



Don Barbee, Jr.

Clerk of Circuit Court & Comptroller - Hernando County
20 N. Main Street, Brooksville, FL 34601 - (352) 754-4201

VEHICLE OWNERSHIP INFORMATION SHEET

It is sometimes possible to obtain a declaratory judgment to assist you in obtaining a title for a vehicle you own but for which you did not receive a title at the time of purchase. The Court may issue an Order directing the Department of Highway Safety and Motor Vehicles to issue a certificate of title for your vehicle.

Before the Court will consider such an Order, you must take the following steps:

- 1) You must make a diligent search to locate the former owner to transfer title.
- 2) You must provide a bill of sale, cancelled check, letter, memorandum, or some means of providing your rights to ownership of the vehicle.
- 3) If the former owner has moved from the area without leaving a forwarding address you should mail a certified, return receipt requested letter demanding title to the vehicle to the former owner's last known address.
- 4) You must get a print out from the tag office which lists the last title number issued to this vehicle, to whom the title was issued and that there are no liens against the vehicle.
- 5) You must get a Motor Vehicle Identification Number Inspection Sheet from your county Sheriff's office, establishing that the vehicle has not been reported as stolen as per the Vehicle Identification Number (VIN).
- 6) You will be required to complete an affidavit for Vehicle Title Application and an Affidavit of Diligent Search and Inquiry. **Both documents must be notarized.**
- 7) YOU MUST FILE YOUR COMPLETED PAPERWORK WITH THE CLERK OF THE CIRCUIT COURT. A FILING FEE IS REQUIRED. IF YOU FEEL THAT YOU CANNOT AFFORD TO PAY THE FILING FEE, ASK FOR AN AFFIDAVIT OF INDIGENCY TO DETERMINE IF THE FEE CAN BE WAIVED.
- 8) AFTER YOU FILE YOUR PAPERWORK, YOUR CASE WILL BE REVIEWED BY COURT STAFF, AND FORWARDED TO A COUNTY JUDGE FOR CONSIDERATION. IN MOST INSTANCES, YOU WILL NOT HAVE TO APPEAR IN COURT.
- 9) If the judge signs the order, you will be notified by the Court when a true copy of the order is available. This process will take approximately 3 weeks from when your completed paperwork is sent to the judge.
- 10) For further information contact the Clerk of Court office at (352) 540-6377.

If you have legal questions, please consult with an attorney or legal aid.

**IN THE COUNTY COURT, FIFTH JUDICIAL CIRCUIT IN
AND FOR HERNANDO COUNTY, FLORIDA**

CASE #: _____

**AFFIDAVIT
VEHICLE TITLE APPLICATION**

AFFIANT

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

VEHICLE INFORMATION

Year: _____ Make: _____ Model: _____ Body: _____
Vehicle Title Number: _____ State of Issue: _____
Vehicle Identification Number (VIN): _____
Purchase Price: _____ Dollar Value: _____
Date of Purchase: _____ Do you owe any money on this vehicle? Yes No

* I have attached a letter from my county Sheriff's office, dated not more than 30 days from today's date, confirming that this vehicle has not been reported stolen.

PREVIOUS OWNER INFORMATION

I purchased this vehicle from: _____
Address: _____
City: _____ State: _____ Zip: _____

I did not receive the title at the time of purchase because: _____

I cannot receive the title at this time because: _____

I have conducted a diligent search in accordance with the attached Affidavit of Diligent Search.

Date: _____ Signature of Affiant: _____

STATE OF FLORIDA
COUNTY OF HERNANDO

Sworn to or affirmed and signed before me on _____ by

Personally Known
Produced Identification
Type of Identification: _____

IN THE COUNTY COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR HERNANDO COUNTY, FLORIDA

CASE NUMBER: _____

Petitioner

Mailing Address

Daytime Phone Number

Plaintiff(s),

vs.

Name/Last Known Address of person holding title

And

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND
MOTOR VEHICLES,
Respondents

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff(s), _____ under penalty of perjury, hereby states the following:

1. This is an action for Declaratory Judgment and other relief pursuant to Chapter 86, Florida Statutes.
2. Plaintiff is a resident of _____ County, and has so resided during all times material to this action.
3. Defendant(s), _____, whose last known address is _____

_____ is the person or persons who must be sued because they are the last known owners of said property described in this action. Co-Defendant, State of Florida, Department of Highway Safety and Motor Vehicles, is an agency of the State of Florida with duly constituted, statutory authority for the issuance of license tags, identification numbers, plates and title certificates for vehicles, mobile homes, camper trailers, etc.

4. The property that is the subject of this Complaint is described as: _____, and is located in Hernando County, Florida at the following address: _____.
5. On or about _____, Plaintiff obtained the property from _____

_____ by purchasing
said property for the amount of \$_____ (Attach Bill of Sale) .

If the Plaintiff did not purchase said property, please describe the transaction in which Plaintiff gained ownership in said property:

_____.

6. Plaintiff intends to use said property for the purpose of:

_____.

7. Plaintiff has contacted the State of Florida Department of Highway Safety and Motor Vehicles and was informed that a court of competent jurisdiction must determine ownership. (Attach copy of letter)

8. Plaintiff has taken certain steps to acquire a valid certificate of title : _____

_____ (Additional information may be attached).

9. Plaintiff will be unable to sell above described property without a certificate of title.

10. Plaintiff understands that if a court awards ownership to said property, the Plaintiff will be responsible for making application and paying all fees in connection with said application to the State of Florida Department of Highway Safety and Motor Vehicles or the Plaintiff's local tag office.

WHEREFORE, Plaintiff requests entry of a Declaratory Judgment declaring Plaintiff to be the true, sole owner of the subject property described above and directs the State of Florida Department of Highway Safety and Motor Vehicles to transfer said ownership to Plaintiff's name as listed above.

DATED this _____ day of _____, _____.

Plaintiff's Signature

Plaintiff's Name

STATE OF FLORIDA
COUNTY OF HERNANDO

Sworn to or affirmed and signed before me on

_____ by _____

(Date)

(Name of Affiant)

Personally Known

Produced identification

Type of identification produced:

NOTARY PUBLIC SIGNATURE

(Print or stamp commissioned name of notary)

IN THE COUNTY COURT, FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA

IN RE: THE MATTER OF

CASE NO.: _____

AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

I, (full legal name) _____, being sworn, certify that the following information is true:

1. I have made a diligent search and inquiry to discover the name and current residence of _____.

Specify details of search. Identify all action taken (any additional information included such as the date the action was taken and the person with whom you spoke is helpful; attach additional sheet if necessary):

(Check all actions taken)

- United States Post Office inquiry through Freedom of Information Act, current address or any relocation.
- Last known employment of prior owner, including name and address of employer.

- Regulatory agencies, including professional or occupational licensing.
- Name and address of relatives and contacts with those relatives, and inquiry as to prior owner's last known address. (You are to follow any leads of any addresses where prior owner may have moved. Relatives included but are not limited to parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great-grandparents, former in-laws, stepparents, stepchildren.

- Information about prior owner's possible death, and if deceased, the date and location of the death.

- Telephone listings in the last known locations of prior owner's residence.
- Internet searches such as people finder
- Law enforcement arrest and/or criminal records in the last known residential area of prior owner.

- Highway Patrol records in the State of prior owner's last known address.
- Department of Motor Vehicles records in the state of prior owner's last known address.
- Department of Corrections records in the state of prior owner's last known address.
- Hospitals in the last known area of prior owner's residence.
- Utility companies, which include water, sewer, cable, TV and electric in the last known, area of prior owner's residence.
- Tax Assessor's and Property Records at Tax Collector's Office in the area where prior owner last resided.
- Other (explain): _____

2. The age of prior owner is (check only one): known(enter age)_____ unknown

3. Prior owner's current residence (check only one)

- Prior owner's current residence is unknown to me.
- Prior owner's current residence is in a state or country other than Florida, and prior owners last known address is _____.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Dated: _____

Signature of Affiant _____

Printed name of Affiant: _____

Address of Affiant: _____

(Street Address)

(Address including City, State, Zip)

Telephone Number _____

STATE OF FLORIDA
COUNTY OF HERNANDO

Sworn to or affirmed and signed before on _____
by _____
(Date) (Name of Affiant)

(NOTARY PUBLIC Signature)

(Print or stamp commissioned name of notary)

- Personally Known
- Produced identification
Type of identification produced _____

IN THE CIRCUIT COURT, FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA

CASE NO.: _____

IN RE: THE MATTER OF

DECLARATORY JUDGMENT GRANTING VEHICLE OWNERSHIP

THIS CAUSE coming on to be considered before this Court and the Court being duly advised and having examined the supporting documents establishing proof of ownership and right of possession of the applicant and the Court being otherwise advised as to the circumstances relating to this matter the Court hereby finds:

- 1) The Court has jurisdiction herein pursuant to Florida Statute 86.011 and Florida Statute 319.28(2)(a).
- 2) The value of the vehicle described as a YEAR: _____
MAKE: _____ MODEL: _____
VIN: _____
\$ _____ US DOLLARS
- 3) The above described vehicle has not been reported stolen.
- 4) The applicant(s): _____
is/are entitled to have a certificated of title issued in his/her name(s).

THEREFORE, the Court hereby awards to _____
sole possession and ownership of the vehicle described herein and directs the Department Highway Safety and Motor Vehicles to issue a certificate of title to the vehicle upon presentation of an application thereof, along with the original of this Order of a certified copy thereof, and all applicable fees and charges.

DONE AND ORDERED in chambers at Brooksville, Hernando County, Florida this
_____ day of _____ in the year _____.

COUNTY JUDGE