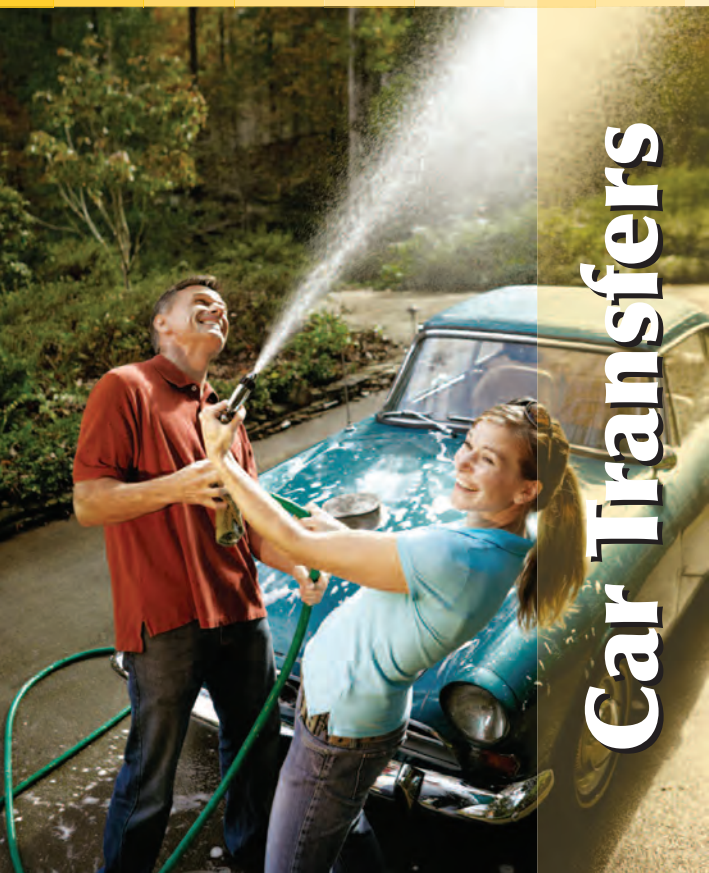
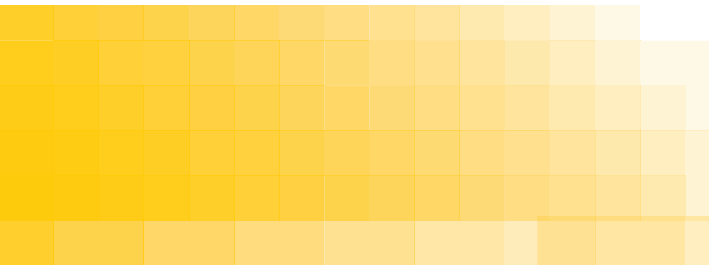


# James Cissell

JUDGE, PROBATE COURT  
HAMILTON COUNTY, OH



**Car Transfers**

**Informational guide  
about  
Car Transfers**

## TRANSFERRING A CAR TITLE AFTER A PERSON HAS DIED

### Transfer to a Spouse

When a spouse survives the death of the other spouse, the surviving spouse is permitted to transfer titles for up to two cars. The value of the two cars transferred may not exceed \$40,000. This does not apply to cars that are jointly owned or that have been disposed of in the Will of the deceased spouse. To transfer the cars, a Surviving Spouse Affidavit, the original car titles, and a death certificate must be presented to the Hamilton County Clerk Of Courts Auto Title Division. A copy of the necessary affidavit can be obtained in the Hamilton County Probate Court, the Hamilton County Clerk Of Courts office, or on-line at [www.probatect.org](http://www.probatect.org), at the "Estate Administration" tab under "Individual Forms", at Form 9.41. The Surviving Spouse Affidavit requires the affiant to list the value of the car, it's year, make, model, and body type, the manufacturer identification number and it's Ohio Certificate of Title number. Any lien against the car is not affected by the transfer. The Bureau of Motor Vehicles will issue a certificate of registration in the name of the surviving spouse. With the title and registration now in the surviving spouse's name, the original license plates may remain on the vehicle and are the responsibility of the surviving spouse. The cars transferred via a Surviving Spouse Affidavit are not considered estate assets and are not included in the estate inventory.

### ALLOWANCE FOR SUPPORT

Under Ohio law, if a person dies leaving a surviving spouse, the surviving spouse is entitled to receive money or property valued up to \$40,000 for



what is characterized as an allowance of support. The surviving spouse may select two cars valued up to \$40,000. If two cars are chosen, the allowance of support is reduced by the value of the car having the lower value of the two cars selected.

### Transfer Pursuant To A Will

If the deceased left a will, the fiduciary appointed by the court will handle the transfer of the title of the car to the beneficiary designated to receive it in the Will. Hamilton County Probate Court Form 9.4, Application For Sale/Transfer Of Motor Vehicle is used in this instance. The fiduciary provides a filed stamped and certified copy of the Application For Sale/Transfer Of Motor Vehicle to the beneficiary designated in the Will, who may then take the form to the Hamilton County Bureau of Motor Vehicles office to complete the transfer process. However, the fiduciary may be required to sell the car to raise funds to pay debts. In this instance, any bequest of the car by the decedent's will lapses and the car will not go to the person named in the will.



### Transfer When The Deceased Has A Surviving Spouse And There Are More Than Two Cars

When a person dies leaving a surviving spouse and solely owns more than two cars, the additional cars must be administered through the Probate Court using one of two different probate procedures. If the value of the additional cars and other probate assets do not exceed \$100,000 and the surviving spouse is entitled to receive the entire estate, a Relief From Administration may be used. If the total value of the estate assets exceed \$100,000, a Full Administration must be used.

## **Transfer When The Deceased Did Not Leave A Will And Has No Surviving Spouse**

If a person dies without a will and has no spouse, his or her next of kin will be entitled to the car. If the value of the vehicle and other probate assets does not exceed \$35,000, the vehicle can be transferred with a Relief From Administration. The heir should take a copy of the Court Entry, with a complete description of the vehicle and the original certificate of car title, to the Bureau of Motor Vehicles to transfer the car into the heir's name. If the value of the car exceeds \$35,000 or if the total value of the car and other property in the Estate exceeds \$35,000, a Full Administration must be filed. In this latter situation, it is strongly suggested that an attorney be consulted.

## **Transfer When A Person Has Paid The Funeral Bill Or Is Obligated To Pay The Funeral Bill**

A Summary Release From Administration can be used to transfer a car to a person who is responsible to pay for the funeral of the decedent and the cost of the funeral equals or exceeds the value of the car. However, to use this procedure, the value of the car cannot exceed \$5,000 unless the person that desires the transfer is the surviving spouse in which case the value of the car cannot exceed \$45,000.

## **Transfer When Car Is Titled In Two Or More Owners' Names With Right Of Survivorship**

If a car is titled in joint names with a right of survivorship, the signatures of all the owners are required to transfer the car if they are living. However, if one of the owners is deceased, the surviving owner(s) may apply for a new certificate of title removing the deceased joint owner's name by presenting proof of the joint owner's death and completing the reverse side of the certificate of title.



### Judge James Cissell

As Probate Court Judge, my goal is to serve the public in the most efficient and courteous manner possible. I am providing this brochure to help with any possible questions or concerns you may have while working with the Probate Court. I hope you find this information helpful.



### HOURS & LOCATIONS

#### Main Office

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Fax: 513-946-3581

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### BE SURE TO VISIT OUR WEBSITE

[www.probatect.org](http://www.probatect.org)



*The information in this pamphlet is provided as a service of the court and does not constitute legal advice which can only be given to you by an attorney. Many probate and family law matters involve complex and valuable legal rights. You should always speak with an attorney before filing any papers.*



Hamilton County Probate Court  
James Cissell, Judge

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