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INSTRUCTION GUIDE TO OBTAIN A COURT ORDER FOR CHANGE OF TITLE TO A MOTOR VEHICLE

Use these forms if you sold a motor vehicle and the buyer has not transferred the title as required by the division of Minnesota Driver and Vehicle Services (DVS) and DVS still has your name on its records for the vehicle's title.

By filing this motion, you are starting a district court action asking a judge to issue an order directing the Commissioner of the Department of Public Safety to remove your name from the title of a motor vehicle. You will be required to prove that you are no longer the rightful owner of the vehicle as well as why you have not properly transferred the title to the motor vehicle at the time you sold it to the buyer. The following documents are required to open a case in District Court:

- Notice of Motion, Motion and Affidavit for Order Directing Change of Title to a Motor Vehicle
- Pay the filing fee or get a fee waiver order called an Order for Proceeding In Forma Pauperis (IFP).

Steps to bring your case before a judge:

1. Complete all information on the Notice of Motion, Motion, and Affidavit for Order Directing Change of Title to a Motor Vehicle. Call or go to court administration and request a date and time for your hearing on your motion. Fill in the hearing information on your Motion. **You will need to appear in court for the hearing. DO NOT** complete the Affidavit of Mailing forms at this time.

2. **Sign** the Notice of Motion, Motion, and Affidavit for Order Directing Change of Title to a Motor Vehicle under penalty of perjury. Then **print** your name and other information on the lines under your signature.

Perjury is the crime of intentionally lying or misrepresenting the truth and is punishable by jail or other sanctions. By signing your name under penalty of perjury, you are stating that the information in the document is true and correct to the best of your knowledge. If you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (See Minn. Stat. § 609.48, <https://www.revisor.mn.gov/statutes/cite/609.48>).

3. Make a copy of the Notice of Motion, Motion, and Affidavit for Order Directing Change of Title to a Motor Vehicle for each person you have named as the buyer of the vehicle and a copy for the Commissioner of the Department of Public Safety. Make one additional copy for your records.
4. A copy of the Notice of Motion, Motion, and Affidavit for Order Directing Change of Title to a Motor Vehicle must be served on the buyer(s) and the Commissioner of the Department of Public Safety by first class mail. The copy for the Commissioner of the Department of Public Safety may be mailed to:

**The Commissioner of the Department of Public Safety
c/o Attorney General's Office, Public Safety Division
445 Minnesota Street, Suite 1800
St. Paul, MN 55101-2134**

Service may also be by personal service in accordance with the Minnesota Rules of Court, Rules of Civil Procedure, Rule 4.03 Personal Service.

Mailed service or personal service must be made by someone at least eighteen (18) years of age and not a party to the action. Papers cannot be served on legal holidays. Service must be completed at least 28 days before the hearing date. Three (3) days must be added if service is by mail.

5. The "Affidavit of Mailing" forms tell the court who served the papers on the parties (buyer and the Commissioner of Public Safety), and how and when the papers were served.

The person who served the papers (by mail or by personal service) should complete the Affidavit of Mailing" forms and sign them under a penalty of perjury. Signing the Affidavit under penalty of perjury means the person is stating that the information in the Affidavit is true to the best of his or her knowledge. Perjury is the crime of intentionally lying or misrepresenting the truth and is punishable by jail or other sanctions.

6. Bring or mail your completed forms to court administration for filing at least 28 days before the hearing date. There is a statutory fee for filing this action, which must be paid when you file your papers. If this is a hardship, you may qualify to have the fees waived if your income falls within the Federal Poverty Guidelines or if you are a recipient of means-tested public assistance (like Food Support, Medical Assistance, MFIP benefits, and more). Forms to ask to have the filing fee waived are available at court administration or online at the court's public website at www.mncourts.gov/GetForms.aspx - click on "Fee Waiver/In Forma Pauperis." Complete the Affidavit for Proceeding In Forma Pauperis form And bring or mail it to court administration with your other completed forms. If the court orders that your fees be waived, service fees and copy fees will also be waived in addition to the filing fee.
7. Appear in court on the date and time provided for your hearing. Bring any documents or other evidence you have to support your motion. You may also bring witnesses to testify. The judge will issue an order after the hearing. If the buyer or the Commissioner of the Department of Public Safety appears and objects to your Motion, the judge may take up to ninety (90) days to issue his or her decision in the case. If the case is not contested, the order will normally be issued in about two weeks. A copy of the judge's order deciding the case will be sent to you, the buyer(s), and the Commissioner by mail.

If the judge grants your Motion and orders the Commissioner of the Department of Public Safety to remove your name from the title of the vehicle, you can request a certified copy of the order from court administration to show as proof that the vehicle title is no longer in your name.