

West Virginia Department of Transportation

Division of Motor Vehicles



Affidavit for Possession of a Junked or Abandoned Motor Vehicle

1-800-642-9066

dmv.wv.gov

THIS FORM IS USED ONLY WHEN A VEHICLE HAS A LOAN VALUE OF \$9,500 OR LESS.

Complete titling instructions, information, and forms required when applying for possession of a junked or abandoned motor vehicle are listed on the back of this page. Please read both sides of this form carefully and submit all required documentation with your application. This form must be printed in ink or typed. Any alterations or erasures will void this document.

This affidavit is to be used by a West Virginia motor vehicle dealer, a motor vehicle repair facility, or a person/entity hired by a West Virginia enforcement agency or auto auctions for securing a West Virginia title for a junked or abandoned motor vehicle.

I/we, the undersigned, certify that the motor vehicle described herein will be sold due to the failure of the registered owner, named herein, to meet their obligation of payment for towing, storage, repairs, etc., and that all West Virginia Motor Vehicle laws have been complied with regarding the giving due notice and authority to dispose of the vehicle at a private sale or public auction.

A) Registered Vehicle Owner, Vehicle Information, and Applicant for Title Information

NAME OF LAST REGISTERED OWNER (IF KNOWN)

ADDRESS OF LAST REGISTERED OWNER (IF KNOWN)

COUNTY

STATE

ZIP

Lienholder

Lender Code:

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LIENHOLDER (IF APPLICABLE)

Year

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MAKE

Title No.

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VIN No.

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STATE

NAME OF APPLICANT FOR TITLE

LOAN VALUE

(X)

SIGNATURE OF APPLICANT

DATE

B) Law Enforcement Certification (IF APPLICABLE)

The following person or entity applying for a title to this vehicle has been hired by this agency to the vehicle listed above:

NAME OF PERSON/ENTITY HIRED

NAME OF LAW ENFORCEMENT AGENCY

(X)

SIGNATURE OF LAW ENFORCEMENT OFFICER

BADGE/UNIT NUMBER

DATE PERSON/ENTITY WAS HIRED TO TAKE POSSESSION OF VEHICLE

CONTINUED ON REVERSE SIDE

C) Required Documents Checklist

- ☐ Application for a Certificate of Title for a Motor Vehicle (DMV-1-TR)
- ☐ Serial Number Certification (DMV-1B)
- ☐ Vehicle Information Request Form (DMV-100-TR)
- ☐ Affidavit of Possession for a Junked or Abandoned Motor Vehicle (This Form)
- ☐ Certified Mail Return Receipt Stub **OR** Copy of Class I Newspaper Legal Advertisement
- ☐ Odometer Disclosure Statement (DMV-TM-1)
- ☐ Abandoned Vehicle Notice (DMV-131-TR)

All forms are to be mailed together to the following address:

DMV Receiving and Processing, PO Box 17710, Charleston, WV 25317

D) Titling Information and Instructions

Chapter §17-24A-4 of the West Virginia Code, allows due process for a West Virginia motor vehicle dealer, a motor vehicle repair facility, or a person or entity hired by a West Virginia enforcement agency to obtain title, and sell as a private sale or sell at a public auction any motor vehicle that has been towed and abandoned on their property as long as it has a loan value of \$9,500.00 or less. *This form cannot be used if the loan value of the vehicle exceeds \$9,500.00. If the loan value exceeds \$9,500.00, the applicant for title must provide an appraisal indicating a lesser value. If the applicant does not provide an appraisal or if the vehicle value still exceeds \$9,500.00 after the appraisal, the applicant must go through the process of a sheriff's sale.*

Option 1: Once the motor vehicle is in your possession, you shall, within 30 days, notify the last registered owner of record and all lien holders of record, if any, of the location of the facility where the motor vehicle is being stored and of the owner's liability for towing and storing charges. **You must do this by registered mail with a return receipt requested.** Upon the issuance of the notice, the owner is liable and responsible for all charges for towing and storage of the motor vehicle. However, failure to issue said notice within 30 days after possession of the vehicle via registered mail relieves the identified owner or lien holder of any liability for towing or storage charges in excess of the sum for the first five days. The owner must be given 10 days to respond from the date of registered mail notice of receipt.

Option 2: If the identity of the last registered owner, or lien holder cannot be determined, a notice shall be published as a Class I newspaper advertisement. The publication area shall be the county where the vehicle was located at the time of possession. The notice shall be published within 15 days after possession of vehicle. The owner has 10 days to respond from date of publication. *Before a title will be issued a nationwide serial number search must be completed by the DMV. If record of the serial number is found, the applicant for title must revert back to Option 1. The DMV will supply the state of record to the applicant; but it is the responsibility of the applicant to contact that state's DMV for the owner and lien holder information.*

Required Content of Abandoned Vehicle Notice for Registered Mail Notice or Legal Advertisement

Anyone applying for an abandoned vehicle title process must include the following content in that notice:

- A description of the motor vehicle including the year, make, model, manufacturer's serial or identification number, which may have been assigned to the motor vehicle by the Commissioner of Motor Vehicles, and any distinguishing marks.
- The location of the facility where the motor vehicle is being held and the location where the motor vehicle was taken into custody and is in possession.
- Inform the owner and any lien holders of record of their right to reclaim the motor vehicle within 10 days after the date of notice by the owner or lien holder, upon payment of all towing, preservation, and storage charges resulting from taking and placing the motor vehicle into custody and possession.
- State that the failure of the owner or lien holders of record to exercise their right to reclaim the motor vehicle within the 10 day period shall be deemed a waiver by the owner and all lien holders of record of all right, title, and interest in the motor vehicle and of their consent to the sale or disposal of the abandoned or junked motor vehicle at a private sale, public auction, to a licensed salvage yard, or demolisher.