



PETITIONING TO AWARD TITLE TO A MOTOR VEHICLE

An Informational Guide to a North Dakota State Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided in this informational guide is not intended for legal advice but only as a general guide to a civil court process. **If you decide to represent yourself, you will need to do additional research to prepare.**

When you represent yourself, you must abide by the following:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders;
 - Any local court rules.

Links to the laws, case law, and court rules can be found at www.ndcourts.gov.

A glossary with definitions of legal terms is available at www.ndcourts.gov/ndlshc.

When you represent yourself, you are held to same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you are unsure if this information suits your circumstances, consult a lawyer.

***This information is not a complete statement of the law.** This covers basic information about the process of petitioning a North Dakota State District Court to award title to a motor vehicle. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state of North Dakota. Use at your own risk.*

CAUTION!

If a legal entity, such as a business, a corporation, or a limited liability company, will be awarded title to the motor vehicle if the petition is granted, STOP!

Consult a lawyer licensed to practice in North Dakota. Non-lawyers are generally not allowed to represent legal entities in North Dakota state district court. Documents signed by non-lawyer agents of a legal entity may be considered void. (See [Wetzel v. Schlenvogt](#), 2005 ND 190; and [State ex rel. Department of Labor v. Riemers](#), 2008 ND 191.)

This informational guide to petitioning a North Dakota state district court to award title to a motor vehicle is made up of two sections:

SECTION ONE gives general information about petitioning to award title to a motor vehicle. (Pages 2 - 6)

SECTION TWO gives information about the basic petition process from beginning to end. (Pages 7 - 11)

**SECTION ONE:
INFORMATION ABOUT PETITIONING A NORTH DAKOTA STATE
DISTRICT COURT TO AWARD TITLE TO A MOTOR VEHICLE**

OVERVIEW

When an individual is unable to obtain title to a motor vehicle through the process set out by the North Dakota Department of Transportation, the individual may petition a North Dakota state district court to award title to the motor vehicle.

The individual petitioning the North Dakota state district court must prove the steps they took to obtain title and prove their ownership of the motor vehicle.

CONTACT THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

Before petitioning a North Dakota state district court, contact the North Dakota Department of Transportation for information on their process for obtaining title to a vehicle. You may be able to obtain title to a vehicle without petitioning a North Dakota State District Court to award title.

The website is www.dot.nd.gov/. The phone number for titling and registration is (701) 328-2725.

DOES THE ND LEGAL SELF HELP CENTER HAVE PETITION TO AWARD TITLE TO A MOTOR VEHICLE FORMS?

No, the ND Legal Self Help Center does not have a packet of forms for petitioning a North Dakota state district court to award title to a motor vehicle. If you decide to represent yourself, you will need to create and prepare your own legal documents. **Names and descriptions of the documents you will need to create and prepare are found throughout this guide.**

Although the ND Legal Self Help Center does not have forms or instructions for petitioning a North Dakota state district court to award title to a motor vehicle, a variety of General-Use forms are available in the Guide to a Civil Action. You may find the General-Use forms of interest as a starting point for creating your own legal documents.

The Guide to a Civil Action is available at www.ndcourts.gov/ndlshc by clicking on the "Guide to Civil Action" link. Links to the General-Use forms are located at the **end** of the Guide. You must scroll to the end of the Guide to find the active links to the forms.

Formatting examples of some of the documents you will need to create and prepare are available at the end of this guide.

IS THERE HELP AVAILABLE FOR CREATING LEGAL DOCUMENTS?

If you would like assistance creating your legal documents, consult a lawyer licensed to practice in North Dakota. Ask the lawyer about Limited Legal Representation. Lawyers licensed to practice in North Dakota may agree to help you with part of your civil action, such as preparing legal documents, while you handle the rest of your civil action. You and the lawyer must agree in writing to Limited Legal Representation.

ND Legal Self Help Center staff and court system staff cannot assist you with creating or preparing your legal documents.

WHO ARE THE PARTIES IN A PETITION TO AWARD TITLE TO A MOTOR VEHICLE?

Petitioner – The individual(s) making the request. The Petitioner starts the civil action by serving a summons and petition on the Respondent(s).

Respondent – The person or persons against whom the petition is brought. The Respondent may also be the person or persons you ask the court to order to do something. The Petitioner arranges for service of the summons and petition on each Respondent.

WHAT ARE THE DEFINITIONS OF SOME OF THE COMMONLY USED TERMS IN A PETITION TO AWARD TITLE TO A MOTOR VEHICLE?

Department – The North Dakota Department of Transportation.

Motor Vehicle (Chapter 39-01) – In North Dakota Century Code Chapter 39-01: Definitions and General Provisions, “motor vehicle” includes every vehicle that is self-propelled, every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and, for purposes of motor vehicle registration, title registration, and operator’s licenses, motorized bicycles. The term does not include a snowmobile.

Motor Vehicle (Chapter 39-05) – In North Dakota Century Code Chapter 39-05: Title Registration, “motor vehicle” also includes a housetrailer or mobile home and a semitrailer designed to be towed by a truck tractor, unless the context or subject matter requires otherwise.

Venue - The location (county court) in which the North Dakota state district court will hear the civil action.

WHAT ARE NORTH DAKOTA LAWS AND RULES RELATED TO PETITIONING TO AWARD TITLE TO A MOTOR VEHICLE?

Chapter 28-04 of the North Dakota Century Code

<http://www.legis.nd.gov/cencode/t28c04.html> governs which North Dakota state district court may hear the petition, which is referred to as called venue. Review the Chapter to determine where to file the summons and petition.

Chapter 39-05 of the North Dakota Century Code

<http://www.legis.nd.gov/cencode/t39c05.html> governs title registration.

- See Section 39-05-20 for laws related to obtaining a new title when unable to obtain the old title. (<http://www.legis.nd.gov/cencode/t39c05.pdf#nameddest=39-05-20>)

Chapter 37-12-04 of the North Dakota Administrative Code

<http://www.legis.nd.gov/information/acdata/pdf/37-12-04.pdf> contains the administrative rules enacted by the North Dakota Department of Transportation related to the Department’s procedure for obtaining certificate of title for untitled vehicles.

The North Dakota Rules of Civil Procedure apply to civil matters in North Dakota state district courts. The rules are found at www.ndcourts.gov/rules/civil/frameset.htm.

The North Dakota Rules of Court apply to civil matters in North Dakota state district courts. The rules are found at www.ndcourts.gov/rules/NDROC/frameset.htm.

The North Dakota Rules of Evidence apply to civil matters in North Dakota state district courts. The rules are found at www.ndcourts.gov/rules/evidence/frameset.htm.

North Dakota Case Law is useful for interpreting what the law means for your individual circumstances. When the decision of a case is appealed from a North Dakota State District Court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.

One way to research case law related to awarding title to a motor vehicle, is to use the print version of the North Dakota Century Code to find the short summaries of case law after each Section of the Century Code. The case law summaries are located directly following the text of the Century Code Section. To view the full text of the opinion, go to www.ndcourts.gov, click on the "Opinions" link and enter the case name or case citation.

Laws constantly change through legislation, administrative rules and rulings, and case law. To determine how a law applies to your situation, review the applicable law or laws, administrative rules and rulings, and case law. Notes of case law related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

LAWYER RESOURCES AND LIMITED LEGAL REPRESENTATION

You are not required to hire a lawyer to bring a civil action in North Dakota State District Court. If you decide to represent yourself, you must follow all of the rules, laws and procedures that a lawyer is required to follow.

Lawyer Resources

If you decide to find a lawyer to represent you, you may find the following options of interest.

- Legal Services of North Dakota is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is www.legalassist.org.

- The State Bar Association of North Dakota provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is www.sband.org. The cost is \$30.00 for a 30 minute consultation with a lawyer.
- For a list of all lawyers who are licensed to practice in North Dakota, go to the North Dakota Supreme Court website at www.ndcourts.gov/Lawyers. You can narrow your search by name or location.

Limited Legal Representation

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called “unbundling”) is a way that a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled.

For example:

- You may want an attorney to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with an attorney to prepare or review your legal documents, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with an attorney who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire an attorney just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

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SECTION TWO: THE PETITION PROCESS IN NORTH DAKOTA

STEP ONE: GATHER YOUR DOCUMENTATION

Gather your documentation to include as exhibits to your petition.

At minimum, you must prove the following to the North Dakota state district court:

- The steps you took to obtain title to the motor vehicle; and
- Your ownership of the motor vehicle.

You make all decisions about how to prove the steps you took to obtain title and how to prove your ownership of the motor vehicle. The ND Legal Self Help cannot advise you. If you need assistance, consult with a lawyer licensed to practice in North Dakota who can agree to represent you.

Make a copy of your documentation and type or write an exhibit identifier on each copy.

For example, Exhibit A, Exhibit B, Exhibit C. When you refer to your documentation in your petition document, include the name you gave the Exhibit.

Make copies of your marked exhibits to serve on each Respondent in Step Three.

STEP TWO: CREATE AND PREPARE YOUR LEGAL DOCUMENTS

Determine the Respondent(s):

The Respondent (or Respondents) is the person (or persons) against whom the petition is brought. The Respondent (or Respondents) may also be the person (or persons) you are asking the court to order to do something.

You determine who to list as Respondent(s) on the documents. The ND Legal Self Help Center cannot advise you.

Prepare the Summons:

A summons directs the Respondent (or Respondents) to answer the petition within a certain amount of time. The summons notifies the Respondent (or Respondents) that a default judgment will be taken against them if the Respondent (or Respondents) does not answer.

An example of a summons is found at the end of this Informational Guide. Instructions for preparing a summons are included with the example.

Leave the “case number” blank. If your completed documents are accepted for filing by the clerk of state district court, a case number will be assigned. (See Step Four)

Create the Petition to Award Title to a Vehicle:

A petition is a written request for an order granting the relief the Petitioner is seeking. The petition describes in short, plain statements that the Plaintiff is entitled to relief, and includes the request, or requests, for relief.

At minimum, the petition must include the following:

- Statements of subject matter jurisdiction of the state district court and personal jurisdiction of the state district court over the persons named in the petition.
 - Subject matter jurisdiction: The specific law(s) and/or that relate to the subject of the petition that give the state district court authority to hear and determine the petition.
 - Personal jurisdiction: How the state district court has authority over each of the persons named in the petition. (See Rule 4 of the North Dakota Rules of Civil Procedure.)
- Statement of why the county is the proper venue for the petition.
- Statements of the reasons you are bringing the petition, the steps you took to obtain title and why the state district court should award you title to the motor vehicle.
 - Include references to your documentation by using the exhibit letters you assigned when you marked the exhibits in Step One.
- Requests for relief, also called demands for relief.
 - Tell the court what you want the court to do.
- Dated and signed by you, the Petitioner.
 - Directly following your signature, write or type your printed name, address and phone number.
 - If your mailing and street addresses are different, include both.
- Your verification of the correctness, truth or authenticity of the petition.
 - Your notarized verification statement comes after the date and signature block on the petition.

You may find two general-use forms useful as a starting point for creating your petition. The general-use forms are found under the “Guide to Civil Action” link at www.ndcourts.gov/ndlshc/.

- Caption and Signature (Petition) Form
- Verification (Petition) Form

A formatting example of a petition to award title to a vehicle is found at the end of this Informational Guide. The example petition is included only as a formatting example. The ND Legal Self Help Center does not guarantee or certify its accuracy or legal sufficiency. **Use at your own risk.**

Make Copies of the Completed Documents:

Make a copy of the completed summons and petition for each Respondent you listed in the summons and petition.

You must serve the copy of the summons and petition on each Respondent in Step Three.

Make a copy of the completed summons and petition for your records.

STEP THREE: SERVE COPIES OF THE PETITION DOCUMENTS ON EACH RESPONDENT

Each Respondent you listed on the petition must be served with one copy of the following completed documents:

- Summons
- Petition
- Exhibits (if any)

You must provide proof of service for each Respondent to the state district court.

A completed, signed and notarized affidavit of service from the person who served the documents is your proof of service. If you do not provide proof of service to the state district court, the court will not act on your petition.

You will file proof of service in Step Four.

For information about the requirements and process for serving a summons and petition to start a civil action, including blank affidavit of service forms, click on the “Service” link at www.ndcourts.gov/ndlshc/. Carefully review the information in the “Service to Start a Civil Action” section of the webpage.

If You are Unable to Locate a Respondent for Service:

If you, after making diligent efforts to locate a Respondent for service of the summons and petition, are unable to locate the Respondent, service by publication may be available.

Service by publication is not allowed in every type of court case.

For information about the requirements and process for service by publication to start a civil action, click on the "Service" link at www.ndcourts.gov/ndlshc/. Review the service by publication information in the "Service to Start a Civil Action" section of the webpage.

Respondents Have 21 Days from Service to Respond to the Petition:

Each Respondent has 21 days from the date they were served the copy of the summons, petition and exhibits (if any) to respond to or "answer" the petition. An answer is a written response by a Respondent to your petition to award title to a motor vehicle.

STEP FOUR: FILE THE ORIGINAL PETITION DOCUMENTS WITH THE CLERK OF STATE DISTRICT COURT

Filing a document is not the same as serving a document. Filing does not meet the requirements of service. Proof of service of the document(s) must be filed with the court.

The originals of the following completed documents are filed with the clerk of state district court:

- Summons
- Petition
- Exhibits (if any)
- Proof of Service on Each Respondent

If the clerk of state district court accepts your documents for filing, the clerk will assign a case number.

You will be required to pay an \$80.00 filing fee. Confirm the amount with the clerk of court.

Contact information for clerks of court by county may be found at

<http://www.ndcourts.gov/court/email/frclerks.htm>.

Forms and instructions for asking the court to waive the \$80.00 filing fee can be found at

<http://www.ndcourts.gov/ndlshc/OtherForms/WaiverFees/WaiverofFees.aspx>.

STEP FIVE: AFTER THE PETITION IS FILED

After the petition is filed, the case is assigned to a judge. The judge reviews the documents filed in the case and makes decisions.

You May be Required to Provide Additional Information to the Court:

After reviewing the documents you filed, the judge may require you to provide additional information before the court will act on your petition. It is up to you to follow up on anything the court requires you to do.

The Judge May Decide your Petition Based Only on the Documents Filed:

After reviewing the documents you and any Respondents filed, the judge may grant or deny your petition without holding an in-person hearing.

The Judge May Decide to Hold an In-Person Hearing:

After reviewing the documents you and any Respondents filed, the judge may decide to hold an in-person hearing before deciding whether to grant or deny your petition.

If the judge decides to hold a hearing, the court notifies you in writing of the date, time and location of the hearing.

At the hearing, you, the Petitioner, must prove the information you provided in your petition.

Each Respondent may present evidence to disprove the information you provided in your petition.

Caution! Preparing for a hearing is often a complex and confusing process. You are held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. You will need to conduct additional research to prepare.

At minimum, review and research the laws and rules listed above. You will use the North Dakota Rules of Evidence, in particular, to present your evidence and object to each Respondent's evidence.

Review pre-trial and trial guidebooks for self-represented litigants and lawyers. Your local public or academic library may have resources available.

If Your Petition is Dismissed:

Review the order dismissing your petition.

If your petition is dismissed with prejudice, you cannot re-file the petition.

If your petition is dismissed without prejudice, you may re-file the petition at a later date.

Examples of the documents listed below are found on the following pages:

- **An example of a summons for a petition and instructions for preparing a summons.**
- **A formatting example of a petition to award title to a motor vehicle.**
- **A formatting example of an order awarding title to a motor vehicle.**