riment of Transportation in order to receive the ap	ppropriate	commeate or the	ie for said veiner	
		BY THE	COURT,		
		21 1111			
		(Υ	
				J.	