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Quieting Title to Your Vehicle

Should I use this?

Yes, if you have bought a car and have had a hard time getting title in your name because, for example:

- The person who sold you the car failed to file the bill of sale and transfer title and the seller will not agree to release his interest.
- The used car dealer that sold you the car, whose name is on the title, went out of business.
- The lender of your car loan went out of business.
- You cannot wait to use the three-year registration process.
- You do not know who the legal owner is.
- Someone else also says that he owns the vehicle.

Is there another name for this?

Some people call it applying for “ownership in doubt.”

Who should not use this?

Do not use this packet if either of these is true:

- The seller lost or misplaced the title.
- The title is in the name of someone besides the seller. Try contacting the person who has title. (If that person will not transfer title, you may need this procedure.)

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- ❖ In these situations, you can use [Problems with Getting Title to My Vehicle](#) instead.
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This procedure does not apply to

- Unauthorized vehicles ([RCW 46.55.010](#))
- Abandoned vehicles ([RCW 46.55.010](#))
- Snowmobiles ([RCW 46.04.546](#))
- Vehicle dealer sales ([RCW 46.70.011](#))

What forms are in this packet?

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

Definitions/Abbreviations

AOC – Administrative Office of the Courts.

Caption: The heading of each legal document. It has the name of the court, the parties' names, the case number, and the name of the document itself.

Default - The failure to respond to court papers by the legal deadline.



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DOL – Department of Licensing

Ex parte - Going before the court without notifying the other party, if the party has not appeared in the case by filing an Answer or Notice of Appearance. If the party has appeared in the case, you must give notice (or give good reason why you did not) before going to court for an ex parte order. Can also refer to the courtroom where you see a judge without notifying the other party.

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 file to quiet title to a vehicle?

This is a checklist of what to do, from filling out the forms to getting a signed court order.

- Fill out all forms in advance. (Next section has instructions.)
- Sign and date Summons and Complaint.
- Make two copies of Summons and Complaint.
- Take the Summons and Complaint to the clerk of the Court where you are filing this action. Ask the clerk to file a new case. Pay the filing fee OR file the motion to have the court waive it (excuse you from paying it). Have your copy date-stamped.

❖ If you have a very low income and cannot afford to pay the court filing fee, use [Filing for Waiver of Your Filing Fee](#).

- 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. The person who delivers the paperwork should fill out and sign the Declaration of Service.

❖ “Finding Defendant’s registered agent,” below, has more information.

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- Check and confirm that Defendant is not active duty military. File the Notice to Service Members.

- ❖ “Finding out if Defendant is active duty military,” below, has instructions if your Defendant is a private individual.

- Wait 20 days. Defendant has 20 days to file an Answer to your complaint.
- Defendant has not filed an Answer in 20 days. Prepare Motion and Declaration for Default and proposed Order of Default.

- ❖ If Defendant files an Answer, **stop here**. Get advice from a lawyer.

- Take motion and order to ex parte docket. (See next section.) Take a copy of RCW 46.12.680 and the Washington Courts memo called “Petitions for Vehicle Ownership (Both are at the end of this packet.) Explain there is no procedure specified in statute or regulations. This is your only way to get title.
- Ask judge to sign the Order of Default. (See next section.)
- Get a certified copy of the judge’s order. Present order to DOL and ask for new title issued in your name.

How do I ask the judge for an Order of Default?

Ask the clerk of the court where you filed this action. The practice can vary by county. You may have to go to the court’s ex parte docket. That is a special docket where the judge can sign orders where the other party does not appear.

What county and court do I file in?

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



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Where can I learn more?

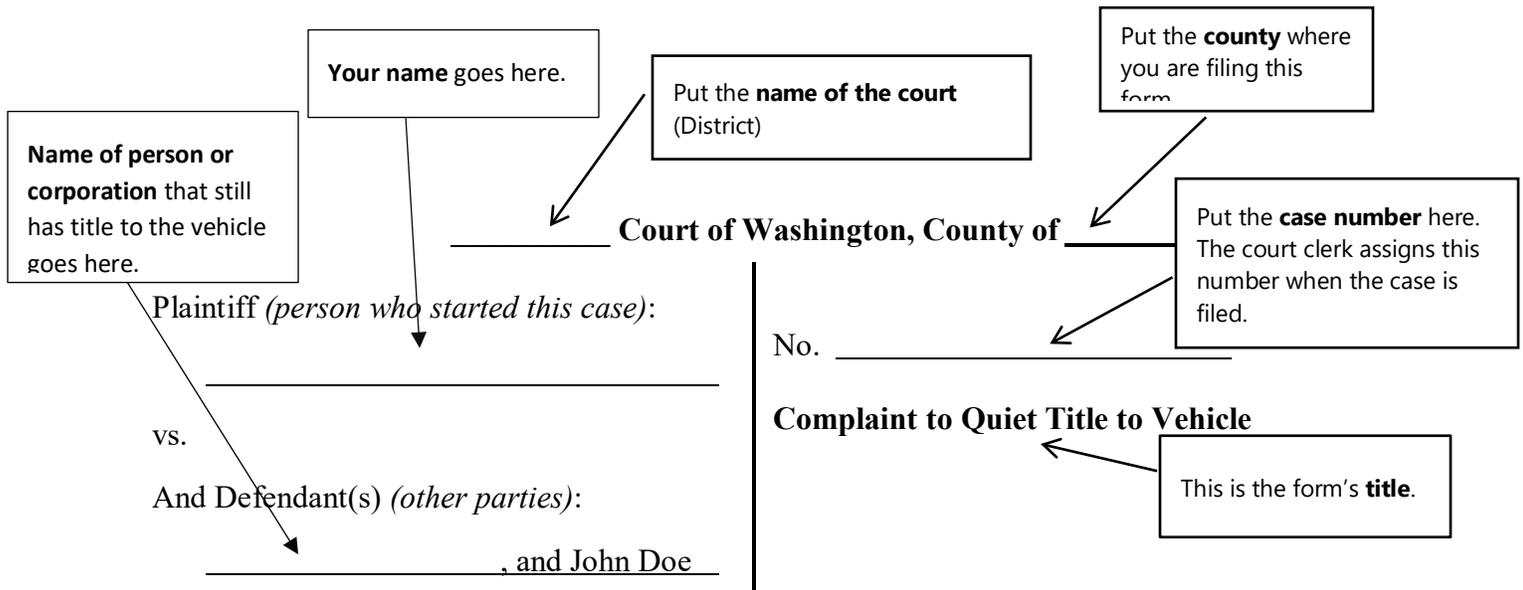
The Washington Courts memo called “Petitions for Vehicle Ownership” at the end of this packet has more details about

- How this procedure came about.
- Other laws you can read.

How do I fill out the forms?

A. Complaint

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



The diagram shows a legal form caption with several fields and callout boxes:

- Plaintiff (person who started this case):** A line for the name of the person or corporation that still has title to the vehicle. Callout: "Name of person or corporation that still has title to the vehicle 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 is positioned above the plaintiff line).
- Court of Washington, County of _____**: The court name and county. Callout: "Put the name of the court (District)" and "Put the county where you are filing this form".
- No. _____**: The case number. Callout: "Put the case number here. The court clerk assigns this number when the case is filed."
- Complaint to Quiet Title to Vehicle**: The title of the form. Callout: "This is the form's title."
- _____ , and John Doe**: A line for the defendant's name, with "John Doe" as an example.

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I. INTRODUCTION

1. Put your name. Give the information requested about the car. The VIN is the vehicle identification #. It is on the car's registration and dashboard.

II. PARTIES

2. Put your name.

3. Put the name of the person or business that sold you the car (or financed the car).

4. Do not change this section.

III. JURISDICTION AND VENUE

Do not make any changes to sections 5 or 6.

IV. ALLEGATIONS OF FACT

7. Put the year you bought the car. 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 provided how you know.

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- ❖ Finding the date the business dissolved: Try looking up the business using the Washington Secretary of State's online directory: <https://ccfs.sos.wa.gov/#/>. The business's full listing includes the "inactive date." The business dissolved on that date. If you do not find it there, check these websites:

Department of Revenue business licensing: https://secure.dor.wa.gov/gteunauth/_/#1

Department of Financial Institution: <https://dfi.wa.gov/industry>

Nationwide Multistate Licensing Service: <http://www.nmlsconsumeraccess.org/>

- ❖ If you have questions, talk to a lawyer.
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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.

❖ **Finding Defendant's registered agent:** Look up the corporation using the Washington Secretary of State's online directory: <https://ccfs.sos.wa.gov/#/>. If the business has a registered agent, the full listing will have the registered agent's contact info.

12. List the dates and ways you tried to contact Defendant.
13. Check this if true.

V. CLAIM: QUIET TITLE TO VEHICLE

14. Do not make any changes to this section.

VI. REQUEST FOR RELIEF

Do not make any changes to this section.

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.

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

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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: <https://scra.dmdc.osd.mil/scra/#/home>. 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, check “corporation” or “former corporation” if either is true.

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Check the box if only both these are true:

- You bought the car from a private individual.

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- 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 Vehicle

❖ 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 the following 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 vehicle 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.

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III. STATEMENT OF ISSUES

Put Defendant's name in the blank.

IV. EVIDENCE RELIED ON

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

V. LEGAL AUTHORITY

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:

7. Put the info requested about your car.
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 Vehicle

Fill out the caption.

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

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In the second paragraph, put the vehicle'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.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of May 2018.

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