

WATERCRAFT PACKET

Dear Customer,

When the evidence presented for the issuance of an Ohio title is insufficient, the procedure is as follows:

1. **YOU** must contact the Ohio Department of Natural Resources (ODNR) in Columbus, Ohio. The phone number is 1-877-426-2837. Please ask for the Title Section. Explain that you want to obtain a title to a boat or motor, but the evidence is not sufficient. They will ask you questions and request that you provide evidence for their inspection. If they find the evidence to be acceptable, they will issue a letter to the Athens County Clerk of Court authorizing the issuance of a title. Fees and taxes will be paid to the Athens County Clerk of Courts when the title is issued.
2. If the ODNR does not find your evidence sufficient to authorize the issuance of a title, they must provide you with a letter refusing to allow a title to be issued.
3. Once you receive this letter, the rest of this packet is what you will need to use in order to request the Court to issue you a title.
4. If the Judge grants you an Order for a Certificate of Title, you will bring that order to the Athens County Clerk of Courts Title Office,
1002 EAST STATE STREET
SUITE 8
The title itself will be collected when the title is issued. Any deposit that is needed for the Court order will be due upon filing of the case. —All taxes and fees for

*****THERE IS NO GUARANTEE THAT AN ORDER WILL BE GRANTED*****

Ann Trout
Athens County Clerk of Courts
Legal Office: 740-592-3242/3244
Title Office: 740-592-3245

**CLERK'S PROCESSING OF WATERCRAFT/OUTBOARD MOTOR
TITLE REQUESTS**

1. The Instructions for Applying for a Watercraft/Outboard Motor Certificate of Title may be given to any interested individual. The instructions include information on the process, an Application/Affidavit, and the Order from the Court.
2. The standard forms must all be completed to initiate a Watercraft/Outboard Motor title request.
3. A Civil Case is to be established and assigned to the Common Pleas Judge for that term. A deposit for court costs/filing fees of \$151.00 is to be collected upon filing of the required paperwork. The required paperwork includes an original and one (1) copy of a notarized Application/Affidavit with original signature(s), supporting evidence, an original and (1) copy of an unsigned Order from the Court to issue the title. All relevant documentation (i.e. proof of attempt to contact owner of record; copies of past insurance and/or watercraft license registration; copies of checks or receipts to show payment made for watercraft/outboard motor; other documents to support ownership interest needs to be attached to the affidavit at the time of filing.
4. The Clerk is to maintain all other paperwork in the case file. Further action on the matter will be taken only if the filing party returns the required approval with the inspection information from the ODNR-State Park Field Office located in Portsmouth. (This is the closest to our County.)
5. The filing party will have sixty (60) days to obtain the necessary approval from the ODNR Inspector to continue the process to obtain a title. The filing party must submit the written ODNR inspection document. **If the applicant does not submit the Order within the required sixty (60) days, they will have to start the process all over again. This means another \$151.00 deposit for court costs/filing fees.**
6. The Clerk will forward the file, which should contain the documentation from the ODNR, the notarized Application/Affidavit, **any supporting evidence must also be attached**, and the unsigned Order to the Clerk to Issue Title to the Judge for his review. The Court may require additional information or a Court hearing.
7. If approved, the Judge will sign both copies of the Order to the Clerk to Issue Title and will return the file to the Clerk of Courts for processing.
8. If approved and it has been returned to the Clerk's Office, the Clerk will then send a certified copy of the Order to the Clerk to Issue Title to the filing party by regular U.S. mail.
9. The filing party will then take the certified copy of the Order to the Athens County Clerk of Courts Title Office for the issuance of a certificate of title.
10. If the Court does not approve the Order, the filing party will be notified with an Order of denial by regular U.S. mail.
11. After approval or denial, Court costs will be figured and applied from the deposit money and any overage will be returned to you.

INSTRUCTIONS FOR APPLYING FOR A COURT ORDER WATERCRAFT/OUTBOARD MOTOR CERTIFICATE OF TITLE

THIS PROCEDURE IS TO BE USED ONLY AFTER THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) TITLE SECTION HAS ISSUED A LETTER REFUSING TO ISSUE A TITLE AND THE APPLICANT IS A RESIDENT OF ATHENS COUNTY.

A. The Court may order the issuance of a title only under the following, limited circumstances:

1. **Lost or Stolen:** The Certificate of Title is Lost or Stolen and a Duplicate is no longer available from the Auto Title Office. The party requesting the duplicate title must file the required Application/Affidavit and Orders. Contact must have been made with the Ohio Department of Natural Resources and a statement must be included in the affidavit that a title could not be obtained through the ODNR.
2. **Incomplete Sale:** There is proof of the transaction and the previous owner of record has not provided the certificate of title. Documentation must be submitted showing that there has been the effort made, by certified mail (return receipt requested), to contact the prior owner requesting that a title be provided.
3. **Repair Garage or Place of Storage:** Only when the value of the watercraft, after storage and repairs, is worth \$10,000 or more can the Court consider an Order. If the value of the watercraft is less than \$10,000, the owner of the repair garage or place of storage may obtain a title through a separate process. Please request this information from the Ohio Department of Natural Resources at 1-877-426-2837.

IF THE ABOVE DOES NOT APPLY TO YOU—STOP HERE! You are not eligible to receive a Certificate of Title through the Court. Those applicants whose situations do qualify, proceed to the following steps:

B. The party requesting a title must:

1. File a Civil Action in the Clerk of Courts Office in the Athens County Courthouse. A deposit for court costs and filing fees of \$151.00 must be paid.
2. The watercraft/outboard motor must be inspected by ODNR at the Portsmouth Field Office to insure that the watercraft/outboard motor meets necessary state standards and has not been reported as stolen. The person seeking the title must arrange for inspection through the Portsmouth Field Office at ODNR:
Portsmouth Field Office
640 Second Street
Portsmouth, OH 45662
740-353-7668
3. Prepare an original and one (1) copy of the Application/Affidavit – This is a detailed description of the facts surrounding the specific situation. All relevant documentation (i.e. proof of attempt to contact owner of record; copies of past insurance and/or watercraft license registration; copies of checks or receipts to show payment made for the watercraft/outboard motor; other documents to support ownership interest) needs to be attached to the application/affidavit at the time of filing. The application/affidavit must be notarized. A pre-printed affidavit form is attached. All of the requested information should be typed or printed legibly on the form.
4. Prepare an original and one (1) copy of the Order to the Clerk of Courts to Issue Certificate of Title for the Judge's signature if he would approve the application/affidavit. If the Judge signs the Order to the Clerk of Courts to Issue Certificate of Title, you may use this to obtain a title to the watercraft/outboard motor at the Athens County Clerk of Courts Title Office at 180 West Union

Street. A pre-printed form is attached. All of the requested information should be typed or printed on the form. The date and Judge's signature line should be left blank.

C. Processing the Paperwork:

1. The paperwork for those situations under the Court's jurisdiction is to be prepared and presented to the Clerk of Courts office (located on the 4th floor of the Athens County Courthouse) when filing the Civil Case.
2. If there is incomplete paperwork or the paperwork is incorrect, all documents will be returned to the requesting party and the action will be terminated. Any balance left after court costs and filing fees are applied will be refunded.
3. When the filing party has obtained an inspection from the ODNR-Portsmouth Field Office, the documentation of the inspection must be submitted to the Clerk of Courts to be filed within the previously filed Civil case. You have sixty (60) days from the date of filing to obtain the inspection and turn it in to the Clerk of Courts or the case will be dismissed and a new one will have to be filed.
4. The Clerk of Courts will forward the documentation from the ODNR Inspection, the Application/Affidavit and the unsigned Order to the Judge for review and action.
5. Upon approval or denial by the Court, the Clerk of Courts, by regular U.S. mail, will notify the filing party with a certified copy of the signed Order.
6. If approved, the filing party must take the certified copy of the signed Order to the Athens County Clerk of Courts Title Office at 180 West Union Street. Any balance left after court costs and filing fees are applied will be refunded.
7. If denied, any balance left after court costs and filing fees are applied will be refunded.

ADDRESSES AND PHONE NUMBERS OF IMPORTANCE:

- Athens County Clerk of Courts
Athens County Courthouse
1 South Court Street
Athens, OH 45701
740-592-3242
- Athens County Clerk of Courts Title Office
1002 EAST STATE STREET
SUITE 8
ATHENS, OHIO 45701
592-3245
- ODNR Portsmouth Field Office
640 Second Street
Portsmouth, OH 45662
740-353-7668
- Ohio Department of Natural Resources
ODNR (ask for the Title Section)
1-877-426-2837

IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE OF TITLE:

| | | | |
|---------------------------|----------------------|---|---|
| _____ | PETITIONER/APPLICANT | : | Case No: _____ |
| : | | | |
| Certificate of Title for: | | | |
| Make | _____ | : | APPLICATION & AFFIDAVIT FOR ORDER TO ISSUE CERTIFICATE OF TITLE FOR WATERCRAFT OR OUTBOARD MOTOR |
| Model | _____ | : | |
| Year | _____ | : | |
| HIN # | _____ | : | |
| Length | _____ HP _____ | : | |

STATE OF OHIO)
COUNTY OF ATHENS) SS:

I, the undersigned _____, being duly sworn according to law, make the following statements: PETITIONER/APPLICANT

I obtained the watercraft/outboard motor through the following means: _____

Transaction purchase information (if applicable):

Date: _____
Seller: _____
Price: _____

I do not have the title due to the following circumstances (Please attach a copy of the letter and return receipt for certified mail that you sent to the previous owner in an attempt to acquire title. It is required.):

IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE OF TITLE:

| | | |
|---------------------------|---|---------------------------|
| _____ | : | Case No: _____ |
| PETITIONER/APPLICANT | : | |
| | : | |
| Certificate of Title for: | : | |
| Make _____ | : | ORDER TO CLERK OF COURTS |
| Model _____ | : | TO ISSUE A CERTIFICATE OF |
| Year _____ | : | TITLE FOR A WATERCRAFT/ |
| HIN # _____ | : | OUTBOARD MOTOR |
| Length _____ HP _____ | : | |

On this day, this matter came before the Court to be heard upon the Application and Affidavit of _____, a resident of Athens County, for an Order authorizing the issuance of a Certificate of Title for the watercraft or outboard motor described in the Application and Affidavit.

The Court, being fully advised, finds that the Application is well taken and the certificate of title should be issued to _____ as requested.

IT IS THEREFORE ORDERED that the Athens County Clerk of Courts issue a Certificate of Title to _____ whose address is _____ for the watercraft or outboard motor described in the Application and Affidavit, as is set forth above.

Costs to petitioner/applicant.

JUDGE _____