

Original Date: 05/27/2004  
Revision Date: 03/25/2017

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POLICY	
Title: Court Ordered Title	
Effective Date: May 27, 2004	Revision Date: March 25, 2017
Authority: Code of Virginia <<<<<REVISION §46.2-633 END REVISION>>>>>	
<b>Policy:</b> <<<<<REVISION When a court grants ownership of a motor vehicle, trailer, semitrailer, or manufactured home to an individual, DMV will cancel the registration (when applicable) and issue a new certificate of title to the person entitled to it, provided the individual complies with all requirements for titling. If the court order appears to direct DMV to issue the title or states that a title may be issued without the signature or cooperation of the current owner or owners, DMV will do so without the signature of the owner or owners on the record. However, if the order does not address how the title transfer should occur, then the individual must submit a properly assigned title or follow the Affidavit in Lieu of Title process. <b>END REVISION&gt;&gt;&gt;&gt;&gt;</b>	
Exception: N/A	

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## DEFINITIONS

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**Court Order** – A written direction of a court or judge that determines some point or directs some step in a judicial proceeding.

**Divorce Decree** – A court order separating the union of two people. The decree may list the possessions each of the parties to the divorce will keep.

**Warrant in Debt** – A court order granting an individual's demand for money owed by another. A Warrant in Debt may be satisfied with property instead of the money owed; however, the property must be seized by a sheriff and sold at auction. A title cannot be issued for a vehicle listed on a Warrant in Debt unless the vehicle was purchased at auction by the applicant.

**Warrant in Detinue** – A court order granting an individual's demand for specific property owned by or in the possession of another. A Warrant in Detinue may give either party the option to comply with the order by paying money instead of turning over the property. A title can be issued from a Warrant in Detinue. **END REVISION>>>>>**

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## CUSTOMER REQUIREMENTS

1. Submit the following:

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- a. Title assigned to the applicant.
  - o An assigned title is not required if the court order appears to direct DMV to issue the title or states that a title may be issued without the signature or cooperation of the current owner or owners.
  - o An assigned title or a [VSA 12](#) is required if the court order does not address how the title transfer should occur.
  - o An assigned title or a [VSA 12](#) is required if the court order is a Warrant in Detinue. In addition, the block "Judgment Paid or Satisfied Pursuant to Attached Notice of Satisfaction" must be signed by the Clerk and the Notice of Satisfaction must indicate that the customer has the vehicle.

- o Refer to [VLIC-3.360](#) if the court order is a Warrant in Debt and the customer purchased the vehicle at a sheriff's auction. If the customer did not purchase the vehicle at auction, a title cannot be issued based on the Warrant in Debt (refer to [VLIC-3.000](#)). **END REVISION>>>>**
- b. Completed and signed Application for Certificate of Title and Registration ([VSA-17A](#)) or Application for Certificate of Title-Manufactured Home ([VSA-17B](#)).
- c. If the customer does not have a title, a completed and signed Affidavit in Lieu of Title Certificate ([VSA 12](#)) is required:
  - o The court order may be used as proof of ownership when submitting a [VSA 12](#); however, additional documents, if available, (e.g. tax receipts, lien satisfaction, contract marked paid, foreign documents, etc.) may also be submitted (refer to [VLIC-3.555](#)). **END REVISION>>>>**

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- d. Copy of the court order granting ownership of the vehicle in the name of the applicant. **END REVISION>>>>**
- e. Acceptable proof of address, when required.
- f. Other documents necessary for titling a vehicle in accordance with [VLIC-3.000](#).

2. Submit appropriate fees.

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**FRONT COUNTER CSR**

1. Verify submission of the following:

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- a. Title assigned to the applicant. **END REVISION>>>>**
- b. Completed and signed [VSA-17A](#) or [VSA-17B](#).
- c. Completed and signed [VSA 12](#) if customer is unable to submit a title (refer to [VLIC-3.555](#)).

**NOTE:** CSCs are authorized to process Affidavit in Lieu of Title transactions for court order or divorce decree transactions requiring an Affidavit in Lieu of Title (VSA 12) at time of titling (refer to [VLIC-3.555](#)).

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- d. Copy of the court order granting ownership of the vehicle in the name of the applicant.
  - o See the list of documents required under Customer Requirements above.
  - o In the event the court order does not provide a VIN, no title is submitted, and more than one vehicle on the record matches the description in the court order, ask the customer to verify which vehicle on record is the vehicle to be transferred and verify it against the vehicle recorded on the [VSA-17A](#) or [VSA-17B](#).  
  
**IMPORTANT:** DO NOT advise the customer the court order must include a VIN or other identifying information. DO NOT advise the customer to return to the court. If questions remain, request assistance from the CSC manager/designee. **END REVISION>>>>**
- e. Acceptable proof of address, when required (Refer to [DMV-177](#).)

2. Continue processing title in accordance with [VLIC-3.000](#).

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**DMV CONTACT CENTER ACTIONS**

• **DMV DIRECT AGENTS: Continue being diligent in not promising acceptability of documents to customers.**

- o Do NOT use phrases like:
  - “You have everything you need, just go to a CSC and they will issue your documents.”
- o Using phrasing such as;
  - “The documents you have listed sound like they may be acceptable: The CSC will make the final determination of your eligibility to receive your Virginia title and/or registration card.”

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**POINTS TO REMEMBER**

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- An assigned title is not required when a court order is clear that the court intends for DMV to issue a title to the named owner. A court may do this with language directing DMV to issue the title or stating plainly that a title may be issued without the signature of the current owner and/or co-owner.

- A divorce decree may require each of the former spouses to cooperate in the transfers of any motor vehicles under the decree. That means each spouse should properly assign the title to each vehicle on which they are listed as an owner. In this case, if a spouse, who is either the sole owner or co-owner of a vehicle covered under the divorce decree, refuses to assign the title, a new title may be issued ONLY if the decree clearly states that the title may be issued despite the refusal. If a spouse refuses to provide a title for a vehicle transfer required by the court order, a [VSA 12](#) must be submitted.
- An assigned title or a [VSA 12](#) is required when a court order does not address how the title should be transferred. Often, these orders, such as Warrants in Detinue, award “possession” of the vehicle to the applicant, rather than “ownership.” DMV can use these orders as proof of ownership because the court has determined the right of the applicant to the vehicle; however, Virginia law still controls how the title has to be transferred.
- A Warrant in Detinue must be signed by the Clerk of the Court as satisfied and accompanied by a Notice of Satisfaction indicating that the applicant has the vehicle. If the Notice of Satisfaction indicates that the applicant received money instead of the vehicle, DMV cannot issue a title.
- A Warrant in Debt is an award of money, not possession of property. DMV cannot issue a title to a vehicle listed in a Warrant in Debt unless the applicant for title purchased the vehicle at a sheriff’s auction after it was seized to satisfy the Warrant in Debt. Refer to [VLIC-3.360](#) for processing titles for seized vehicles.
- Do not advise any customer that a court order must direct DMV to issue a title. **END REVISION>>>>>** [Return to top of page](#)

**CONTACT**

For additional information contact :

- Your CSC Manager/Assistant Manager
- DMV Contact Center Help Desk at (804) 367-6646
- Vehicle Services Administration (VSA)/[Titling Work Center](#)

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