

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.]