

IN THE CIRCUIT COURT OF _____ COUNTY MISSOURI

Fill In County Above

ASSOCIATE CIRCUIT DIVISION

| | | |
|---|--|--|
| _____ Plaintiff's Full Name | | |
| _____ Address: Street/PO Box | | |
| _____ City-State-Zip | | |
| Plaintiff | | |
| VS Wayne Wallingford | | |
| Director of the Department of Revenue State of Missouri | | |
| Serve At | 301 West High Street, Rm 670 Jefferson City, MO 65101 | |
| Defendant | | |
| Caution! Do Not Complete This Petition Without Seeking A Lawyer's Advice In These Situations: | | |
| If you <u>do not have</u> the vehicle's title If the vehicle has liens against it If your case involves multiple parties or vehicles | | If any statement does not apply to your case or If you do not understand or have questions. |
| Note Well! In preparing your trial documents, be truthful, accurate, and correct. Type or print legibly. Put "x"s in the proper boxes. | | |

**Petition for Declaratory Judgment
To Determine Ownership of Vehicle**

Plaintiff makes the following statements in support of ownership of a vehicle and this Petition for Declaratory Judgment.

| | | | | | | |
|----|--|------------------------------------|-------------------------------------|---|-------------------------------|---|
| 1. | Plaintiff seeks declaration of ownership of a | | | | | |
| | <input type="checkbox"/> Car | <input type="checkbox"/> Truck/Van | <input type="checkbox"/> Motorcycle | <input type="checkbox"/> Trailer | <input type="checkbox"/> Boat | <input type="checkbox"/> Outboard Motor |
| 2. | Plaintiff acquired the Vehicle in this transaction. | | <input type="checkbox"/> In a sale | <input type="checkbox"/> As a gift | | |
| 3. | The Vehicle is identified below. | | | | | |
| | _____ Year | _____ Make | _____ Model | _____ VIN- Vehicle ID Number/Hull Number | | |
| 4. | Defendant Director of Revenue is an appointed official of the State of Missouri charged with the responsibility and duty of issuing titles certifying ownership of vehicles. | | | | | |

| | | | | |
|----|--|--|---------------------------------|-----------------------------------|
| 5. | Transferor (<i>seller or gift-giver</i>) is a(n) | <input type="checkbox"/> Individual | <input type="checkbox"/> Dealer | <input type="checkbox"/> Business |
| | _____ | | _____ | |
| | Transferor's Name | Transferor's Address: Street-City -State-Zip | | |
| | _____ | | | |
| | Transferor's Dealership/Business | | | |
| | Other information about transferor: _____ | | | |

| | | | |
|----|---|----------------------|-------------|
| 6. | Details about the transaction (<i>sale or gift</i>) appear below. | | |
| | _____ | _____ | \$ _____ |
| | Date of Transaction | Place of Transaction | Amount Paid |
| | Other information about the transaction: _____ | | |

| | | | | |
|----|---|---|--|--|
| 7. | Plaintiff does <u>not</u> have good title to the Vehicle for the following reason(s). | | | |
| | <input type="checkbox"/> Transferor provided no title. | <input type="checkbox"/> Transferor failed to title in own name. | | |
| | <input type="checkbox"/> Title is lost and getting duplicate is impossible. | <input type="checkbox"/> No or improper assignment of title was made. | | |
| | <input type="checkbox"/> _____ | <input type="checkbox"/> _____ | | |
| | Details about titling problems: _____ | | | |

8. Without good title, Plaintiff cannot register, license, or sell the Vehicle. Thus Declaratory Judgment is both necessary and proper to determine ownership of the Vehicle identified in Paragraph 3.

9. To this Petition, Plaintiff attaches copies of the following Exhibits to prove ownership of the Vehicle. (**Note Well!** Be sure to attach copies, not the originals. Save the originals, put them in your trial file, take them to court on your trial date.) Mark each Copied Exhibit in upper right-hand corner with proper letter.

| | | | | | | | |
|---|-------------------|---------|-------|--------------------------|--------------------------|------------|-------|
| <i>Fill in proper boxes below with "x" s. Identify exhibits by letter-A-B-C, etc., and add <u>copies</u> to Petition.</i> | | | | | | | |
| <input type="checkbox"/> | Bill of Sale | Exhibit | _____ | <input type="checkbox"/> | Waivers | Exhibit(s) | _____ |
| <input type="checkbox"/> | Affidavit of Gift | Exhibit | _____ | <input type="checkbox"/> | Releases | Exhibit(s) | _____ |
| <input type="checkbox"/> | Title--Front Side | Exhibit | _____ | <input type="checkbox"/> | Letters, Emails | Exhibit(s) | _____ |
| <input type="checkbox"/> | Title-- Back Side | Exhibit | _____ | <input type="checkbox"/> | Other (<i>specify</i>) | Exhibit(s) | _____ |

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter its Judgment as follows:

- A. To declare Plaintiff to be the legal owner of the Vehicle identified in Paragraph 3
- B. To order Defendant Director of Revenue to issue a Certificate of Title for the Vehicle identified in Paragraph 3, after Plaintiff submits an application and pays taxes and fees and
- C. To order any other relief that the Court finds just and proper.

| | | |
|--|-----------------------|--|
| Respectfully Submitted, | | |
| _____ | Pro Se | |
| Plaintiff's Signature (<i>sign in notary's presence</i>) | | |
| _____ | _____ | |
| Plaintiff's Name Printed | Plaintiff's Telephone | |
| _____ | _____ | |
| Verification Date | Plaintiff's Email | |

Verification

To be completed by a notary and signed in notary's presence

State of _____

SS

County of _____

Plaintiff _____ appeared before me, a Notary Public. After being duly sworn, Plaintiff affirmed that the facts in this Petition are true and correct according to Plaintiff's best belief, knowledge, and information.

Plaintiff's Signature

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public

My Commission Expires: _____

IN THE CIRCUIT COURT OF _____ COUNTY MISSOURI

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ASSOCIATE CIRCUIT DIVISION

Fill in Plaintiff's name and Vehicle's identification in the shaded area below.

| | | |
|-----------|---------------------------------------|----------------|
| | | |
| | | |
| | Plaintiff's Full Name | |
| | | Case No. _____ |
| | Vehicle ID: Year-Make-Model-VIN | Division _____ |
| Plaintiff | | |
| | | |
| VS | Wayne Wallingford | |
| | Director of the Department of Revenue | |
| | State of Missouri | |
| Defendant | | |

Declaratory Judgment Determining Ownership of Vehicle

The Court takes up Plaintiff's Petition for Declaratory Judgment, seeking a determination of legal ownership of the Vehicle identified in the caption of this Judgment.

WHEREFORE, after considering the evidence on the history of ownership of the Vehicle identified in the caption of this Judgment, the Court grants the relief requested in Plaintiff's Petition, and finds and orders that

- Plaintiff is declared the legal owner of the Vehicle identified in the caption of this Judgment.
- Defendant Director of Revenue shall issue to Plaintiff the appropriate Certificate of Title, upon Plaintiff's application and payment of required taxes and fees.

IT IS SO ORDERED.

Date

Judge

Pro Se Checklist

Declaratory Judgment To Determine Ownership of Vehicle

For Plaintiff's Trial File! Do Not File in Court!

☐ Set Up Your Trial File

- Include this Checklist; Forms; Trial Documents & Exhibits, both originals and copies.
- Add to File as you complete documents and receive papers about your case.
- Keep File safe; take it with you when you go to Court.

☐ Prepare Trial Documents & Exhibits

- Complete Petition & Proposed Judgment
 - Either print form, then fill-out by hand
 - Or fill-out form on computer, then print.
- Gather, Copy, and Mark Exhibits.

☐ Verify Petition Before a Notary

☐ Organize Trial Documents:

- Assemble Document Package: Original Verified Petition + Copied Exhibits + Proposed Judgment.
- Make 2 one-sided, collated copies of Doc Pkg.

☐ Arrange for Court Fees

- Filing fee: _____ Payable to Circuit Court
- Service of Process fee; _____
Payable to Cole County Sherriff
 - The Court does not accept personal checks; but does accept cash (*only if paying in person*); money orders; company and bank checks; credit and debit cards (*but with interest charges*).

☐ Find Information about the Courthouse in your County

- Its Street Address _____
- Its Web Address _____
- Its Civil Filing Dept _____

☐ File Documents and Pay Fees at the Courthouse

- Tell Court Clerk that you have a petition to file.
- Give to the Court Clerk in this order
 - Document Package with Original Verified Petition + Proposed Judgment
 - One Copy of Doc Pkg for Service of Process
- Ask Court Clerk to "File Stamp" the Second Copy of Doc Pkg and Keep that copy in your Trial File.
- Pay fees.

☐ Find out how to request court hearing date

- Ask Court Clerk how to set your court hearing. Do you call a telephone number? Does the Court set the date?

☐ Know your Court Division and Case Numbers (on your copy of the document package)

- Use Division # to find out your courtroom and judge using your court's website
- Use Case # to track your case on CaseNet:
<https://www.courts.mo.gov/casenet/>

☐ Prepare for Trial—Don't Miss Your Hearing and Trial Dates!

- The day before trial, read your Petition out loud several times. This will help you to tell the judge about your case and answer questions in court.
- On day of trial, be sure to take your trial file, dress appropriately, be on time.

☐ Apply for Title at Missouri Motor Vehicle Bureau

- Take your Court Judgment and Trial File
- Pay sales tax and fees
- Comply with MMVB's requirements.
<https://dor.mo.gov/motorv/titling.php>