

WAC 308-56A-320 Transfer by court order. (1) What documents must I submit if ownership of a vehicle is awarded by court order? In addition to ownership documents required by chapter 46.12 RCW and registration documents required by chapter 46.16 RCW, you must submit:

(a) A copy of the Washington state court order, or certification from the clerk of the court confirming the court's action; or

(b) Finding of fact, conclusion of law and decision from the Washington state office of administrative hearings per RCW 46.12.330 for vehicles titled in Washington state; or

(c) A copy of the foreign court order if a vehicle for which ownership was most recently established is in the same jurisdiction as the court action, example: California court order and California vehicle ownership documents; or

(d) The court order to be filed in accordance with RCW 6.36.025 if the court order and vehicle certificate of ownership are not from the same jurisdiction; or

(e) A certificate of ownership from a foreign jurisdiction in the applicant's name.

(2) What information does the department require on the court order or legal decision as defined in RCW 46.12.330? At a minimum, the court order or legal decision must contain:

(a) The full name of the person to whom the property is awarded;

(b) A description of the vehicle(s) awarded;

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

(3) Does the department require all pages of the final court order or legal decision as defined in RCW 46.12.330? No, the department requires only copies of pages of the final court order or legal decision that contain:

(a) The information listed in subsection (2) of this section; and

(b) If the court order or legal decision identifies any collateral agreements, include the first page, the signature page, and vehicle description; and

(c) The page of the order or decision actually signed by the judge or legal official.

(4) Does the copy of the court order or legal decision need to be certified? No.

(5) What does the department require if the court order or legal decision does not describe the vehicle by vehicle identification number (VIN) or Washington license plate number? The department requires a certified or notarized statement from the owner describing the vehicle in the court order or legal decision by year, make and VIN or vehicle license plate number.

(6) Does the court order or legal decision allow the department to remove the security interest recorded on the current certificate of ownership? The department will remove the security interest only if the court order or legal decision specifically directs the department to do so.

(7) How do I get the security interest removed if the court order or legal decision does not specifically direct the department to do so? The new owner may:

(a) Negotiate with the secured party to obtain either a release of interest or a new security agreement; or

(b) Petition the original court or legal official that issued the order or decision, or a higher court, to have the matter of the secured interest resolved.

[Statutory Authority: RCW 46.01.110, 46.12.101. WSR 03-12-071, § 308-56A-320, filed 6/3/03, effective 7/4/03; WSR 99-13-150, § 308-56A-320, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-320, filed 7/31/74.]