

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:	
TL-18	APPLICATION FOR CERTIFICATE OF TITLE AND SATISFACTION OF LIENS INVOLVING REGISTERED OWNERS OR LIENHOLDERS WHO ARE DECEASED	
DESCRIPTION AND USE:		
THIS PROCEDURE IS PROVIDED TO ASSIST TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN IMPLEMENTING REQUIREMENTS TO PROCESS CERTIFICATE OF TITLE APPLICATIONS AND SATISFACTIONS OF LIENS INVOLVING REGISTERED OWNERS OR LIENHOLDERS WHO ARE DECEASED.		
<p>I. PROVISIONS OF LAW:</p> <p>Section 319.22(1), Florida Statutes states: Except as provided in s. 319.21 and 319.28, a person acquiring a motor vehicle or mobile home from the owner thereof, whether or not the owner is a licensed dealer, shall not acquire marketable title to the motor vehicle or mobile home until he or she has had issued to him or her a certificate of title to the motor vehicle or mobile home; nor shall any waiver or estoppel operate in favor of such person against a person having possession of such certificate of title or an assignment of such certificate for such motor vehicle or mobile home for a valuable consideration. Except as otherwise provided herein, no court shall recognize the right, title, claim, or interest of any person in or to any motor vehicle or mobile home sold, disposed of, mortgaged, or encumbered, unless evidenced by a certificate of title duly issued to that person, in accordance with the provisions of this chapter.</p> <p>Section 319.22(3), Florida Statutes, states: In the case of a private or casual sale, except for transfers by a surviving spouse as provided by s. 319.28, Florida Statutes, no title shall be accepted for transfer unless the name of the person who is selling the vehicle is shown as the owner on the face of the title.</p> <p>Section 319.23(1), Florida Statutes, states: Application for a certificate of title shall be made upon a form prescribed by the department, shall be filed with the department, and shall be accompanied by the fee prescribed in this chapter. If a certificate of title has previously been issued for a motor vehicle or mobile home in this state, the application for a certificate of title shall be accompanied by the certificate of title duly assigned, or assigned and reassigned, unless otherwise provided for in this chapter. If the motor vehicle or mobile home for which application for a certificate of title is made is a new motor vehicle or new mobile home for which one or more manufacturers' statements of origin are required by the provisions of s. 319.21, the application for a certificate of title shall be accompanied by all such manufacturers' statements of origin.</p>		
<i>Revision(s) to this Procedure: Added Florida Statute to page 2. Revised removing and replacing gender specific terms throughout the procedure. Specified electronic title information throughout the entire procedure.</i>		
EFFECTIVE DATE	REVISION DATE	PAGE #
Immediately	02/16/15	TL-18-01

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Section 319.28, Florida Statutes, provides for the transfer of ownership of a motor vehicle or mobile home by operation of law upon inheritance, devise or bequest.

Section 319.28(1)(b), Florida Statutes, states: When the application for a Certificate of title is made by an heir of a previous owner who died intestate, it shall not be necessary to accompany the application with an order of a probate court if the applicant files with the department an affidavit that the estate is not indebted and the surviving spouse, if any, and the heirs, if any, have amicably agreed among themselves upon a division of the estate. If the previous owner died testate, the application shall be accompanied by a certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets to pay all just claims or, if the will is not being probated, by a sworn copy of the will and an affidavit that the estate is not indebted.

Section 319.28(1)(c), Florida Statutes, states: If a surviving spouse who would be entitled to issuance of a Certificate of title under paragraph (b) wishes to dispose of the vehicle rather than retaining it for his or her own use, the surviving spouse shall not be required to obtain a Certificate of title in his or her own name, but may assign to the transferee the Certificate of title which was issued to the decedent. An application for a Certificate of title by an applicant taken through such a surviving spouse under this paragraph shall be accompanied by the same documentation as would an application by a surviving spouse under paragraph (b), which documentation shall be supplied to the transferee by the surviving spouse.

Section 319.28(2)(a), Florida Statutes, states that except as provided in paragraph (b), only an affidavit by the person, or agent of the person, to whom possession of such motor vehicle or mobile home has so passed, setting forth facts entitling him to such possession and ownership, together with a copy of the journal entry, court order, or instrument upon which such claim of possession and ownership is founded, shall be considered satisfactory proof of ownership and right of possession.

Section 732.507(2), Florida Statutes, states that any provision of a will executed by a married person that affects the spouse of that person shall become void upon the divorce of that person or upon the dissolution or annulment of the marriage. After the dissolution, divorce, or annulment, the will shall be administered and construed as if the former spouse had died at the time of the dissolution, divorce, or annulment of the marriage, unless the will or the dissolution or divorce judgment expressly provides otherwise.

NOTE: Any provision in a will for an ex-spouse becomes void upon divorce, unless the will or the dissolution/divorce judgment expressly provides otherwise.

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Section 732.515, Florida Statutes, reads: “A written statement or list referred to in the decedent’s will shall dispose of items of tangible personal property, other than property used in trade or business, not otherwise specifically disposed of by the will. To be admissible under this section as evidence of the intended disposition, the writing must be signed by the testator and must describe the items and the devisees with reasonable certainty. The writing may be prepared before or after the execution of the will. It may be altered by the testator after its preparation. It may be a writing that has no significance apart from its effect upon the dispositions made by the will. If more than one otherwise effective writing exists, then, to the extent of any conflict among the writings, the provisions of the most recent writing revoke the inconsistent provisions of each prior writing.”

Section 732.802, Florida Statutes, provides that a killer is not entitled to receive property or other benefits by reason of a victim's death.

Section 733.615, Florida Statutes, provides that when letters of administration show the appointment of two or more personal representatives of an estate, a majority of them must sign on all acts in connection with the administration, even if the names are joined by “or,” unless the will specifies otherwise.

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II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:

A. Ownership is Recorded in the Name of the Deceased Only and the Estate Is Administered. (See Exhibit B, Chart 1)

1. The Certificate of title IS AVAILABLE.

- a. The "Transfer of Title By Seller" section on the Florida Certificate of title, accurately completed in full and signed by the personal representative(s), as seller for the estate of the deceased. If the certificate of title is conforming and the motor vehicle is not exempt from an odometer disclosure or declaration, the purchaser must also sign. The assignment of the certificate of title may be to anyone or to the "Estate of (Name of the Deceased)."
- b. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the purchaser(s) or the personal representative of the "Estate of," if applicable.
- c. A photocopy of the Letters of Administration.
- d. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- e. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of title and/or Registration.
- f. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- g. Title fees.

NOTE: When the Letters of Administration show the appointment of two or more personal representatives of the estate, a majority of them must sign, even if the names are joined by "or," unless the Will specifies otherwise.

2. The Certificate of title IS NOT AVAILABLE.

NOTE: If the title is electronic, it must be printed. Once printed, refer to II, A, 1, of this procedure.

- a. A form HSMV 82101, Application For Duplicate Or Lost In Transit/Reassignment For A Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed by the personal representative, in the deceased owner's name.

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<ul style="list-style-type: none">b. A photocopy of the Letters of Administration.c. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.d. Title fees. <p>NOTE: After the duplicate title has been issued in the name of the deceased owner, follow the instructions in II, A, 1, of this procedure.</p> <p>B. Ownership is Recorded in the Names of Individuals Other Than a <u>Married Couple</u>. The Certificate of Title is Connected by “AND,” One is Deceased, and the Estate is Administered. (See Exhibit B, Chart 2)</p> <p>NOTE: If the title includes the wording “With Rights of Survivorship,” refer to section II, G. for transfer instructions.</p> <ul style="list-style-type: none">1. The Certificate of title IS AVAILABLE.<ul style="list-style-type: none">a. The “Transfer of Title By Seller” section on the Florida Certificate of title accurately completed in full and signed by both the personal representative of the deceased co-owner and the surviving co-owner(s). The assignment of certificate of title <u>may</u> be to anyone.b. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the purchaser(s).c. A photocopy of the Letters of Administration.d. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.e. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of title and/or Registration.f. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.g. Title fees. <p>NOTE: When the Letters of Administration show the appointment of two or more personal representatives of the estate, a majority of them must sign, even if the names are joined by “or,” unless the Will specifies otherwise.</p>	
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2. The Certificate of title IS NOT AVAILABLE.

NOTE: If the title is electronic, it must be printed. Once printed, refer to II, B, 1, of this procedure.

- a. A form HSMV 82101, Application For Duplicate Or Lost In Transit/Reassignment For A Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed by the personal representative of the deceased co-owner AND the surviving co-owner.
- b. A photocopy of the Letters of Administration.
- c. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- d. Title fees.

NOTE: After the duplicate title has been issued in the name of the deceased co-owner “AND” co-owner, follow the instructions in II, B, 1, of this procedure.

- C. **Ownership is Recorded in the Names of Individuals Who MAY or MAY NOT be a Married Couple. The Certificate of Title is Connected by “OR” and One is Deceased. (See Exhibit B, Chart 3).**

The surviving co-owner receives all rights to the vehicle (**Who MAY or MAY NOT be the Surviving Spouse**). The options available are:

1. If the title is available, the surviving co-owner may transfer the title to anyone.

NOTE: If the title is electronic, it must be printed. Once printed, refer to II, C, 1, of this procedure.

Or,

2. If the paper title is not available, the surviving co-owner MUST apply for a certificate of title in his/her name in order to remove the decedent’s name from the title record. The following should be submitted:
 - a. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the surviving co-owner.
 - b. An affidavit stating the title is lost or destroyed (may be checked on the completed form HSMV 82040 or 82041).
 - c. A photocopy of the death certificate.
 - d. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
 - e. Specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.

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- f. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- g. Title fees.

D. Disposition by a Circuit Judge through Orders of Summary Administration, Family Administration, or Setting Aside Exempt Property, letter or other written instrument authorized by and under seal of the court. (See Exhibit B, Chart 4).

The Certificate of title **IS** or **IS NOT AVAILABLE**.

- 1. The Florida Certificate of title, **if AVAILABLE**. All sections of the certificate of title should remain blank.

If the certificate of title is **NOT AVAILABLE**, an affidavit by the person(s) named in the court order, letter or other written instrument authorized by and under seal of the court stating the certificate of title is lost or destroyed. (This statement may be checked on an accurately completed form HSMV 82040 or 82041, in lieu of a separate affidavit.)

NOTE: If the title is electronic, it does not have to be printed. The applicant should state the "title is electronic" in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.

- 2. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Certificate of Title with/without Registration, accurately completed by the person(s) named in the court order, letter or other written instrument authorized by and under seal of the court.

NOTE: The person(s) named in the court order, letter or other written instrument authorized by and under seal of the court **MUST** have a certificate of title issued in their name prior to selling the motor vehicle or transferring the certificate of title, even if the Order states "To dispose of as they see fit."

- 3. A photocopy of the court order, letter or other written instrument authorized by and under seal of the court.
- 4. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- 5. Specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.

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6. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
7. Title fees.

E. Ownership is Recorded only in the Name of the Deceased and the Estate is Not Administered. (See Exhibit B, CHART 5).

1. Florida Certificate of title, either no Will or Will does not specify a recipient, and there is a Surviving Spouse.

NOTE: The surviving spouse **may** transfer the title without taking title in his/her name.

- a. The “Transfer of Title by Seller” section on the certificate of title, accurately completed by the surviving spouse, as seller, to the purchaser (who may be the surviving spouse).
- b. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.

NOTE: If the title is electronic, it must be printed. Once printed, refer to II, E, 1, of this procedure.

If the Certificate of title is NOT AVAILABLE, the “Release of Heirs” section on form HSMV 82040, Application for Certificate of Title with/without Registration, must be accurately completed by the surviving spouse as heir (releasing interest), along with an affidavit stating the certificate of title is lost or destroyed. The remaining portion of the form HSMV 82040 must be completed by the applicant, (may be the surviving spouse or a new purchaser). If the surviving spouse is making application for title in his/her name, the affidavit stating the certificate of title is lost or destroyed may be indicated in the “certification” section on the accurately completed form HSMV 82040, in lieu of a separate affidavit.

- c. A photocopy of the death certificate.
- d. A photocopy of the will, if applicable.
- e. Lien satisfaction, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.

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<p>e. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</p> <p>f. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.</p> <p>g. Title fees.</p> <p>2. Florida Certificate of title, either NO Will or the Will does not specify a recipient, and there is NO Surviving Spouse. (See Exhibit B, CHART 5).</p> <p>The heir(s) receive the decedent's interest in the motor vehicle. Either all heir(s) or any one of the heir(s) must have a certificate of title issued in their name.</p> <p>a. The Florida Certificate of Title in the name of the deceased, if AVAILABLE. All sections on the certificate of title should remain blank. If the certificate of title is NOT AVAILABLE, an affidavit stating certificate of title is lost or destroyed signed by the heir(s). This affidavit may be placed on form HSMV 82040.</p> <p><u>NOTE: If the title is electronic, it does not have to be printed. The applicant should state the "title is electronic" in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.</u></p> <p>b. The "Release of Heirs" section on form HSMV 82040, Application for Certificate of Title with/without Registration, accurately completed by all the heir(s). All heir(s) or any one of the heir(s) must complete the rest of the form HSMV 82040, as applicant(s).</p> <p>c. A photocopy of the death certificate.</p> <p>d. A photocopy of the will, if applicable.</p> <p>e. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.</p> <p>f. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</p> <p>g. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.</p> <p>h. Title fees.</p>	
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3. **Florida Certificate of title, Will Specifies the Name of the Recipient(s). There may or may not be a surviving spouse. (See Exhibit B, CHART 5).**

When the will specifies that a specific heir receives the motor vehicle or mobile home, that person must take title in their name, unless they are the surviving spouse (if spouse, refer to II, E, 1, a-g). If the will specifies multiple heirs receive the motor vehicle or mobile home, then either all heirs or just one heir must take title in their name. If it is decided that only one heir will take title, all other heirs must sign over their interest.

It is acceptable for the heir (as named in the will) to add another name to the title at the time they are applying for title in their name.

- a. The Florida Certificate of title in the name of the deceased, **if AVAILABLE**. All sections of the certificate of title should remain blank.

If **NOT AVAILABLE**, an affidavit stating the certificate of title is lost or destroyed, signed by the recipient(s). The affidavit may be placed on form HSMV 82040 or 82041.

NOTE: If the title is electronic, it does not have to be printed. The applicant should state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.

- b. A form HSMV 82040, Application for Certificate of Title with/without Registration, or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by person(s) named in the will.
- c. A photocopy of the will.
- d. A photocopy of the death certificate.
- e. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- f. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.
- g. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- h. Title fees.

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F. Co-owners Other Than a Married Couple, the Names are Joined by “AND;” the Estate is Not Administered. (See Exhibit B, CHART 6).

- 1. Florida Certificate of title, either NO Will or the Will does not specify a recipient, and there is a Surviving Spouse of the Co-owner(s). These instructions also apply when both owners are deceased.**

The surviving spouse of the deceased co-owner receives the decedent's interest in the motor vehicle without any heir(s) assigning his/her interest to the spouse. The surviving spouse may apply for co-ownership together with the registered co-owner(s) OR the surviving spouse and registered co-owner(s) may complete the “Transfer of Title by Seller” section on the certificate of title assigning their interest to an applicant.

- a. The “Transfer of Title by Seller” section on the certificate of title, accurately completed by the surviving spouse and co-owner, as seller, to the purchaser. The form HSMV 82040, Application For Certificate of Title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the surviving spouse and the co-owner(s) or the new owner(s).

NOTE: If the title is electronic, it must be printed. Once printed, refer to II, F, 1, of this procedure.

If the Certificate of title is **NOT AVAILABLE**, the “Release of Heirs” section on form HSMV 82040, Application for Certificate of Title with/without Registration, must be accurately completed by the surviving spouse and co-owner, along with an affidavit stating the certificate of title is lost or destroyed. The remaining portion of the form HSMV 82040 must be completed by the applicant, (may be the surviving spouse and co-owner or a new owner). If the surviving spouse and co-owner is making application for title in his/her name, the affidavit on the form HSMV 82040, stating “I certify That The Certificate of Title Is Lost Or Destroyed” may be checked in lieu of a separate affidavit.

- b. A photocopy of the death certificate.
- c. A photocopy of the will, if applicable.

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<p>d. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</p> <p>e. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.</p> <p>f. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.</p> <p>g. Title fees.</p> <p>2. Florida Certificate of Title, Will Specifies the Name of the Recipient. (See Exhibit B, CHART 6).</p> <p>a. The Florida Certificate of title in the name of the deceased and the co-owner(s), if AVAILABLE. If NOT AVAILABLE, submit an affidavit stating the certificate of title is lost or destroyed, signed by the recipient and the surviving co-owner(s). The affidavit <u>may</u> be shown on the form HSMV 82040, Application for Certificate of Title with/without Registration, in lieu of a separate affidavit.</p> <p><u>NOTE: If the title is electronic, it does not have to be printed. The applicant should state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.</u></p> <p>b. A form HSMV 82040, Application for Certificate of Title with/without Registration, accurately completed by the person(s) named in the will and the surviving co-owner(s).</p> <p>c. A photocopy of the death certificate.</p> <p>d. A photocopy of the will.</p> <p>e. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.</p> <p>f. Specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</p> <p>g. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.</p> <p>h. Title fees.</p>	
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3. **Florida Certificate of title, either NO Will or the Will does not specify the name of a recipient, NO Surviving Spouse of Co-owner. (See Exhibit B, CHART 6).**

NOTE: Follow the guidelines listed below if the co-owners are both deceased and the names are joined by “AND”.

The heir(s) receive the decedent's interest in the motor vehicle. The surviving heir(s) or any one of the heir(s) must have a certificate of title issued in their name with the co-owner **OR** the registered co-owner(s) may complete the “Transfer of Title by Seller” section on the certificate of title assigning interest to all or any one of the heir(s).

- a. The Florida Certificate of title, in the name of the deceased and the co-owner(s), **if AVAILABLE** .
- b. The co-owner(s), (if applicable) and the heirs(s) taking ownership must complete the form HSMV 82040 as applicant(s).

If the Florida Certificate of title is **NOT AVAILABLE**, submit an affidavit stating the certificate of title is lost or destroyed signed by the surviving co-owner(s) and the heir(s) taking ownership. This statement may be included on the form HSMV 82040. The “Release of Heirs” section on form HSMV 82040, Application for Certificate of Title with/without Registration, must be accurately completed by all heir(s) and co-owner(s).

NOTE: If the title is electronic, it does not have to be printed. The applicant should state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.

- c. A photocopy of the death certificate.
- d. A photocopy of the will.
- e. Lien satisfaction, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- f. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.
- g. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
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- G. **Co-owners, the name are joined by “AND” along with the wording “With Rights of Survivorship” and the Estate IS/IS NOT Administered. (See Exhibit B, Chart 16). (Surviving co-owner receives all rights to the vehicle (even if the owner and co-owner are not married) due to the wording “WITH RIGHTS OF SURVIVORSHIP.”**

NOTE: The certificate of title MAY be issued with the names joined by “Or” along with the wording “With Rights of Survivorship.” However, it would not be necessary to add the wording “With Rights of Survivorship” along with “Or,” since the surviving co-owner automatically receives all rights to the vehicle (see Exhibit B, Chart 3).

1. The Certificate of title is AVAILABLE, Names are Joined by “AND” along with the wording “With Rights of Survivorship.”
 - a. The “Transfer of Title By Seller” section on the Florida Certificate of title must be completed by the surviving co-owner. The assignment of certificate of title may be to anyone.
 - b. A form HSMV 82040, Application for Certificate of Title with/without Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant, who may be the surviving co-owner.
 - c. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
 - d. A photocopy of the death certificate.
 - e. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.
 - f. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for a mobile home. A non-use affidavit is not acceptable for a mobile home.
 - g. Title fees.

NOTE: If the title is electronic, it must be printed. Once printed, refer to II, G, 1, of this procedure.

2. The Certificate of title is NOT AVAILABLE (The surviving co-owner MUST remove the decedent's name from the title), Names are Joined by “AND” along with the wording “With Rights Of Survivorship.” (See Exhibit B, Chart 16)

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- a. A form HSMV 82040 or 82041, accurately completed in the surviving co-owner's name, with an indication in the "Certification" section that the title is lost or destroyed.
- b. A photocopy of the death certificate.
- c. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- d. The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for a mobile home. A non-use affidavit is not acceptable for a mobile home.
- e. Title fees.

NOTE: The surviving co-owner may add a name to the application.

H. Tenancy by the Entirety. (Ownership Recorded in the Names of a Married Couple). (See Exhibit B, CHART 7).

NOTE: If both owners are deceased, the heirs must follow deceased instructions for the owner that expired last.

1. The Certificate of title is **AVAILABLE**, Names are Joined by "AND".
 - a. The "Transfer of Title By Seller" section on the Florida Certificate of title must be completed by the surviving spouse. The assignment of certificate of title may be to anyone.
 - b. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant, who may be the surviving spouse.
 - c. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
 - d. A photocopy of the death certificate.
 - e. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.
 - f. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for a mobile home. A non-use affidavit is not acceptable for a mobile home.
- g. Title fees.

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NOTE: If the title is electronic, it must be printed. Once printed, refer to II, H, 1, of this procedure.

2. **The Certificate of title is NOT AVAILABLE (The surviving spouse MUST remove the decedent's name from the title), Names are Joined by "AND."**
 - a. A form HSMV 82040 or 82041, accurately completed in the surviving spouse's name, with an indication in the "Certification" section that the title is lost or destroyed.
 - b. A photocopy of the death certificate.
 - c. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
 - d. The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for a mobile home. A non-use affidavit is not acceptable for a mobile home.
 - e. Title fees.

NOTE: The surviving spouse may add a name to the application.

I. When an out-of-state Certificate of title is the Proof of Ownership. (See Exhibit B, CHART 8).

1. If the certificate of title is in the name of the deceased person or is in the name of the estate of the deceased, the application is to be processed under the appropriate method outlined in this procedure to transfer a certificate of title. In addition, the following must also be submitted:
 - a. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.
 - b. A form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.
Form HSMV 82040, Application for Certificate of Title with/without Registration, may be used in lieu of the above listed form.
or,
An affidavit from the seller(s) and the purchaser(s) verifying that the motor vehicle identification number shown on the affidavit is identical to the motor vehicle identification number shown on the motor vehicle.
Verification is not required on any mobile home; any trailer or semi trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

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<p style="margin-left: 40px;">c. The out-of-state proof of ownership accurately assigned or proper documents assigning ownership.</p> <p style="margin-left: 40px;">OR,</p> <p style="margin-left: 40px;">If the out-of-state proof of ownership has been lost or destroyed and the estate was NOT administered, the heir(s) must submit an affidavit stating that fact.</p> <p>NOTE: If the estate WAS administered, the personal representative MUST apply for a duplicate title from the title state (to be signed over to the applicant/purchaser).</p> <p style="margin-left: 40px;">The affidavit must be accompanied by verification of ownership and lien status from the out-of-state Motor Vehicle Division where the motor vehicle was last titled and registered. Verification <u>may</u> be one of the following:</p> <ol style="list-style-type: none">(1) A computer generated printout from an out-of-state motor vehicle division.(2) A letter on original letterhead stationery from an out-of-state motor vehicle division.(3) A photocopy of the current out-of-state certificate of title.(4) A copy of the teletype printout or a statement which shows the ownership, lien status and the name of the law enforcement agency who provided the verification information. <p>J. Proof of Ownership is in the Name of a Trust/Trustee and the Trustee is Deceased.</p> <ol style="list-style-type: none">1. If the certificate of title is currently in the name of a Trust (Smith Family Trust) and the trustee is deceased, the successor trustee may transfer the title to the new purchaser (see Exhibit B, Chart 17). The following documentation would be required:<ol style="list-style-type: none">a. The certificate of title completed for transfer (by the successor trustee) to the new owner.b. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the new owner.c. A photocopy of the death certificate for the deceased trustee.d. A photocopy of the trust agreement. Only the following pages are required:<ul style="list-style-type: none">• The first page.• The page which specifies the name of the trustee and successor trustee.• The page which shows the signature of the creator of the trust.e. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.	
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- f. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.
 - g. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home.
 - h. Title fees.
2. When the certificate of title is currently in the name of a Trust (Smith Family Trust), the trustee is deceased, and Certificate of title IS NOT AVAILABLE (see Exhibit B, Chart 17).

NOTE: If the title is electronic, it must be printed. Once printed, refer to II, J, 1, of this procedure.

- a. A form HSMV 82101, Application For Duplicate Or Lost In Transit/Reassignment For A Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed by the successor trustee, in the name of the trust.
- b. A photocopy of the death certificate for the deceased trustee.
- c. A photocopy of the trust agreement. Only the following pages are required:
 - The first page.
 - The page which specifies the name of the trustee and successor trustee.
 - The page which shows the signature of the creator of the trust.
- d. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- e. Title fees.

NOTE: After the duplicate title has been issued in the name of the trust, follow the instructions in II, J, 1, of this procedure).

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3. When the title is currently in the name of the “trustee”(John Smith, trustee) or (John Smith as Trustee For Smith Family Trust) and the trustee is deceased, the successor trustee (Sam Smith) MUST apply for title in the name of “Sam Smith as Trustee For Smith Family Trust” or in the name of the trust (Smith Family Trust), prior to selling the vehicle (see Exhibit B, Chart 18). The following documentation would be required:

a. The certificate of title completed by the successor trustee as seller to “Sam Smith as trustee For Smith Family Trust” or to the name of the trust, if AVAILABLE.

NOTE: If the title is electronic, it must be printed. Once printed, refer to II, J, 3, of this procedure.

If the certificate of title is NOT AVAILABLE, submit an affidavit signed by the successor trustee stating the title has been lost or destroyed (this statement may be placed on a completed form HSMV 82040 or 82041).

b. Form HSMV 82040 or 82041, completed by the successor trustee, showing the name of the trust (Smith Family Trust) or “Sam Smith as Trustee For Smith Family Trust,” as the applicant.

c. A copy of the trustee's death certificate.

d. A photocopy of the trust agreement. Only the following pages are required:

- The first page.
- The page which specifies the name of the trustee and successor trustee.
- The page which shows the signature of the creator of the trust.

e. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.

f. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home.

g. Title fees.

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K. LIFE ESTATE:

A certificate of title may be issued with “Life Estate” after the name of an individual who has executed a will or legal instrument creating a life estate. That individual will be the legal owner as long as they live. The remainder person is the individual named in the will or legal instrument that is to receive ownership after the life estate individual expires.

Example: Ann Brown Carter (Life Estate), John Doe Brown (remainder person)

NOTE: If the title is to be issued NOT showing the name of a remainder person, a legal document would be required when the vehicle is transferred, which specifies the name of the remainder person.

1. To apply for transfer of title into the name of the life estate and remainder person, submit the following:
 - a. The Florida Certificate of title accurately completed for transfer to the Life Estate and remainder person.
 - b. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the person named as the “Life Estate.”
 - c. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.
 - d. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
 - e. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for a mobile home. A non-use affidavit is not acceptable for a mobile home.
 - g. Title fees.
2. **To transfer the title from the Life Estate person (now deceased) and the remainder person into the name of the remainder person, submit the following: (See Exhibit B, CHART 9).**

NOTE: If the title was previously issued NOT showing the name of a remainder person, a legal document specifying the name of the remainder person would be required.

- a. The Florida Certificate of title, if AVAILABLE.
If the certificate of title is NOT AVAILABLE, an affidavit stating the certificate of title is lost or destroyed signed by the remainder person. This affidavit may be placed on form HSMV 82040 or 82041.

NOTE: If the title is electronic, it does not have to be printed. The applicant should state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.

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<p>b. HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the remainder person.</p> <p>c. A photocopy of the death certificate for the life estate individual.</p> <p>d. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</p> <p>e. Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.</p> <p>f. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for a mobile home. A non-use affidavit is not acceptable for a mobile home.</p> <p>g. Title fees.</p> <p>III. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS ON LIENS WHEN THE LIENHOLDER IS DECEASED:</p> <p>A. The following is a list of documents required to satisfy or reassign liens under the following situations:</p> <ul style="list-style-type: none">• Estate is Administered.• Estate is not Administered.• Tenancy By the Entirety. <p>1. Letters of Administration, if estate is probated, or</p> <p>2. A photocopy of the will, if a will exists. and A photocopy of the death certificate for the deceased.</p> <p>3. The lien satisfaction on the certificate of title, or If the title is not available, form HSMV 82260, or If the lien needs to be reassigned, sections 1 and 3 of form HSMV 82139.</p> <p>B. The following is a list of persons authorized to release or reassign liens.</p> <ul style="list-style-type: none">• The Personal Representative.• The Surviving Spouse.• All heirs.	
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IV. MISCELLANEOUS INFORMATION

1. When the proof of ownership is signed over to an individual and the individual dies before certificate of title is applied for in their name, follow the instructions that apply as if the certificate of title were issued in the name of the deceased.
2. If the death certificate is in a language other than English, it must be accompanied by an interpretation.
3. Copies of court orders or Letters of Administration are not required to be certified.
4. General, limited or durable powers of attorney made by an owner of a motor vehicle or vessel are viewed as null and void upon their death.
5. If a certificate of title is in the name of two individuals, joined by “and”, one is deceased and the surviving co-owner cannot locate the deceased co-owner's heir(s), a court order must be obtained.
6. **An out-of-state address is acceptable, when following deceased instructions.**
7. Stepchildren are not considered lineal descendants. A Chart of lineal descendants is attached as Exhibit D. Adopted children are considered lineal descendants per section 7 32.108, Florida Statutes.
8. If the will specifies that a specific heir receives the motor vehicle or mobile home, that person must take title in their name, unless they are the surviving spouse. If the will specifies multiple heirs receive the motor vehicle or mobile home, then either all heirs or just one heir must take title in their name. If it is decided that only one heir will take title, all other heirs must sign over their interest.

It is acceptable for the heir (as named in the will) to add another name to the title at the time they are applying for title in their name.
9. A license plate may be transferred to the surviving spouse upon the death of the owner of a vehicle, unless the decedent owned a license plate that required a special status, such as a Disabled Veteran, Wheelchair, etc. See DMS Procedure RS-05 for more information.
10. A certificate of title may be issued with the names joined by “And” along with the wording “With Rights of Survivorship.” If one of the owners of the motor vehicle dies, his or her share of the motor vehicle automatically goes to the surviving co-owner. A joint tenant (titled with “and” along with the wording “with rights of survivorship”) cannot use a will to leave his or her share of the joint tenancy property (motor vehicle) to someone else.

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11. A certificate of title may be issued with the names joined by “Or” along with the wording “With Rights of Survivorship.” However, it would not be necessary to add the wording “With Rights of Survivorship” along with “Or,” since the surviving co-owner automatically receives all rights to the vehicle (see Exhibit B, Chart 3).
12. When an application is for a “Life Estate/Remainder Person,” “Tenancy By the Entirety,” or “With Rights of Survivorship,” in which there are two or more customers, select a legal description from the drop down box during the title transaction. This will identify the relationship between the vehicle owners. If no legal ownership description is designated, tab through this new field leaving the default value of No Legal Ownership Description. Whenever a legal ownership description is chosen, it will print on the title with the owner names and an abbreviation of the description will print with the names on the 82041.

The following describes how to complete the form HSMV 82040 when selecting one of the above listed legal descriptions:

Life Estate/Remainder Person	The name of the life estate person should be shown in the “owner’s” area of the form. The remainder person should be shown in the “co-owner’s” area. You must still choose “and” or “or”, prior to choosing “Life Estate/Remainder Person” as the legal description. Only the life estate person would be required to sign the application for title, as the remainder person would only be a beneficiary.
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With Rights of Survivorship	The owner must be shown on the form as the “owner.” The additional person would be the co-owner and must be shown in the “co-owner’s” area of the form. You must still choose “and” or “or,” prior to choosing “With Rights of Survivorship” as the legal description. Both owners must sign the application for title.
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Tenancy By the Entirety	The owner must be shown on the form as the “owner.” The co-owner must be shown in the “co-owner’s” area of the form. You must still choose “and” prior to choosing “Tenancy By The Entirety” as the legal description. Both owners must sign the application for title.
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13. Pursuant to s. 732.802, Florida Statutes, a surviving heir who intentionally kills or participates in the death of a decedent is not entitled to any benefits of the decedent’s estate.

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<ol style="list-style-type: none">14. When a sole owner of a company listed as owner on the title dies, follow the appropriate instructions as if the title were in the deceased person's name.15. If the owner of a motor vehicle dies and has no heirs, this procedure CANNOT be followed (see DMS Procedure TL-07).16. If the owner of a motor vehicle is deceased and the lienholder repossesses his/her vehicle, refer to DMS Procedure TL-23.17. A will may reference or specify a separate piece of paper or list for disposal or distribution of the person's tangible personal property. This list may have been created after the execution of the will and would only require the signature of the testator. The signature of the testator would be acceptable without witnesses.18. A penalty fee is not due on deceased applications.19. Pertinent Questions to Ask and a Flow Chart Directory are attached as Exhibit A.20. Flow Charts are attached as Exhibit B.21. Additional definitions are attached as Exhibit C.22. See Forms Appendix for a sample of the HSMV forms referred to in this procedure.	
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EXHIBIT A
PERTINENT QUESTIONS TO ASK

1. Do you have a title?
2. Is the title from Florida or out of state?
3. Is there a will?
4. Has the estate been probated?
5. Do you have the court documents or death certificate?
6. Do you have single or joint ownership on the title?
(How many names are on the front of the title and were the individuals **a married couple?**)

SINGLE OWNERSHIP	
Estate Probated – Letters Issued	Exhibit B, Chart 1
Orders of Summary Administration, Family Administration, or Setting Aside Exempt Property	Exhibit B, Chart 4 a & b
Estate Not Probated	Exhibit B, Chart 5
<u>JOINT OWNERSHIP (NOT A MARRIED COUPLE)</u>	
“And” connects names on the title – Letters Issued	Exhibit B, Chart 2
“And” Connects names on the Title - No Probate	Exhibit B, Chart 6
<u>JOINT OWNERSHIP (WHO MAY OR MAY NOT BE A MARRIED COUPLE)</u>	
“OR” Connects names on the Title – Probate/No Probate	Exhibit B, Chart 3
“And” along with “With Rights of Survivorship” connects names on the title – Probate/No Probate	Exhibit B, Chart 16
<u>JOINT OWNERSHIP (IN THE NAMES OF A MARRIED COUPLE) - Tenancy by the Entirety –</u> “AND connects names on the title	Exhibit B, Chart 7
OUT-OF-STATE TITLE	Exhibit B, Chart 8
LIFE ESTATE WITH REMAINDER PERSON	Exhibit B, Chart 9
LIENHOLDER DECEASED - WILL SPECIFIES RECIPIENT	Exhibit B, Chart 10
LIENHOLDER DECEASED - ESTATE NOT ADMINISTERED	Exhibit B, Chart 11& 12
LIENHOLDER DECEASED – LIEN RECORDED IN THE NAME OF <u>INDIVIDUALS WHO MAY OR MAY NOT HAVE BEEN A MARRIED COUPLE</u> NAMES JOINED BY “OR	Exhibit B, Chart 13
LIENHOLDER DECEASED - TENANCY BY THE ENTIRETY LIEN RECORDED IN THE NAMES OF <u>A MARRIED COUPLE</u> NAMES JOINED BY “AND”	Exhibit B, Chart 14
LIENHOLDER DECEASED - ESTATE ADMINISTERED	Exhibit B, Chart 15
TRUSTEE DECEASED Title in the name of the “Trust” or Trustee for the trust	Exhibit B. Chart 17 & 18

EXHIBIT B (CHART 1)

SINGLE OWNERSHIP - ESTATE PROBATED - LETTERS ISSUED

Administration of Estate by Personal Representative

Title IS Available	Transfer of Title by Seller section of title completed by the personal representative, to the new owner or to the "Estate of (Name of Deceased)."
	<u>NOTE: If the title is electronic, it must be printed.</u>
	HSMV 82040* or HSMV 82041*, completed by the new owner, or by the personal representative, for the "Estate of (Name of Deceased)," if applicable.
	A Photocopy of Letters of Administration.
	Lien satisfaction(s), if applicable.
	Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041.
	Tag number or non-use affidavit.
Title fees.	

NOTE: If applying for title in the name of the estate, the application for title must read "Estate of (Name of the Deceased)".

Title NOT Available	HSMV 82101**, completed by the personal representative, in the name of the deceased owner.
	A photocopy of Letters of Administration.
	Lien satisfaction(s), if applicable.
	Title fees.

NOTE: After the duplicate title has been issued in the name of the deceased owner, follow the above instructions for "Title Is Available."

* Form HSMV 82041 is the Application for Vehicle/Vessel Certificate of Title and/or Registration printed in the tag agencies.

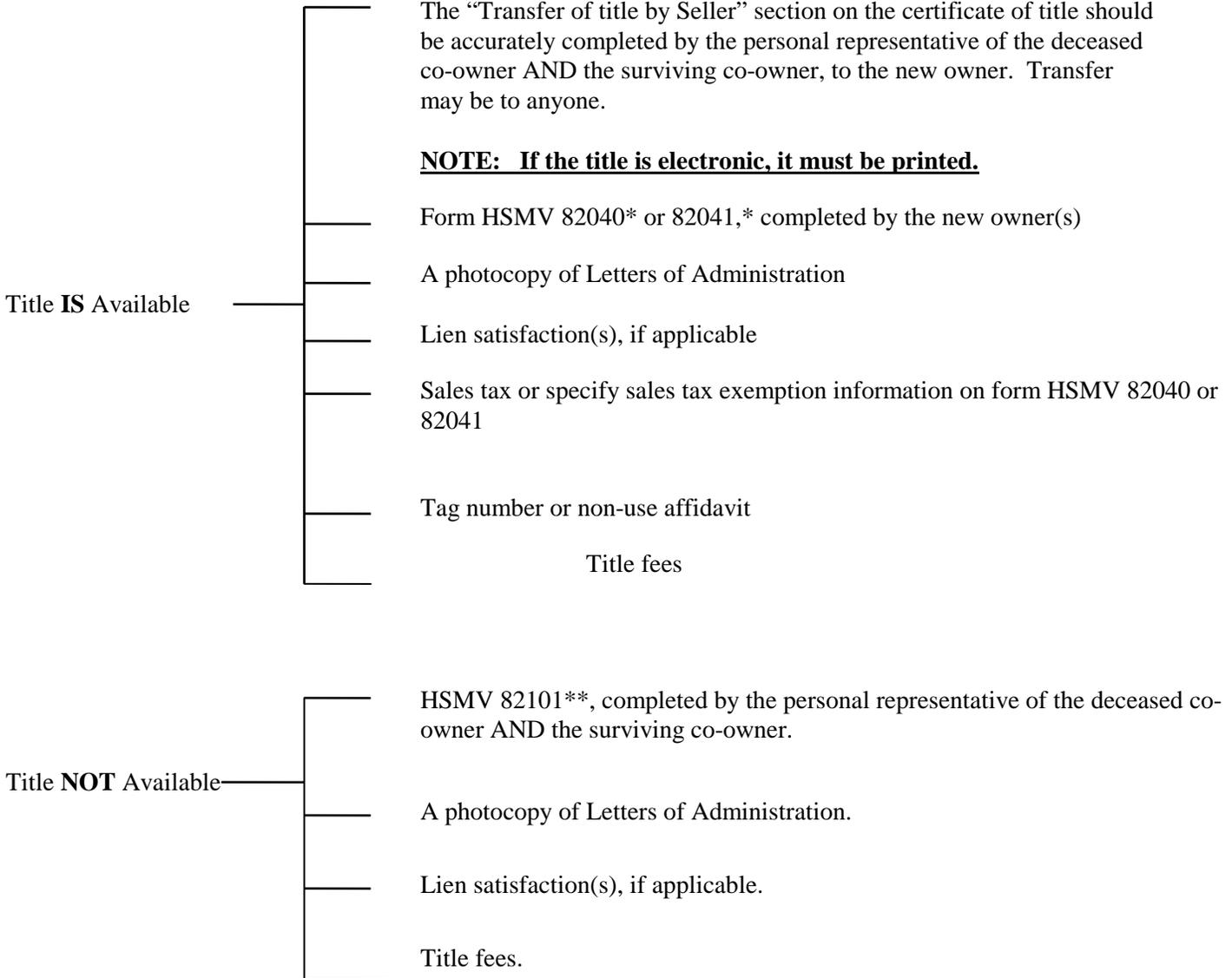
Form HSMV 82040 may be used when applicant(s) are not present to sign the form HSMV 82041.

** Form HSMV 82101, is the Application For Duplicate Or Lost In Transit/Reassignment For A Motor Vehicle, Mobile Home or Vessel Title Certificate.

EXHIBIT B, cont. (CHART 2)

**JOINT OWNERSHIP (NOT A MARRIED COUPLE)
“AND” CONNECTS NAMES ON THE TITLE
ESTATE PROBATED - LETTERS ISSUED**

Vehicle Titled in Names Other than a Married Couple, Joined by “And”, Estate is Administered



NOTE: After the duplicate title has been issued in the name of the deceased co-owner and the surviving co-owner, follow the above instructions for “Title Is Available.”

* Form HSMV 82041 is the Application for Vehicle/Vessel Certificate of Title and/or Registration printed in the tag agencies.

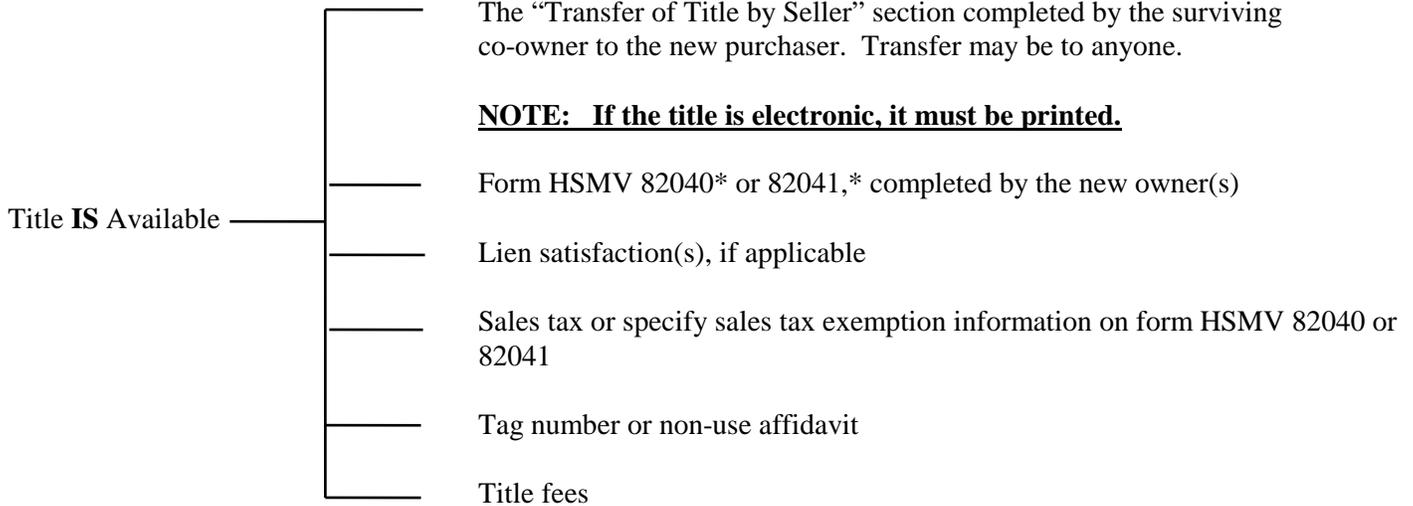
Form HSMV 82040 may be used when applicant(s) are not present to sign the form HSMV 82041

** Form HSMV 82101, is the Application For Duplicate Or Lost In Transit/Reassignment For A Motor Vehicle, Mobile Home or Vessel Title Certificate.

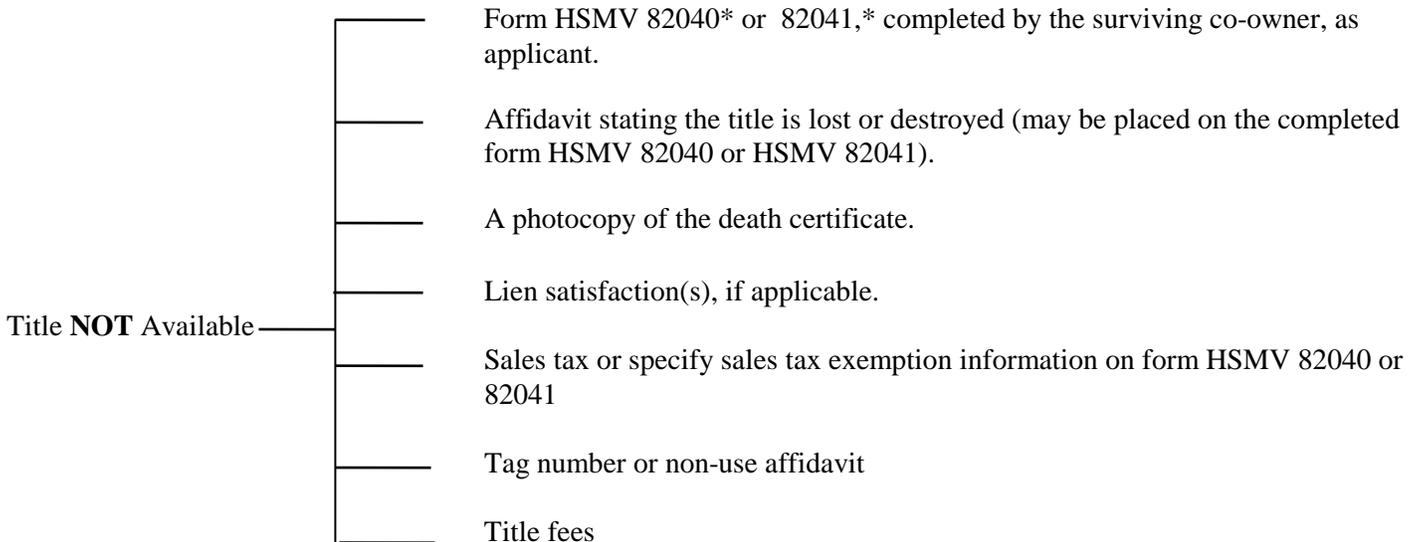
EXHIBIT B, cont. (CHART 3)

**JOINT OWNERSHIP (MAY OR MAY NOT BE A MARRIED COUPLE)
“OR” CONNECTS NAMES ON THE TITLE
ESTATE PROBATED/NOT PROBATED**

**(Surviving co-owner receives all rights to the vehicle
(Who MAY or MAY NOT be a Married Couple)**



When the title is not available, the surviving co-owner (who may or may not be a married couple) **MUST apply for a certificate of title in his/her name in order to remove the decedent's name from the title record.**



* Form HSMV 82041 is the Application for Vehicle/Vessel Certificate of Title and/or Registration printed in the tag agencies
Form HSMV 82040 may be used when applicant(s) are not present to sign the form HSMV 82041

EXHIBIT B, cont. (CHART 4)

**SINGLE OWNERSHIP - COURT ORDER
NO PERSONAL REPRESENTATIVE**

Order of Summary Administration, Family Administration, Order Setting Aside Exempt Property, Letter or Other Instrument Authorized by and Under the Seal of the Court

		Florida Certificate of Title, left blank
		<u>NOTE: If the title is electronic, it does not have to be printed. The applicant would state the "title is electronic" in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.</u>
		AND
Title IS Available	_____	Form HSMV 82040 or 82041* accurately completed by the person(s) named in the court order, letter or other instrument authorized by and under the seal of the court, as applicant
	_____	A photocopy of the court order , letter or other instrument authorized by and under the seal of the court
	_____	Lien satisfaction(s), if applicable
	_____	Specify sales tax exemption information on form HSMV 82040 or 82041
	_____	Tag number or non-use affidavit
	_____	Title fees
Title NOT Available	_____	Affidavit by person(s) named in the court order,** letter or other instrument authorized by and under the seal of the court, as the owner(s) of the vehicle, stating the title has been lost or destroyed. The affidavit <u>may</u> be placed on the accurately completed form HSMV 82040 or 82041.
	_____	Form HSMV 82040 or 82041* completed by the person(s) named in the court order, letter or other instrument authorized by and under the seal of the court, as owner(s) of the vehicle.
	_____	A photocopy of the court order, letter or other instrument authorized by and under the seal of the court.
	_____	Lien satisfaction(s), if applicable
	_____	Specify sales tax exemption information on form HSMV 82040 or 82041
	_____	Tag number or non-use affidavit
	_____	Title fees

* Form HSMV 82041 is the Application for Vehicle/Vessel Certificate of Title and/or Registration printed in the tag agencies

Form HSMV 82040 may be used when applicant(s) are not present to sign the form HSMV 82041

** Person(s) named in the court order, letter or other instrument authorized by and under the seal of the court must apply for title before they transfer ownership, even if the court order reads "To dispose of as they see fit."

EXHIBIT B, cont. (CHART 5)

SINGLE OWNERSHIP - ESTATE NOT PROBATED

Vehicle is An Asset of Estate NOT Administered Title Recorded In Name of Deceased

Florida Title, NO Will or
Will does not Specify Recipient
There is a Surviving spouse

- “Transfer of Title by Seller” section accurately completed by the surviving spouse, to the purchaser (who may be the surviving spouse).
- NOTE: If the title is electronic, it must be printed.**
- Form HSMV 82040* or 82041 completed by the applicant (who may be the surviving spouse)
- If title is unavailable, “Release of Heirs” section on form HSMV 82040 completed by the surviving spouse along with an affidavit stating title is lost or destroyed (if spouse is taking title, the affidavit may be placed on the completed form HSMV 82040 or 82041).
- A photocopy of the death certificate
- A photocopy of the Will, if one exists
- Lien satisfaction(s), if applicable
- Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041
- Tag number or non-use affidavit
- Title Fees

Florida Title, NO Will,
or Will does not specify
Recipient, No Surviving Spouse

- “Release of Heirs” section on form HSMV 82040 completed by heir(s) at law
- All heirs(s) or any one of the heirs(s) must complete the rest of form HSMV 82040 as applicant(s)
- A photocopy of death certificate
- A photocopy of the Will, if one exists
- Florida title (leave blank) or an affidavit stating title is lost or destroyed, signed by heir(s) (this affidavit may be placed on the HSMV 82040).
- NOTE: If the title is electronic, it does not have to be printed. The applicant would state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.**
- Lien satisfaction(s), if applicable
- Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041
- Tag number or non-use affidavit
- Title Fees

Florida Title,
Will Specifies Recipient

- Form HSMV 82040 or 82041 completed by person(s) named in the Will
- A photocopy of the death certificate
- A photocopy of the will
- Lien satisfaction(s), if applicable
- Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041
- Florida title (leave blank) or affidavit stating the title is lost or destroyed, signed by the recipient (this affidavit may be placed on the HSMV 82040).
- NOTE: If the title is electronic, it does not have to be printed. The applicant would state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.**
- Tag number or non-use affidavit
- Title Fees

EXHIBIT B, cont. (CHART 6)

JOINT OWNERSHIP (NOT A MARRIED COUPLE)

“AND” CONNECTS NAMES ON THE TITLE - ESTATE NOT PROBATED

Vehicle titled NOT a Married Couple, Names Joined by “And” - Estate Not Administered

NO Will, or Will does not Specify Recipient. There is a Surviving Spouse of the co-owner

The surviving spouse may apply for co-ownership with the co-owner OR the registered co-owner and surviving spouse may complete the “Transfer of Title by Seller” section on the Florida Certificate of title to new owner.

If title is unavailable, submit an affidavit stating the title is lost or destroyed, signed by the surviving spouse and co-owner.

NOTE: If the title is electronic, it must be printed.

“Release of Heirs” section on Form HSMV 82040 should be accurately completed, by the - co owner and surviving spouse to new owner

Form HSMV 82040 completed by the applicant (who may be the surviving spouse and co-owner)

A photocopy of death certificate

A photocopy of the Will, if one exists.

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041

Tag number or non-use affidavit

Title fees

Will Specifies Names of Recipient of Vehicle

Form HSMV 82040 or 82041 completed by recipient of vehicle named in will and surviving co-owner

A photocopy of the Will

A photocopy of death certificate

Florida title or affidavit stating the title is lost or destroyed, signed by recipient and co-owner (affidavit may be placed on the 82040 or 82041).

NOTE: If the title is electronic, it does not have to be printed. The applicant would state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041

Tag number or non-use affidavit

Title fees

No Will or Will Does Not Specify Name of Recipient No Surviving Spouse of Co-owner

The heirs may apply for co-ownership with the co-owner OR the registered co-owner may complete the “Transfer of Title by Seller” section on the Florida Certificate of title, to any one or all of the heirs.

Form HSMV 82040 or 82041 completed by the co-owner (if applicable) and heirs taking ownership, as applicants.

If the Certificate of title has been lost or destroyed, the “Release of Heirs” section on Form HSMV 82040, should be accurately completed by the co-owner and all heirs with an indication in the “Certification “section that the title is lost or destroyed.

NOTE: If the title is electronic, it does not have to be printed. The applicant would state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.

A photocopy of death certificate

A photocopy of the Will, if one exists

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041

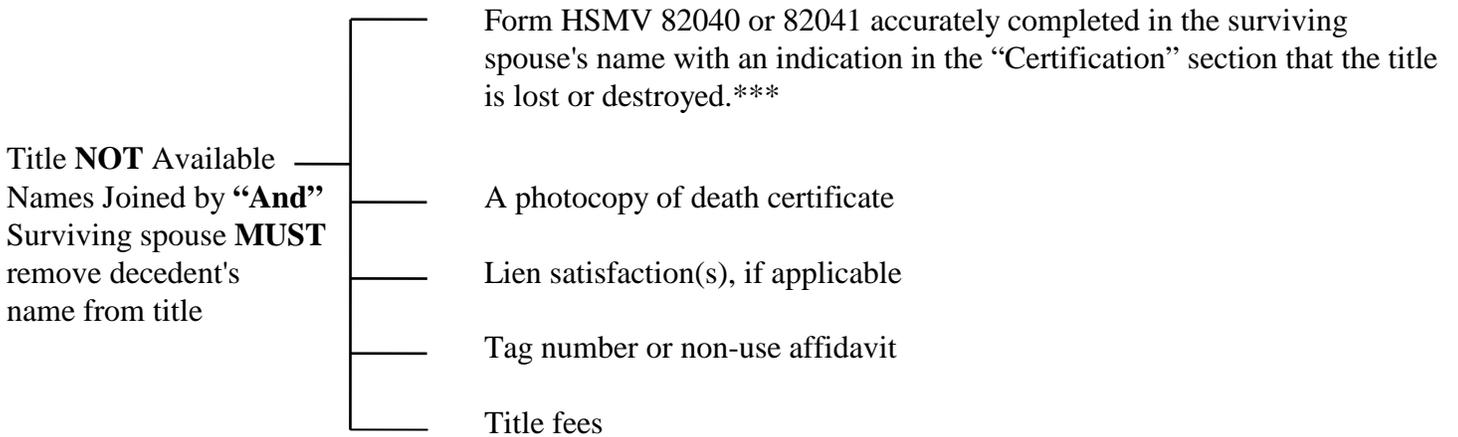
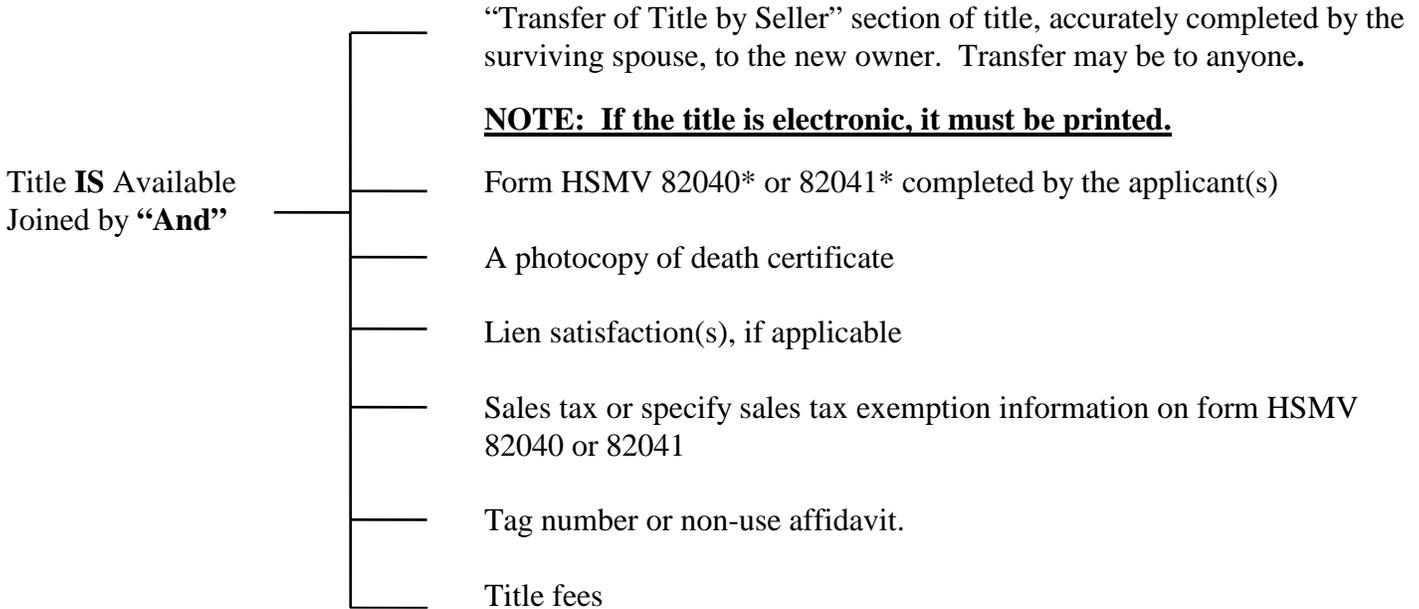
Tag Number or non-use affidavit

Title fees

EXHIBIT B, cont. (CHART 7)

JOINT OWNERSHIP (A MARRIED COUPLE)

Tenancy by the Entirety, Ownership Recorded In the Names of a Married Couple



* Form HSMV 82041 is the Application for Title/Registration printed in the tag agencies
Form HSMV 82040 may be used when applicant(s) are not in the office to sign the 82041

*** Surviving spouse may add a name to the application.

NOTE: If both owners are deceased, the heirs must follow deceased instructions for the owner that expired last.

EXHIBIT B, cont. (CHART 8)

VEHICLE TITLED OUT OF STATE

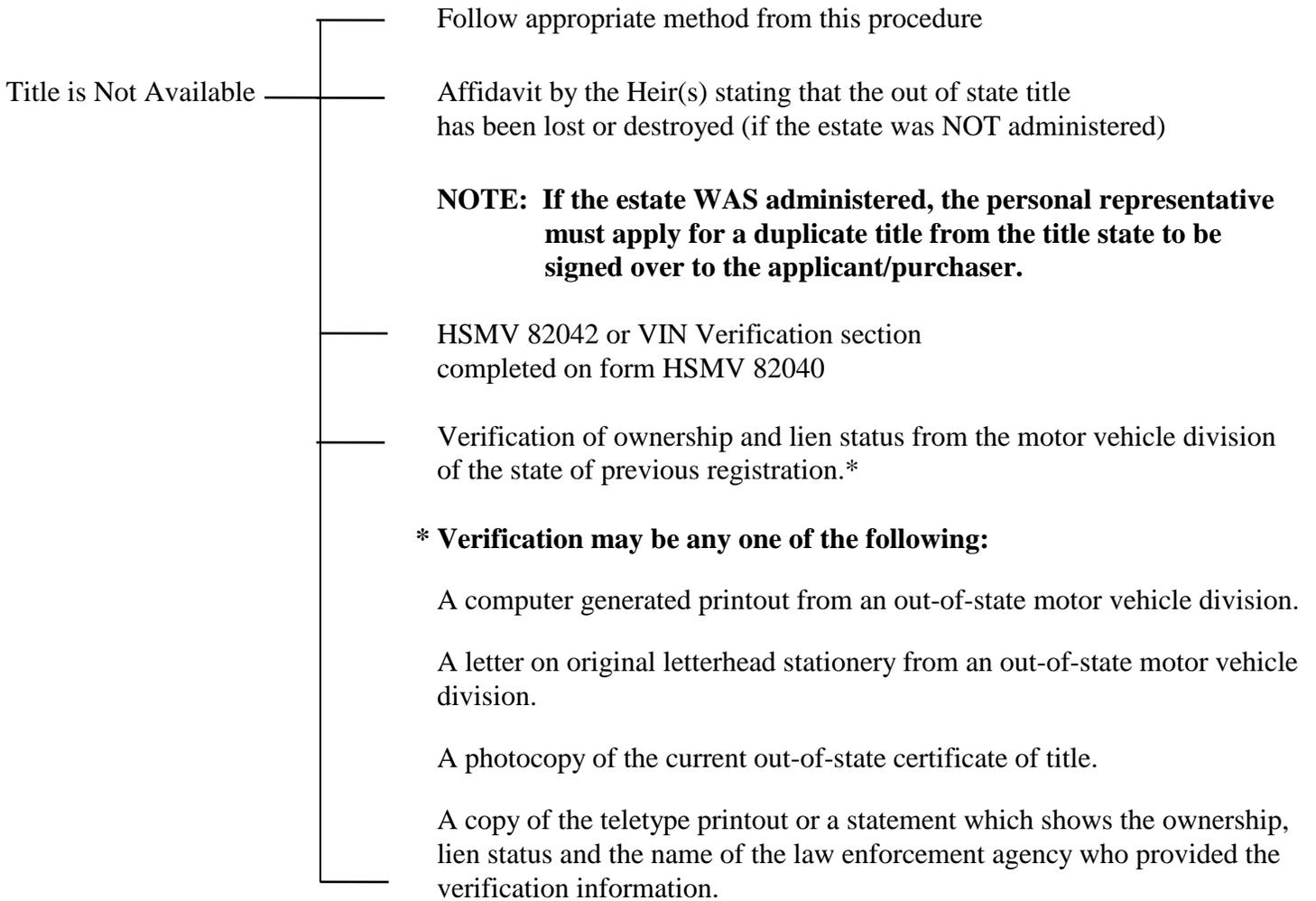
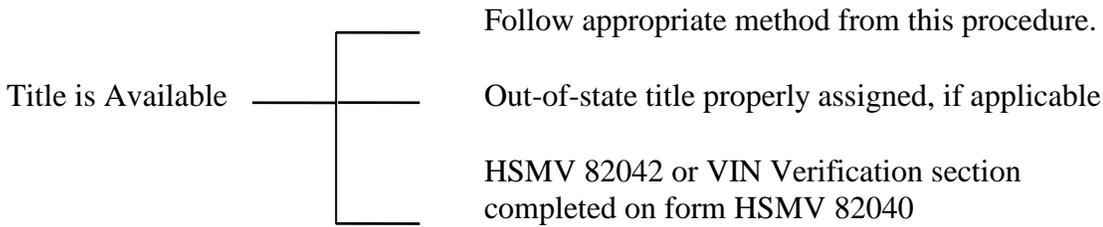


EXHIBIT B, cont. (CHART 9)

**TITLE IN LIFE ESTATE WITH REMAINDER PERSON
LIFE ESTATE INDIVIDUAL IS DECEASED**

NOTE: If the title was previously issued NOT showing the name of a remainder person, a legal document specifying the name of the remainder person, would be required.

	Florida Certificate of title
	<u>NOTE: If the title is electronic, it does not have to be printed. The applicant would state the "title is electronic" in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.</u>
	Form HSMV 82040 or 82041 completed by the remainder person
	A photocopy of death certificate
Title is Available:	Lien Satisfaction(s), if applicable
	Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041
	Tag number or non-use affidavit
	Title fees
	Affidavit stating title is lost or destroyed
	Form HSMV 82040 or 82041 completed by the remainder person
	A photocopy of death certificate
Title is Not Available:	Lien Satisfaction(s), if applicable
	Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041
	Tag number or non-use affidavit
	Title fees

EXHIBIT B, cont. (CHART 10)

LIEN HAS BEEN RECORDED AND THE INDIVIDUAL AS LIENHOLDER IS DECEASED

DECEASED LIENHOLDER HAS A WILL SPECIFYING RECIPIENT

Title is Available Lien Satisfied	Florida Certificate of title showing deceased lienholder <u>NOTE: If the title is electronic, it must be printed.</u>
	Lien satisfaction on title completed by the recipient (named in the deceased lienholder's will)
	A photocopy of death certificate
	A photocopy of the will
Title NOT Available Lien Satisfied	Form HSMV 82101, completed by the titled owner
	Form HSMV 82260 completed by the recipient (named in the deceased lienholder's will)
	A photocopy of death certificate
	A photocopy of the will Title fees
Title IS Available Lien NOT Satisfied	Florida Certificate of title showing deceased lienholder <u>NOTE: If the title is electronic, it must be printed.</u>
	Form HSMV 82139, completed by the recipient reassigning the lien to the new lienholder (which may be the recipient)
	A photocopy of death certificate
	A photocopy of the will Title and lien fees
Title NOT Available Lien NOT Satisfied	Form HSMV 82101, completed by the recipient, (named in the deceased lienholder's will), as lienholder
	Form HSMV 82139, completed by the recipient reassigning the lien to the new lienholder (which may be the recipient)
	A photocopy of death certificate
	A photocopy of the will Title and lien fees

EXHIBIT B, cont. (CHART 11)

LIEN HAS BEEN RECORDED AND THE INDIVIDUAL AS LIENHOLDER IS DECEASED

LIENHOLDER'S ESTATE IS NOT ADMINISTERED – SURVIVING SPOUSE

Title is Available Lien Satisfied - No Will or Will does not Specify Recipient (Surviving Spouse)		Florida Certificate of title showing deceased lienholder <u>NOTE: If the title is electronic, it must be printed.</u>
		Lien satisfaction on title completed by the surviving spouse
		A photocopy of death certificate
		A photocopy of the will, if one exists
Title NOT Available Lien Satisfied No Will or Will does not Specify Recipient (Surviving Spouse)		Form HSMV 82101, completed by the titled owner
		Form HSMV 82260, completed by surviving spouse
		A photocopy of death certificate
		A photocopy of the will, if one exists
		Title fees
Title is Available Lien NOT Satisfied No Will or Will does not Specify Recipient (Surviving Spouse)		Florida Certificate of title showing deceased lienholder <u>NOTE: If the title is electronic, it must be printed.</u>
		Form HSMV 82139, completed by surviving spouse reassigning lien to new lienholder (which may be surviving spouse)
		A photocopy of death certificate
		A photocopy of the will, if one exists
		Title and Lien fees
Title NOT Available Lien NOT Satisfied No Will or Will does not Specify Recipient (Surviving Spouse)		Form HSMV 82101, completed by the surviving spouse, as lienholder
		Form HSMV 82139, completed by surviving spouse reassigning lien to new lienholder (which may be surviving spouse)
		A photocopy of death certificate
		A photocopy of the will, if one exists
		Title and Lien fees

EXHIBIT B, cont. (CHART 12)

LIEN HAS BEEN RECORDED AND THE INDIVIDUAL AS LIENHOLDER IS DECEASED

LIENHOLDER'S ESTATE IS NOT ADMINISTERED- NO SURVIVING SPOUSE

Title IS Available Lien Satisfied No Will or Will does Specify Recipient (No Surviving Spouse)		Florida Certificate of title showing deceased lienholder <u>NOTE: If the title is electronic, it must be printed.</u> Lien satisfaction on title completed by all heir(s). If more than not one heir, you may use form HSMV 82260, completed by all heirs. A photocopy of death certificate A photocopy of the will, if one exists
Title NOT Available Lien Satisfied No Will or Will does not Specify Recipient (No Surviving Spouse)		Form HSMV 82101, completed by the titled owner Form HSMV 82260, completed by all heir(s) A photocopy of death certificate A photocopy of the will, if one exists
Title IS Available Lien NOT Satisfied No Will or Will does not Specify Recipient Surviving Spouse)		Florida Certificate of title showing deceased lienholder <u>NOTE: If the title is electronic, it must be printed.</u> Form HSMV 82139, completed by all heir(s) reassigning the lien to the new lienholder (which may be ALL or ONE of the (No heirs) A photocopy of death certificate A photocopy of the will, if one exists Title and Lien Fees
Title NOT Available Lien NOT Satisfied No Will or Will does not Specify Recipient (No Surviving Spouse)		Form HSMV 82101, completed by the heirs, as lienholder Form HSMV 82139, completed by all heir(s) reassigning the lien to the new lienholder (which may be ALL or ONE of the heirs) A photocopy of death certificate A photocopy of the will, if one exists Title and Lien Fees

EXHIBIT B, cont. (CHART 13)

(LIEN RECORDED IN THE NAMES OF INDIVIDUALS WHO MAY OR MAY NOT BE A MARRIED COUPLE JOINED BY “OR”)

THE CO-OWNER AS LIENHOLDER IS DECEASED

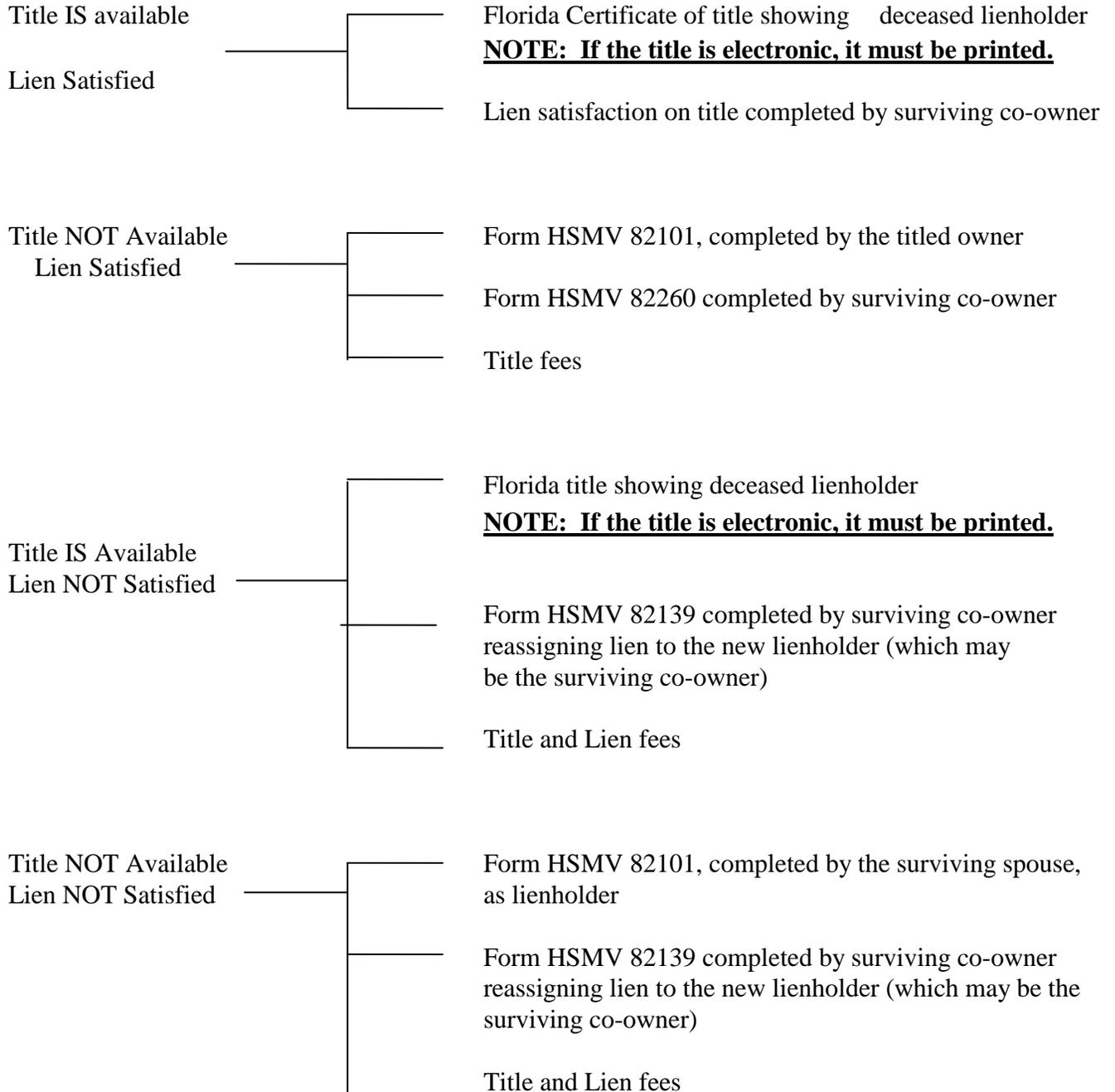


EXHIBIT B, cont. (CHART 14)

LIEN HAS BEEN RECORDED WITH JOINT LIENHOLDERS (ONE LIENHOLDER IS DECEASED)

TENANCY BY THE ENTIRETY - LIEN IS RECORDED IN THE NAMES OF A MARRIED COUPLE JOINED BY “AND”

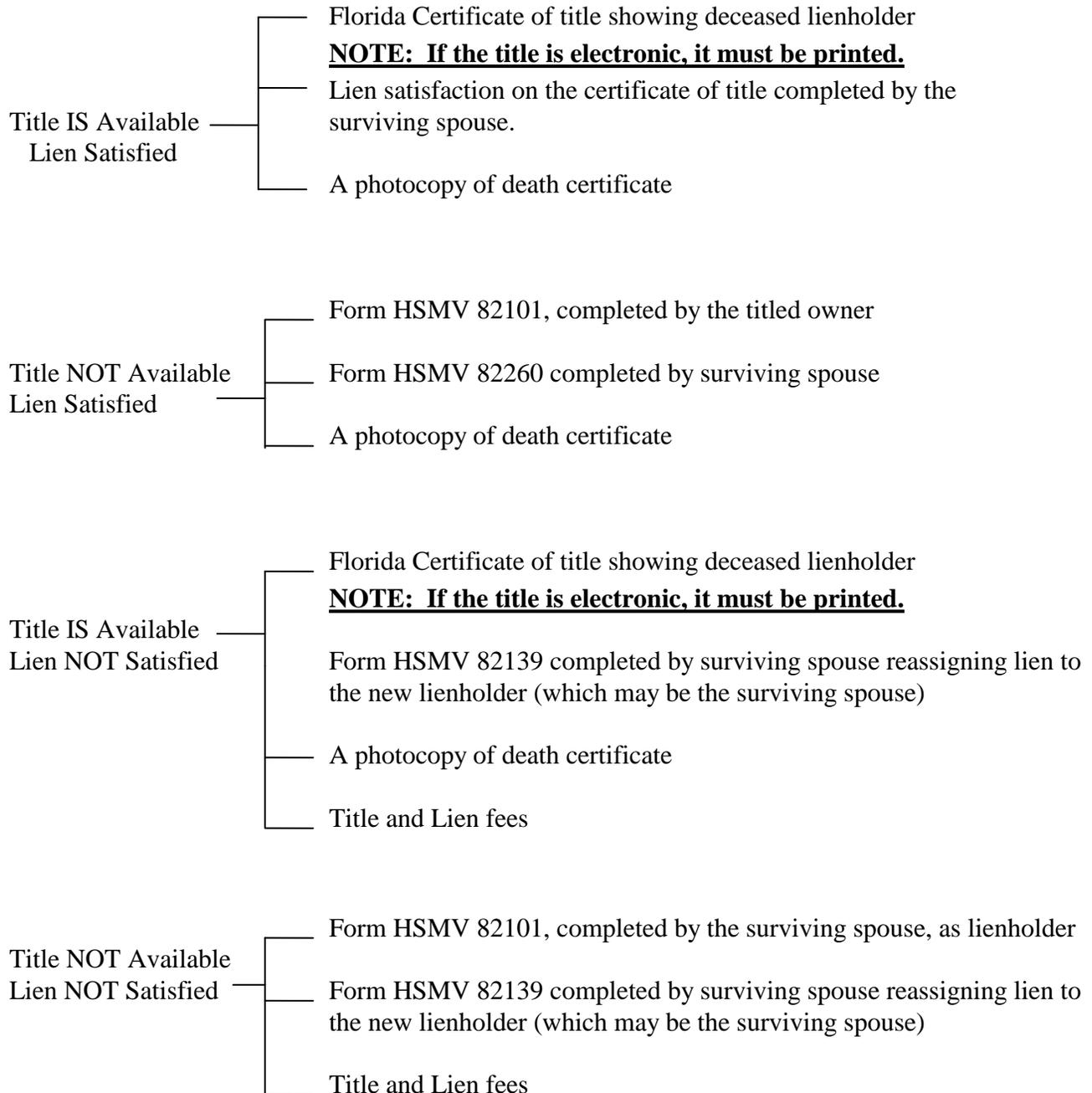


EXHIBIT B, cont. (CHART 15)

LIEN HAS BEEN RECORDED AND THE INDIVIDUAL AS LIENHOLDER IS DECEASED

LIENHOLDER'S ESTATE IS ADMINISTERED

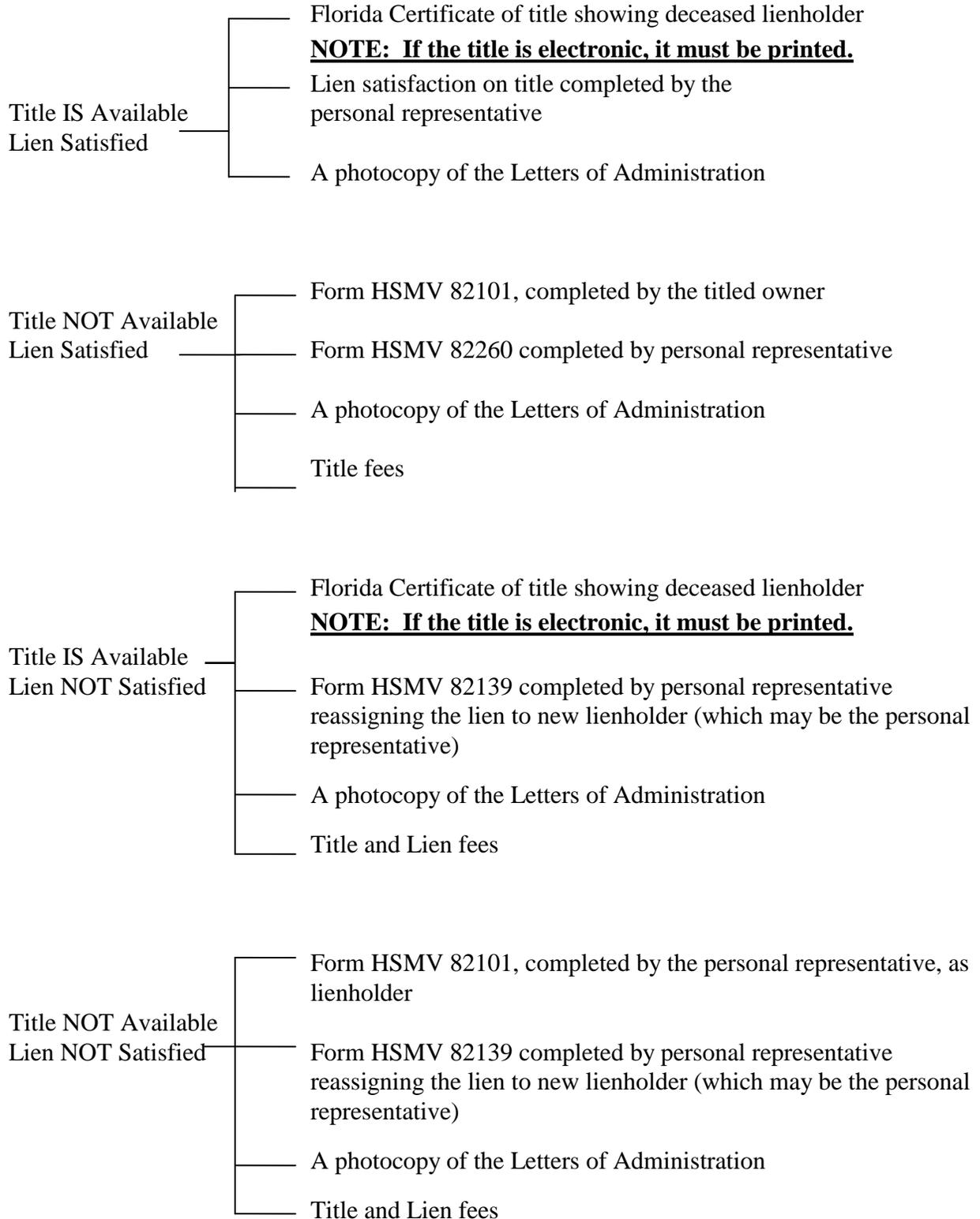


EXHIBIT B, cont. (CHART 16)

JOINT OWNERSHIP (THE NAMES OF INDIVIDUALS WHO MAY OR MAY NOT BE A MARRIED COUPLE) NAMES JOINED BY “AND” ALONG WITH THE WORDING “WITH RIGHTS OF SURVIVORSHIP” – ESTATE PROBATED/NOT PROBATED

(Surviving co-owner receives all rights to the vehicle (who may or may not be a married couple) due to the wording “WITH RIGHTS OF SURVIVORSHIP.”)

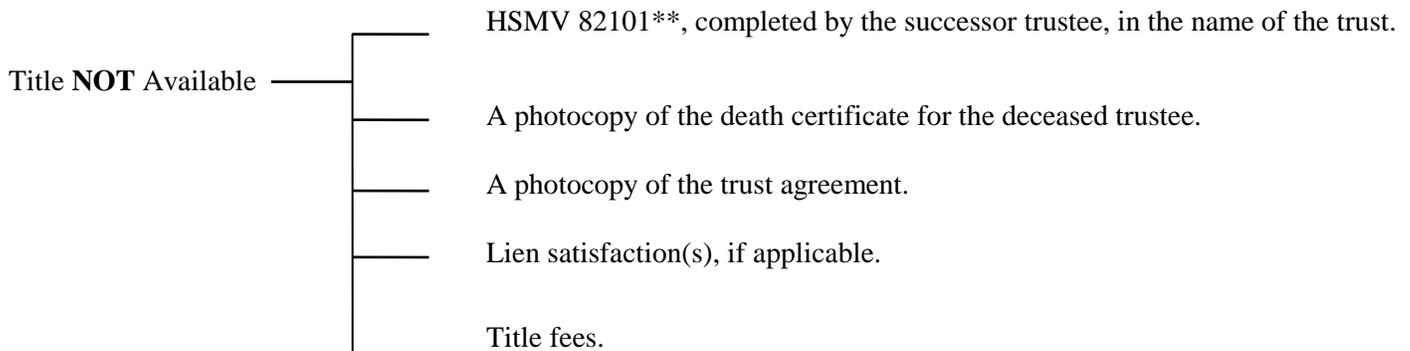
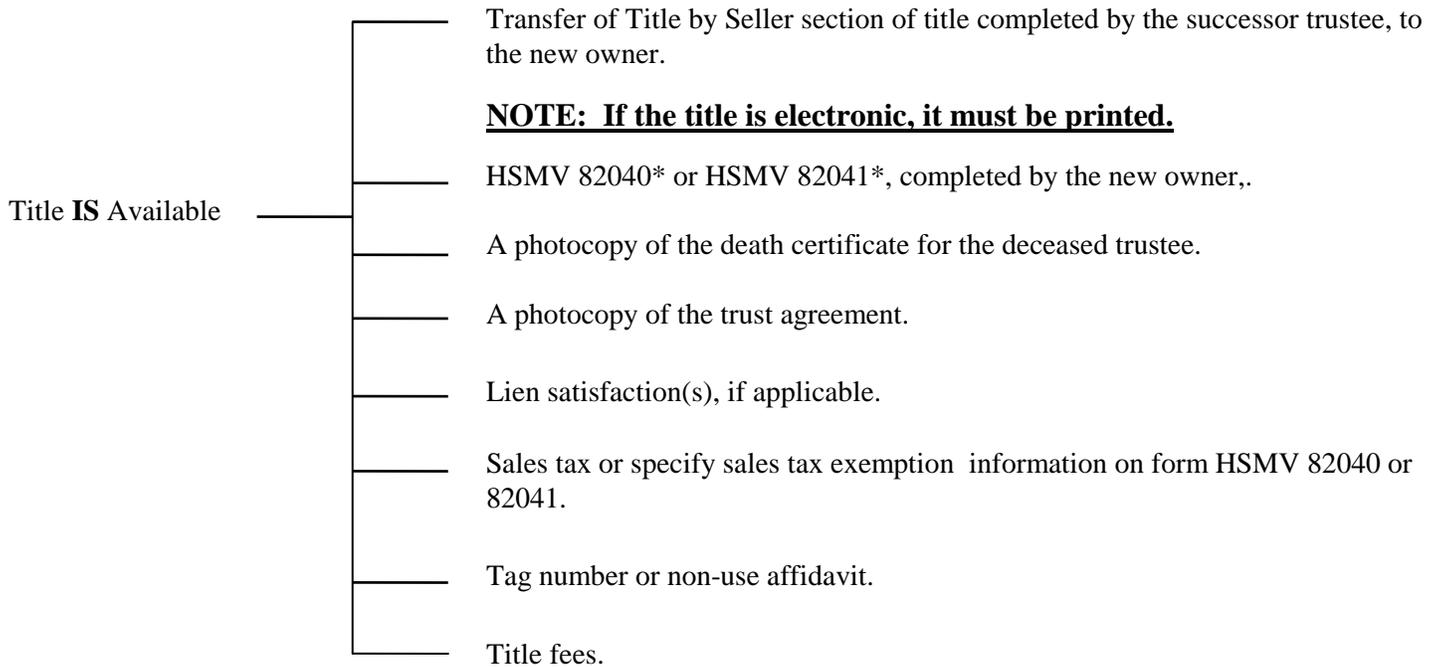
Title IS Available Joined by “And” along with “With Rights of Survivorship“	_____	“Transfer of Title by Seller” section of title, accurately completed by the surviving co-owner, to the new owner. Transfer may be to anyone.
	_____	<u>NOTE: If the title is electronic, it must be printed.</u>
	_____	Form HSMV 82040* or 82041* completed by the applicant(s).
	_____	A photocopy of death certificate.
	_____	Lien satisfaction(s), if applicable.
	_____	Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041.
	_____	Tag number or non-use affidavit.
	_____	Title fees.
Title NOT Available Names Joined by “And” along with “With Rights of Survivorship”	_____	Form HSMV 82040* or 82041* accurately completed in the surviving co-owner's name with an indication in the “Certification” section that the title is lost or destroyed.***
	_____	A photocopy of death certificate.
	_____	Lien satisfaction(s), if applicable.
	_____	Tag number or non-use affidavit.
	_____	Title fees.
Surviving Co-owner MUST remove decedent's name from title		

* Form HSMV 82041 is the Application for Title/Registration printed in the tag agencies. Form HSMV 82040 may be used when applicant(s) are not in the office to sign the 82041.

*** Surviving co-owner may add a name to the application.

EXHIBIT B (CHART 17)

TITLE IN THE NAME OF THE “TRUST” AND THE TRUSTEE IS DECEASED (SMITH FAMILY TRUST)



NOTE: After the duplicate title has been issued in the name of the “trust,” follow the above instructions for “Title Is Available.”

* Form HSMV 82041 is the Application for Vehicle/Vessel Certificate of Title and/or Registration printed in the tag agencies.

Form HSMV 82040 may be used when applicant(s) are not present to sign the form HSMV 82041.

** Form HSMV 82101, is the Application For Duplicate Or Lost In Transit/Reassignment For A Motor Vehicle, Mobile Home or Vessel Title Certificate.

EXHIBIT B (CHART 18)

TITLE IN THE NAME OF THE “TRUSTEE” AND THE TRUSTEE IS DECEASED (JOHN SMITH, TRUSTEE OR JOHN SMITH AS TRUSTEE FOR SMITH FAMILY TRUST)

Title IS Available	Transfer of Title by Seller section of title completed by the successor trustee to the “trust” or to him/her self as trustee for the trust.
	<u>NOTE: If the title is electronic, it must be printed.</u>
	HSMV 82040* or HSMV 82041*, completed by the successor trustee,
	A photocopy of the death certificate for the deceased trustee.
	A photocopy of the trust agreement.
	Lien satisfaction(s), if applicable.
	Tag number or non-use affidavit.
Title fees.	
Title NOT Available	HSMV 82040* or HSMV 82041*, completed by the successor trustee,
	An affidavit stating the title has been lost or destroyed (may be placed on the form HSMV 82040).
	A photocopy of the death certificate for the deceased trustee.
	A photocopy of the trust agreement.
	Lien satisfaction(s), if applicable.
	Tag number or non-use affidavit.
	Title fees.

* Form HSMV 82041 is the Application for Vehicle/Vessel Certificate of Title and/or Registration printed in the tag agencies.

Form HSMV 82040 may be used when applicant(s) are not present to sign the form HSMV 82041.

EXHIBIT C

DEFINITIONS

BEQUEST	To leave to a person by will.
CERTIFIED COPIES	Copies of an original document, witnessed by an official, such as a notary, as being the same as the original.
CO-OWNER	One who owns property with another.
CONSERVATOR OF ESTATE	A person authorized to take over and protect the estate of a deceased person.
CONVEYANCE	Signing over ownership
COURT ORDER	An order from a court that requires a person to take title.
CURATOR OF ESTATE	See Conservator of Estate, or Personal Representative.
DEATH CERTIFICATE	A document containing a certified statement that a person has legally been declared dead.
DECEDENT	A deceased person.
DEVISE	Same as bequest.
DISPOSITION	Settling of an estate or transferring of ownership of a motor vehicle or mobile home.
ESTATE	Property and possessions of the deceased.
ESTATE NOT ADMINISTERED	The estate of the deceased is not of sufficient value to be administered by a court or personal representative.
EXECUTOR/EXECUTRIX	A person named in a decedent's will to carry out the provision of that will. Executors of wills are usually called “personal representatives” in modern wills; the Latin terms are not that commonly used anymore.
FAMILY ADMINISTRATION	Normally used when the decedent leaves only personal property and the value of the estate subject to administration does not exceed \$60,000.
HEIR(S)	Person who inherits or is entitled to inherit the property of a deceased person.
INFORMAL LETTER	A ruling by the court written on the letterhead of the court.
INTESTATE	Died without leaving a will.
LEGATEE	See Heir.
LETTERS OF ADMINISTRATION	A document issued by a court authorizing a specified person to administer or settle the estate of one who has died.

EXHIBIT C (page 2, cont.)

LETTERS OF CURATORSHIP	See Letters of Administration.
LETTERS TESTAMENTARY	See Letters of Administration.
ORDER SETTING ASIDE EXEMPT PROPERTY	See Summary Administration.
OPERATION OF LAW	A transfer of ownership of a motor vehicle mandated or required by law.
PERSONAL PROPERTY	Property of the deceased that would include a motor vehicle or mobile home.
PERSONAL REPRESENTATIVE/ CURATOR	The person specified (named) in the court document to administer or settle the estate of a deceased person. The term is used in wills as well as in Letter of Administration, but has a completely different meaning in each context. In a will, the personal representative/executor is only empowered to do what the will specifies. However, in the Letters of Administration, the personal representative/ executor has unlimited power in disposing of the decedent's estate.
PROBATE	A legal process through which the assets of a deceased person are properly distributed to the heirs or beneficiaries under a will. The court oversees the estate to make sure debts are paid and proper distribution is made.
RECIPIENT	Person who receives a motor vehicle.
SPOUSE	A partner in a legally recognized marriage. Common law marriages are not presently recognized in Florida.
SUMMARY ADMINISTRATION	May be had in the administration of either a resident or nonresident decedent's estate, when it appears in a testate estate, that the decedent's will does not direct administration as required by chapter 733, or that the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors, does not exceed \$75,000 or that the decedent has been dead for more than 2 years.
SURVIVING SPOUSE	The individual who remains living after the death of the other.
TENANCY BY THE ENTIRETY	Ownership in names of <u>a married couple</u> , upon death of the other.
TESTATE	Died leaving a will.
TESTATOR	Person who dies leaving a will in force.
WILL	The legal declaration of a person's intentions as to the disposal of his/her estate after death.
WITH RIGHTS OF SURVIVORSHIP	Surviving co-owner receives all rights to the vehicle (<u>who may or may not be a married couple</u>).

EXHIBIT D

CHART OF HEIRS FOR INTESTATE (WITHOUT A WILL) ESTATES

Surviving Spouse, if none:

|

Lineal Descendants (Natural Children, Adopted Children),
if none:

|

Grandchildren, etc.,
if none:

Mother and Father, equally,
or the survivor, if none:

|

Brothers and Sisters or
Descendants of Brothers and Sisters, if none:

|

Half to maternal and half to
paternal relatives, in the following order:

|

Grandmother & Grandfather, equally,
or to the survivor,
if none:

|

Uncles and Aunts or
Descendants of deceased Uncles and Aunts of the decedent.

If no maternal or paternal relatives, estate will pass
to surviving relatives in the same order
as listed above,
if none:

|

The property will go to the relatives of the last
deceased spouse of the decedent as if the deceased spouse
had survived the decedent, and then died without a will.

|

When a person leaving an estate dies without
being survived by any person entitled to it,
the property will be turned over to the state.

F.S. 732.103, 108

NOTE: Stepchildren are not considered lineal descendants per section 732.103, Florida Statutes.
Adopted children have the same status as natural children.
Children are the natural heirs of their parents, whether their parents are married or not.