



Problems Getting Title to Your Manufactured Home

❖ You can find all the fact sheets we link to here at WashingtonLawHelp.org.

Should I use this?

Yes, if you are having a tough time getting title to the manufactured home you bought in Washington State. **Example:** You bought a manufactured home from someone who does not have a copy of its title.

What is the normal process for getting proof of manufactured home ownership?

A manufactured home's buyer and seller must both turn paperwork in to the Washington Department of Licensing (DOL) within 15 days of the home's sale. The seller signs over the title to you. The DOL then gives (*issues*) you a new title.

If you are paying on the home, the title lists you as the registered owner and the seller as the legal owner until you finish making payments.

What if the title to the manufactured home is currently in someone else's name?

You can ask the last registered or legal owner to sign and file a [release of interest](#). (You can find one at dol.wa.gov/forms/420040.pdf.) You must fill out the form and mail or return it to any vehicle licensing office.

Example: You have finished making your payments on the manufactured home. You can ask the legal owner to sign and file a release of interest.

What if the title to the manufactured home was lost?

Go to your local Vehicle Licensing Office and pick up, or visit the [Department of Licensing website](#) at dol.wa.gov and print out, an [Affidavit of Loss form](#).

Fill out the form, have it notarized, include the **\$35.50** application fee and drop it off or mail it back to the VLO. You should get the title within 8-10 weeks. If you want your copy of it sooner, you can pay an **\$85.50** fee to get your copy the next day.

All registered owners of the home must sign the form. If you are not sure how many registered owners there are for your home, ask the VLO for, or print out, a [Vehicle Record Request form](#). Fill it out and, mail it to the VLO. They will send you a list of registered owners. There should be no fee for this form.

What if the previous owner or seller refuses to transfer the title to me?

This is known as **ownership in doubt**. Here are your options in this situation:

- Ask the DOL to issue a 3-year registration without title. This converts to full ownership and you will get title if after 3 years no one challenges (no one **contests**) the manufactured home's ownership.
- File a bond with DOL for a 3-year period and get a bonded title as described in [RCW 46.12.680](#). The bond amount must be equal to 1.5 times the home's value.
- File a petition in court for a judgement of ownership. (Learn more below.)

The first 2 procedures are for when both of these are true:

- The seller never gave you title or never had the title.
- You do not know of anyone else who claims to own the home.

In this situation, it is easiest and cheapest to get a 3-year registration without title. You then wait the 3 years to get a full title.

Should I petition a court for a judgment awarding me ownership of the manufactured home?

Yes, if you bought a manufactured home and have a hard time getting title because, for example:

- The person who sold it to you never filed the bill of sale and transfer title and they will not agree to release their interest.
- The person who sold you the manufactured home went out of business. Their name is on the title.

- You cannot wait for the 3-year registration process.
- You do not know who the legal owner is.
- Someone else says they own the manufactured home.

How do I petition a court for this?

Here is a summary of what you must do.

- Fill out all the forms in this packet. (See instructions below.)
- Sign and date the Summons and Complaint.
- Make 2 copies of the Summons and Complaint.
- Take the Summons and Complaint to the clerk of the Court where you are filing this case. Ask the clerk to file a new case. Pay the filing fee **or** file the motion to have ask a judge to cancel (to *waive*) the filing fee. Have your copy date stamped.

❖ If you have a very low income and cannot afford the court filing fee, use our [Ask the Court to Waive Your Filing Fee](#) packet or [online interview](#). Both are available at www.WashingtonLawHelp.org.

- Have someone other than you, age 18 or older, hand-deliver a copy of the Summons and Complaint to Defendant or Defendant’s registered agent. Read “Finding Defendant’s registered agent,” below, to learn more.
- The person who delivers the paperwork should fill out and sign the Declaration of Service.
- Check and confirm that Defendant is not on active military duty. File the Notice to Service Members. Read “Finding out if Defendant is active duty military,” below, to learn more.
- Wait 20 days. Defendant has 20 days to file an Answer to your complaint.

❖ If Defendant files an Answer, **stop here**. Talk to a lawyer.

- Defendant has not filed an Answer in 20 days. Fill out Motion and Declaration for Default and proposed Order of Default. (See next section.)

- Take motion and order to ex parte docket. (See next section.) Take a copy of RCW 46.12.680 and the “Petitions for Vehicle Ownership” memo. (Both are at the end of this packet.) Explain that the law does not give a specific procedure for doing this. This is your only way to get title.
- Ask judge to sign the Order of Default. (See below.)
- Get a certified copy of the judge’s order. Show the order to DOL. Ask DOL to issue new title in your name.

What forms are in this packet?

- Complaint
- Summons
- Declaration of Service
- SCRA Declaration
- Motion for Default
- Order on Default
- Order
- Petitions for Vehicle Ownership Memo

Definitions and Abbreviations

- **AOC** – Administrative Office of the Courts.
- **Caption** - The heading of each legal document. It has the court name, parties' names, case number, and name of the document itself.
- **Default** – When the person or business you are suing fails to respond by the deadline to the Summons and Complaint you served on them.
- **DOL** – Department of Licensing.
- **Ex parte** – A special docket (court calendar) where the judge can sign orders where the other party does not appear.
- **RCW** – Revised Code of Washington. This is Washington State's laws.
- **Registered agent** - The person or business whose job it is to receive legal papers on behalf of a business or corporation.
- **WAC** – Washington Administrative Code. These are Washington State's regulations.

How do I get an Order of Default?

Ask the clerk of the court in the county where you are filing this action. You may have to go to the court's *ex parte* docket.

What county and court do I file in?

Most people will file in District Court. It costs less to file there than in Superior Court. If you believe you must file in Superior Court, talk to a lawyer. You can file in the county you live in.

Where can I learn more?

“Petitions for Vehicle Ownership,” attached at the end of this packet, has more information.

How do I fill out the forms?

A. Complaint

Fill out the **caption**. The caption includes the name of your case, case number, court name, and title of the court paper. It appears at the top of the first page of every form.

The diagram shows a form with the following fields and callouts:

- Plaintiff (person who started this case):** A line for the name of the person or corporation that still has title to the home. Callout: "Name of person or corporation that still has title to the home goes here."
- vs.** A separator between plaintiff and defendant.
- And Defendant(s) (other parties):** A line for the name of the defendant(s). Callout: "Your name goes here." (Note: This callout points to the defendant line, which is unusual as it typically points to the plaintiff line).
- Court of Washington, County of _____** Callout: "Put the name of the court (District)"
- No. _____** Callout: "Put the county where you are filing this form."
- Complaint to Quiet Title to Manufactured Home** Callout: "Put the case number here. The court clerk gives you this number when the case is filed."
- _____ , and John Doe** Callout: "This is the form's title."

I. INTRODUCTION

1. Put your name. Give the information requested about the manufactured home. The VIN is the vehicle identification #. You can usually find the VIN inside the home, on a sticker called the **data plate**. Look for the data plate on the wall inside the master bedroom closet. If it is not there, check inside your kitchen cabinets. It might be on a cabinet door. You can also check around the back door of the home or inside your HVAC closet.

II. PARTIES

- Put your name.
- Put the name of the person or business that sold you or financed the manufactured home.

4. Do not change this section.

III. JURISDICTION AND VENUE

Do not make any changes to section 5.

6. Check the first box if you are filing in District Court. Check the second if you are filing in Superior Court.

IV. ALLEGATIONS OF FACT

7. Put the year you bought the manufactured home. Put the Defendant's name. If it applies to you, check the box and put the Defendant's name there.

8. Do not change this section.

9. Check the box that is true in this case. If you check the second box, put the approximate date (month and year, if you know it) the business closed. If you do not see an option that describes how you know the business closed, check the last box and explain in the blank how you know.

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- ❖ **Finding the date the business closed (the date it *dissolved*):** Try looking up the business using the Washington Secretary of State's online directory: ccfs.sos.wa.gov/#/. The business's full listing includes the "inactive date." That is the date you want. If you do not find it there, check these websites:
 - ❖ Department of Revenue business licensing: secure.dor.wa.gov/gteunauth/#1 (click on *business lookup*)
 - ❖ Department of Financial Institution: dfi.wa.gov/industry
 - ❖ Nationwide Multistate Licensing Service: nmlsconsumeraccess.org/
 - ❖ If you have questions, talk to a lawyer.
-

10. Put the last known address you could find for Defendant.

11. If Defendant is a corporation, put the name and address of Defendant's registered agent.

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- ❖ **Finding Defendant’s registered agent:** Look up the corporation using the Washington Secretary of State’s online directory: ccfs.sos.wa.gov/#/. If the business has a registered agent, the full listing will have the registered agent’s contact information.
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12. List the dates and ways you tried to contact Defendant.

13. Check this if true.

V. CLAIM: QUIET TITLE TO MANUFACTURED HOME

14. Do not make any changes here.

VI. REQUEST FOR RELIEF

Do not make any changes here.

Dated this: put the date you are signing this Complaint.

Respectfully submitted: Sign your name underneath. Under your signature, print your name. Put your street address and phone number.

B. Summons

Fill out the caption.

TO: Put the name of the person or business you are suing.

Check the box if you need to serve the business’s registered agent. Put the registered agent’s address.

In the last paragraph before your signature, check the first box if you are filing in District Court. Check the second if you are filing in Superior Court.

At the end of the Summons, put the date you are signing it. Sign under ***Respectfully submitted.***

C. Declaration of Service

Fill out the caption. Your server, the person who delivers the Summons and Complaint, will fill out most of the rest.

The server’s name goes in the first line under the caption.

1. The server should not change this section.
2. The server should put the date and time they served Defendant with your Summons and Complaint. They should put the name of the person they served and where they served them.

Signed at: Your server must put the place and date they signed. Then they should sign their name.

D. Declaration of Non-Active Military Duty Status

Fill out the caption.

❖ **Finding out if Defendant is active duty military:** Do this only if a person, not a business or corporation, sold you the car. Use the link in the declaration. If you do not have all the information that the website requires to do a search, see instructions below.

Name: Put your name.

Age: Put your age.

In the last paragraph at the bottom, put the Defendant's name. Check "corporation" or "former corporation" if either is true.

Page 2:

Check the box if only both these are true:

You bought the manufactured home from a private individual.

You do not have the person's date of birth and Social Security number to use the website listed in this form.

Signed at: Put the place and date you are signing this. Sign your name. Print it below that. Under your name, put your address and phone number.

E. Motion and Declaration for Order of Default and Default Judgment to Quiet Title to Manufactured Home

❖ Use this form only if Defendant does **not** file an Answer within 20 days.

Fill out the caption.

I. RELIEF REQUESTED

Put your name in the first blank. Put defendant's name in the second.

II. STATEMENT OF FACTS

We suggest you put something like this:

1. I bought a [make, model, year] from [Defendant's name] on [date].
2. I have asked [Defendant's name] on the following dates and in these ways: [list date(s) and if you contacted Defendant in writing or some other way].

❖ You can attach to your Complaint any copies of proof if you have them.

3. [Defendant's name] has failed to transfer title of the manufactured home to me.
4. I filed this action to quiet title on [date].
5. I had [Defendant's name] served on [copy date of service from the Declaration of Service].
6. Twenty days have passed since I had [Defendant's name] served. [Defendant's name] has not filed an Answer.

III. STATEMENT OF ISSUES

Put Defendant's name in the blank.

Check the first box if you are filing in District Court. Check the second box if you are filing in Superior Court.

IV. EVIDENCE RELIED ON

1. Put your name.
2. Do not change this.

V. LEGAL AUTHORITY

In two places in this section, you will choose CRLJ 55 or CR 55. Choose CRLJ 55 if you are filing in District Court. Choose CR 55 if you are filing in Superior Court.

At the end of this section, put the county you filed this case in.

Put the date you are signing. Sign your name. Print your name. Put your address and a phone number where you can get messages.

F. Order of Default and Default Judgment

Fill out the caption.

THE COURT FINDS: Do not make any changes to this section.

IT IS HEREBY ORDERED:

5. Choose CRLJ 55 if you are filing in District Court. Choose CR 55 if you are filing in Superior Court.

7. Put the information requested about your manufactured home.

8. Put your address.

Do not date and sign this order. The judge does that.

Presented by: Sign your name. Underneath, print your name. Put your address and the phone number where you can get messages.

G. Order to Quiet Title to Manufactured Home

Fill out the caption.

In the first paragraph, put the home's make, model, and year.

In next second paragraph, put the home's make, model, and year in the first blank. In the second, put the VIN. In the third and fourth blanks, put your name.

Do not date and sign the order. The judge will do that.

Presented by: Sign your name.

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_____ Court of Washington, _____ County

Plaintiff (*person who started this case*):

vs.

And Defendant(s) (*other parties*):

_____, and John Doe

No. _____

Complaint to Quiet Title to Manufactured Home
(RCW 46.12.680)

I. INTRODUCTION

1. Plaintiff _____ brings this action against Defendant seeking to quiet title to a manufactured home (hereinafter referred to as the “Home”) described as a [*year, make and model*] _____, VIN _____.

II. PARTIES

2. Plaintiff _____ lives in _____ County, Washington. Plaintiff is the home’s registered owner.

3. [*Defendant’s name*] _____ is the home’s legal owner.

4. John Doe is any other individual who either held title to the Home prior to possession of the title by Plaintiff or Defendant, whose name and address are unknown.

III. JURISDICTION AND VENUE

1 5. This court has jurisdiction over this action pursuant to RCW 46.12.680(2)(b),
2 which provides that “[a] person who is unable to provide satisfactory evidence of ownership
3 may...[p]etition any district court or superior court of any county in this state to receive a
4 judgment awarding ownership of the home.”

5 6. This court has jurisdiction over these parties and venue is proper pursuant to
6 RCW 4.12.010 and RCW 3.66.020(11) or RCW 2.08.010 because the subject of the action
7 is situated in _____ County.

8 IV. ALLEGATIONS OF FACT

9 7. Plaintiff bought the Home in [year] ____ from [*Defendant seller of manufactured*
10 *home*] _____. The purchase price was \$ _____. Plaintiff paid
11 cash. Plaintiff fully paid off a loan to purchase the Home.

12 8. The manufactured home title issued by the Washington State Department of
13 Licensing names Defendant as the Home’s legal owner and Plaintiff as registered owner.
14 Attached is a copy of the manufactured home registration.

15 9. Defendant

16 Failed to file the bill of sale and transfer title.

17 Went out of business in [*date*] _____.

18 Is out of business. Attached is a report from the Federal Deposit
19 Insurance Corporation (FDIC) showing that Defendant is an inactive institution;
20 a report from the Washington Secretary of State showing that Defendant
21 dissolved on [*date*] _____; [*describe other proof you are attaching*]
22 _____.

23 10. The last known address for Defendant was _____.

1 11. The registered agent for Defendant is or was [name and address]

2 _____.
3 12. Plaintiff attempted contact Defendant as follows: [*list dates, times, and ways you*
4 *tried contacting Defendant*]

Date	Time	Ways you tried contacting

13 Plaintiff received no response.

14 13. Plaintiff wants to sell or otherwise dispose of the Home, but cannot do so
15 unless Defendant is removed as the legal owner on the title to the Home.

16 V. CLAIM: QUIET TITLE TO MANUFACTURED HOME

17
18 14. Plaintiff is the Home's true owner. Plaintiff maintains this suit to quiet her title to
19 the Home against any/all adverse claims of title or interest in the property pursuant to RCW
20 46.12.680.

21 VI. REQUEST FOR RELIEF

22 Plaintiff respectfully requests the following relief:
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Declaratory relief confirming Plaintiff's clear title to the Home against any and all
adverse claims, removing all such adverse claims as clouds upon the title of Plaintiff and
quieting the title of Plaintiff against any and all such adverse claims; and

Such other relief as this Court may deem necessary, appropriate, or reasonable.

Dated this _____ day of _____, 20____.

Respectfully submitted,

[*your name*]
[*your street address*]
[*your town, state, and zip*]
[*phone #*]

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_____ **Court of Washington,** _____ **County**

Plaintiff (*person who started this case*):

vs.

And Defendant(s) (*other parties*):

_____, and John Doe

No. _____

Summons

TO: _____ through its registered agent

A lawsuit has been started against you in the above entitled court by Plaintiff
_____. Plaintiff's claims are stated in the written complaint, a copy of which is
served upon you with this summons.

1 To defend against this lawsuit, you must respond to the complaint by stating your defenses
2 in writing, and serving a copy upon Plaintiff within twenty (20) days after the service of this
3 summons inside Washington State or sixty (60) days after service of this summons outside
4 Washington State, excluding day of service. Otherwise, a default judgment may be entered
5 against you without notice. A default judgment is one where plaintiff is entitled to what she asks
6 for because you have not responded. If you serve a notice of appearance on the Plaintiff, you are
7 entitled to notice before the court may enter a default judgment.

8 You must also file with the court any response or notice of appearance you serve on any
9 party to this lawsuit within 20 days after the service of summons, excluding the day of service.

10 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
11 that your written response, if any, may be served on time.

12 This summons is issued pursuant to Rule 4 of the Civil Rules for Courts of Limited
13 Jurisdiction of the State of Washington (CRLJ 4) or rule 4 of the Superior Court Civil Rules
14 of the State of Washington (CR 4).

15
16 Dated this _____ day of _____, 20_____.

17 Respectfully submitted,

18
19 _____
20 [your name]
[your street address]
[your town, state, and zip]

21 [phone #]
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_____ Court of Washington, _____ County

Plaintiff (*person who started this case*):

vs.

And Defendant(s) (*other parties*):

_____, and John Doe

No. _____

Declaration of Service

I, _____, declare:

1. I am age 18 or older.

2. On _____, 20__, at _____ a.m./p.m., I personally served a copy of the Summons and Complaint to Quiet Title to Manufactured Home on

_____ [*name of person served*] at _____

[*insert address*].

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at _____, Washington on December ____, 20__

Signature

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_____ Court of Washington, _____ County

Plaintiff (*person who started this case*):

vs.

And Defendant(s) (*other parties*):

_____, and John Doe

No. _____

**Declaration of Non-Active Duty
Military Status**

This declaration is made by:

Name: _____

Age: _____

I DECLARE that:

To the best of my knowledge, the defendants against whom I am seeking relief are not protected by the Service Members Civil Relief Act, 50 U.S.C.A. § 3931.

The Defendant _____. Because the Defendant is a corporation former corporation,

I was unable to use the United States Department of Defense Manpower Data Center database at

<https://scra.dmdc.osd.mil/scra/#/home>, which requires the name of an individual person, a Social

Security Number and a date of birth.

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I am not aware of any assertion by the Defendants, their representatives or any other persons that would indicate that the Defendants are on active duty.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at _____, [City] _____ [State] on _____ [Date].

Signature

Print or Type Name

Respectfully submitted,

[*your name*]
[*your street address*]
[*your town/state/zip*]
[*your phone #*]

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_____ Court of Washington, _____ County

Plaintiff (*person who started this case*):

No. _____

vs.

And Defendant(s) (*other parties*):
_____, and John Doe

**Motion and Declaration for Order of
Default and Default Judgment to Quiet
Title to Manufactured Home**

I. RELIEF REQUESTED

Plaintiff _____ requests that the Court enter an Order of Default and
Default Judgment against Defendant(s) _____ for the relief
demanded in the Complaint.

II. STATEMENT OF FACTS

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III. STATEMENT OF ISSUES

Whether Plaintiff is entitled to an Order of Default and Default Judgment against Defendant(s) _____ pursuant to CRLJ 55 or CR 55.

IV. EVIDENCE RELIED UPON

- 1. Declaration of Plaintiff _____ and attached Exhibits;
- 2. The court file.

IV. LEGAL AUTHORITY

CRLJ 55(a)(1) or CR 55 authorizes the entry of orders of default when defendants fail to appear, plead or otherwise defend in an action. CRLJ 55(a)(3) states that parties that have not appeared or answered before a motion for default is filed are not entitled to notice of such a motion.

CRLJ 55(b)(1) or CR 55 provides for entry of judgments after defaults when the

1 claims are for sums certain or for sums by which computation can be made certain. An Order of
2 Default and Default Judgment against Defendants is proper at this time because Defendants were
3 properly served with the summons and complaint, the requisite time has passed, they have failed
4 to appear, plead, or otherwise defend in this action within the time allowed by law and the
5 judgment is for a sum certain.

6 Plaintiff believes that none of the Defendants is serving active duty in the United States
7 Military, nor are any Defendants infants or incompetent.

8 This court has jurisdiction over this action pursuant to RCW 46.12.680. This court has
9 jurisdiction over these parties and venue is proper pursuant to RCW 4.12.010 and because the
10 subject of the action is located in _____ County, Washington.

11
12 DATED this _____ day of _____, 20_____.

13
14 Respectfully submitted,

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16 _____
17 [your name]
18 [your street address]
19 [town, state, zip]
20 [phone #]
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_____ **Court of Washington,** _____ **County**

Plaintiff (*person who started this case*):

vs.

And Defendant(s) (*other parties*):

_____, and John Doe

No. _____

Order of Default and Default Judgment

This matter came before the court on Plaintiff’s Motion for Order of Default and Default Judgment against Defendant. Plaintiff brought this Motion on the grounds that Defendant was properly served, and that Defendant failed to Answer, respond to or appear in this case for more than 20 days.

THE COURT FINDS:

1. Defendant was properly served with Plaintiff’s Summons and Complaint in this action;
2. Defendant has not appeared, pled, or otherwise defended in this action;
3. Defendant’s time for answering Plaintiff’s Complaint is twenty (20) days, and more than twenty (20) days have passed since Defendants were served with Plaintiff’s Summons and Complaint;
4. Jurisdiction and venue are proper in this action;

The Court further finds that entry of an Order of Default and Default Judgment are

1 appropriate at this time. Therefore,

2 IT IS HEREBY ORDERED:

3 5. Defendant was not entitled to notice of the Motion for Order of Default and
4 Default Judgment pursuant to CRLJ 55 or CR 55(a)(3);

5 6. Defendants is hereby declared to be in default for failing to answer Plaintiff's
6 Complaint within 20 days;

7 7. This order quiets title of Plaintiff to the manufactured home which is the subject
8 of this litigation, (hereafter, "Home"), described as:

9 Make:
10 Model:
11 Year:
12 VIN:

12 8. The Home is currently located at _____
13 _____.

14 9. Plaintiff is the true, sole owner of the Home. Plaintiff's title to the Home is
15 superior to all adverse claims. All such adverse claims are removed as clouds
16 upon the title of Plaintiff.

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18 Dated this _____ day of _____, 20____, at _____, Washington.

19 _____
20 Judge/Commissioner

21 Presented by:

22 _____
Printed Name

23 Address: _____

24 Phone: _____

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_____ Court of Washington, County of _____

Plaintiff (*person who started this case*):

vs.

And Defendant(s) (*other parties*):

_____, and John Doe

No. _____

**Order to Quiet Title to Manufactured Home
(RCW 46.12.680)**

Plaintiff presented a motion for an order to quiet title to a manufactured home described as:

_____.

The court having considered the motion, declarations, testimony and the court file, and finding good cause, IT IS HEREBY ORDERED:

That title to the manufactured home described as _____
[make/model/year] with a Vehicle Identification Number VIN) _____
(Home) is awarded to _____. The Department of Licensing shall issue a new title naming _____ the home's legal owner.

Dated: _____

Signature of Judge/Commissioner

Presented by:

Approved for entry:
Notice of presentation waived:

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Signature of Party

Signature of Party

PETITIONS FOR VEHICLE OWNERSHIP

New cause of action for judgments of vehicle ownership, effective July 2011: In 2010, the Legislature enacted a statute that creates a new cause of action in superior court and district court for petitioners to request a judgment awarding ownership of a vehicle. See [RCW 46.12.680](#); Laws of 2010, Chapter 161, Section 314 ([link](#)). The new procedure is effective beginning July 1, 2011.¹ Laws of 2010, Chapter 161, Section 1238.

District courts as likely recipients of these cases. The statute allows these petitions to be brought either in superior court or in district court. Most of these actions will likely be brought in district court, if for no other reason than the lower civil filing fee.

New statutory procedure leaves many questions unanswered. The statute authorizes the new petitions, but provides no guidance as to the nature of these cases or how they should be handled. As examples: how do petitioners prove ownership?; what information must be included in the petition?; are there any parties other than the petitioner?; and, do the procedures differ from other civil filings? This document is intended to provide district courts with additional information about these petitions and to allow courts to decide how the cases should be handled.

These unusual petitions are likely to be filed rarely; a court receiving one may well benefit from having additional background information. It appears that this new petition will be rarely used. The cause of action was seldom used when it was previously set forth in an administrative regulation (although the regulation would not have had any legal effect, see footnote 1). AOC staff is aware of only two instances when a person attempted to use the process from the regulation.² Further suggesting that these petitions will be rarely filed is the fact that the Department of Licensing has procedures that would be cheaper and usually easier for people to use instead of filing a court action, as is discussed below.

NOTES:

¹ Prior to the 2010 legislation, this procedure had been set forth in an administrative regulation of the Department of Licensing (WAC 308-56A-210), but the regulation could have had no effect. Judicial causes of action can be created by the Legislature, but not by an executive agency. See *Bird-Johnson Corp. v. Dana Corp.*, 119 Wn.2d 423, 833 P.2d 375 (1992). It appears to have escaped the Legislature's (and the drafters') notice that moving this provision into statute had the effect of making a substantive change in the law -- the bill was entitled as making only technical corrections to vehicle title provisions. The bill was large, having over 430 sections, and the creation of the new judicial procedure in the middle of a purportedly technical-corrections bill slipped by everybody's attention.

² In March 2011, a person inquired about filing this type of petition with the Pend Oreille District Court. Because the law had not yet gone into effect, the person was not allowed to file the petition. TJ Keogh, the court administrator, sent out an inquiry to colleagues asking if any of them had received this type of petition. Only one court responded affirmatively.

Jurisdiction: District courts appear to have jurisdiction over these petitions. See 3.66.020(9) (this statute provides the general standards for district court jurisdiction; subsection (9) recognizes that other statutes can grant district courts jurisdiction over other matters, as long as the cases do not involve title to real property). The new statute (RCW 46.12.680) would seem to confer this jurisdiction.

Entry into JIS: It looks like this should be coded as a miscellaneous civil action.

Treat as quiet title action? The court is being asked to declare that the petitioner is the true owner of the vehicle over contrary claims raised by others. This request appears to be quite similar to quiet title actions for real property, under which superior courts evaluate competing interests in property and adjudge the ownership. For real-property quiet title actions, a well-established statutory process is set forth in Chapter 7.28 RCW. Background information about these quiet title actions is found in Stoebuck & Weaver, 18 Washington Practice, Real Estate: Transactions, Chapter 11 (current through 2011 Pocket Part).

Quiet title analogy—Petitioner must file a civil complaint against the named defendants. If the ownership petition is to be treated as quiet title action, then the petitioner would be required to file a civil complaint, naming as defendants anybody who might be asserting a contrary claim to the vehicle. See, e.g., RCW 7.28.010; RCW 7.28.310; Stoebuck & Weaver, 18 Washington Practice, Real Estate: Transactions, § 11.6 (current through 2011 Pocket Part).

Proof of vehicle ownership: Under Washington’s statutes, ownership of vehicles is determined via a registration process. Each person’s proof of ownership usually depends on showing that the person properly acquired the vehicle from the previous legal or registered owner. Both the buyer and the seller of a vehicle are required to submit paperwork to Department of Licensing, with the seller signing over the title to the buyer; the buyer then gets a new title issued from the Department of Licensing.

Chain of title: Problems develop if the person buys the car from a person who does not have a copy of the title. There are several ways that this can be addressed within the DOL’s process. First, if the title was simply lost, then the owner can apply for a new copy and then sign it over to the buyer. Or, if the title is shown in the name of some other registered or legal owner, then the person can go through a process of getting the previous registered or legal owner to issue releases of interest. These measures are often sufficient to clean up gaps in the chain of title.

Ownership in doubt: If an applicant for ownership documents is unable to secure these documents proving ownership, then DOL invokes its “ownership in doubt” process, under which the person has three options. Under those procedures, the person can:

- Request that DOL issue a three-year registration without title, which will then convert to full ownership if after three years nobody contests the vehicle’s ownership; or
- File a bond with DOL for a three-year period and get a bonded title; or
- File a petition in superior or district court seeking a judgment of ownership.

See RCW 46.12.680(2)(a) and (b).

This is where the filing of the court petition comes into play.¹

Scenarios that would be most/least likely to lead to a court petition: The DOL’s own “ownership in doubt” procedures are very well-suited for scenarios where a person has difficulty supplying documents for an earlier break in the chain of title, such that there is no other known person who is asserting a contrary interest in the vehicle. Under these circumstances, the person needs only to obtain a three-year registration without title (see above), and the person then waits for three years to get a full title; this process is easy and inexpensive, and the three-year registration can still be transferred to a new owner; the person has very little to gain by going through the more daunting and expensive process of filing a court petition.

By comparison, a court petition would be the likely outcome when two people each claim to own the car. For example, there could be a dispute as to whether the petitioner bought the car from the other person, such as whether the purchase price was ever paid. Or, the petitioner and another person could each claim ownership from different chains of title (e.g., the petitioner claims she purchased the car from A, and another person claims he purchased the car from B, and the dispute is as to whether A or B was the actual previous owner).

Exceptions to “ownership in doubt” procedures: These procedures, presumably including the court petition, do not apply to: unauthorized vehicles per RCW 46.55.010; abandoned vehicles, as defined in RCW 46.55.010, snowmobiles, as defined in RCW 46.04.546; or Washington vehicle dealer sales, as defined in RCW 46.70.011. These exceptions are set forth in RCW 46.12.680(7).

Pro se actions: Because these petitions cannot be brought in small claims court (the petition is not a request for a money judgment per RCW 12.40.010), petitioners will need to use the regular process of civil actions in district court. This will surely cause difficulties for petitioners who are not represented by an attorney. They will likely not know what how to prosecute these cases, what documentary evidence needs to be filed (e.g., proof of sale; releases of interest; records from DOL), how to serve the complaint, how to make sure that the case is ready for trial, how to subpoena and question witnesses, etc.

Provide forms/information for petitioners to use? Recognizing that many of these petitions will be brought pro se, at least a couple of courts around the country have drafted forms for petitioners to use in filing their claim, along with a set of instructions that provides basic information about prosecuting the case (serving defendants, subpoenaing witnesses, etc.) These materials tend to include prominent language recommending that petitioners be represented by an attorney. One benefit of using forms/instructions is that they increase the chances that petitioners will know what information they need to present to the court. Presumably, this could save the court time in processing these petitions.

Alternatively, a court could choose to provide general information about what types of information need to be included in the claim or otherwise presented to the court (e.g., vehicle

¹ Note: A court petition may also be filed under a separate provision, RCW 46.12.680(4), which allows, under certain circumstances, a petitioner to request a judgment of ownership or compensation for damages.

identification number; make, model, and year of vehicle; date of purchase; documentation of purchase; names and addresses of all individuals who may claim an adverse interest in the vehicle; the name and address of the last known registered and legal owners; the reasons why DOL found there to be insufficient evidence of ownership; etc.).

No right to jury trial: Quiet title actions are actions in equity, and thus there is no right to a jury trial. See *Durrah v. Wright*, 115 Wn.App. 634, 63 P.3d 184 (2003); *Rohrer v. Snyder*, 29 Wash. 199, 69 P. 748 (1902); Tegland, 14 Washington Practice, Civil Procedure § 10:12, especially at note 9 (current through 2010 Pocket Part); Stoebuck & Weaver, 18 Washington Practice, Real Estate: Transactions, § 11.3 (current through 2011 Pocket Part) (noting that some statutory ambiguity exists as to the right to a jury trial for real-property quiet title actions, but concluding that the statute probably does not create this right).

Governing statutes and WAC regulations: Licensing and titling of vehicles is governed by RCW Chapter 46.12. (Note that former RCW 46.12.005 through 46.12.510 were repealed effective July 1, 2010.) **The most applicable statutes (along with links) are as follows:**

- [46.12.520](#) Certificate required to operate and sell vehicle -- Manufacturer or dealer testing -- Security interest, how perfected.
- [46.12.530](#) Application -- Contents -- Examination of vehicle.
- [46.12.540](#) Issuance of certificates -- Contents.
- [46.12.550](#) Refusal or cancellation of certificate -- Notice -- Penalty for subsequent operation -- Appeals.
- [46.12.560](#) Inspection by state patrol or other authorized inspector.
- [46.12.570](#) Stolen vehicle check.
- [46.12.580](#) Duplicate for lost, stolen, mutilated, etc. certificate.
- [46.12.590](#) Procedure on installation of new or different motor -- Penalty.
- [46.12.600](#) Destruction of vehicle -- Surrender of certificate, penalty -- Report of settlement by insurance company -- Market value threshold.
- [46.12.610](#) Contaminated vehicles.
- [46.12.620](#) Legal owner not liable for acts of registered owner.
- [46.12.630](#) Lists of registered and legal owners of vehicles -- Furnished for certain purposes -- Penalty for unauthorized use.
- [46.12.635](#) Disclosure of names and addresses of individual vehicle owners.

[46.12.640](#) Disclosure violations, penalties.

VEHICLE SALES, TRANSFERS, AND SECURITY INTERESTS

[46.12.650](#) Releasing interest -- Reports of sale -- Transfer of ownership -- Requirements -- Penalty, exceptions.

[46.12.655](#) Release of owner from liability.

[46.12.660](#) Transitional ownership record.

[46.12.665](#) Odometer disclosure statement required -- Exemptions.

[46.12.670](#) Assigned certificates of title filed -- Transfer of interest in vehicle.

[46.12.675](#) Perfection of security interest -- Procedure.

[46.12.680](#) Ownership in doubt -- Procedure.

Also, definitions for terms in RCW Chapter 46.12 are contained in RCW Chapter 46.04.

The DOL's administrative regulations implementing these statutes are contained in WAC Chapter 308-56A. Here is the list of regulations, including links:

WAC Sections

[308-56A-010](#) Title purpose only and no title issued.

[308-56A-020](#) Application for certificate of ownership required.

[308-56A-021](#) Assessment criteria for penalty fee.

[308-56A-024](#) Stolen vehicle check required for certificate of ownership.

[308-56A-030](#) Owner name and address -- Recorded on the vehicle record -- Application for certificate of ownership.

[308-56A-040](#) Name and address -- Change of address.

[308-56A-056](#) Names separated by the words "and," "or," or the slash symbol "/".

[308-56A-060](#) Ownership in joint tenancy.

[308-56A-065](#) Vehicles held in trust.

[308-56A-070](#) Leased vehicles.

- [308-56A-075](#) Multiple legal owners.
- [308-56A-090](#) Disclosure of individual vehicle owner information.
- [308-56A-110](#) New vehicles -- Manufacturer's statement/certificate of origin.
- [308-56A-115](#) Vehicles from a state or country other than Washington.
- [308-56A-140](#) Department temporary permit.
- [308-56A-150](#) Certificate of vehicle inspection.
- [308-56A-160](#) Model year -- How determined.
- [308-56A-200](#) Replacement Washington certificate of ownership.
- [308-56A-210](#) Ownership in doubt -- Bonded title or three-year registration without title.
- [308-56A-215](#) Erasures, alterations, and incorrect information.
- [308-56A-250](#) Signature of registered owner on application -- Exceptions.
- [308-56A-265](#) Releasing interest.
- [308-56A-270](#) Forms of signature.
- [308-56A-275](#) Certification of signature.
- [308-56A-295](#) Vehicle sold -- Reported stolen -- Liability if abandoned.
- [308-56A-300](#) Application for certificate of ownership for abandoned vehicles.
- [308-56A-305](#) Law enforcement sale.
- [308-56A-310](#) Personal property lien -- Chattel.
- [308-56A-311](#) Personal property lien -- Landlord's lien for rent.
- [308-56A-312](#) Personal property lien -- Self-service storage facilities.
- [308-56A-315](#) Name change.
- [308-56A-320](#) Transfer by court order.
- [308-56A-325](#) Owner incompetent.
- [308-56A-330](#) Owner bankrupt.

- [308-56A-335](#) Owner deceased.
- [308-56A-405](#) Acquired from United States government.
- [308-56A-410](#) No application required.
- [308-56A-415](#) Application in dealers name.
- [308-56A-420](#) Delivery of vehicle on dealer temporary permit.
- [308-56A-450](#) Glider kits.
- [308-56A-455](#) Assembled and homemade vehicles.
- [308-56A-460](#) Destroyed or wrecked vehicle -- Reporting -- Rebuilt.
- [308-56A-500](#) Definitions.
- [308-56A-505](#) Elimination of manufactured home certificate of ownership (title) -- Eligibility.
- [308-56A-525](#) Vehicle seller's report of sale.
- [308-56A-530](#) Vehicles brands and comments.
- [308-56A-640](#) Odometer disclosure statement.