

810-5-75-.09 Title Procedure - Transfer of Title For A Vehicle From A Deceased Owner.

(1) When the Estate Has Not Been and Will Not Be Probated. If the estate has not and will not be probated, the next of kin shall transfer ownership of the vehicle. In order to accomplish this task, the following procedures must be followed:

(a) The next of kin of the deceased owner shall complete form MVT 5-6, "Affidavit for Assignment of Title From A Deceased Owner Whose Estate Does Not Require Probate". By completing the form, the next of kin attests that he/she is the next of kin and it is the desire of all said heirs that either an application for replacement title or transfer of title be executed.

(b) The form MVT 5-6 can be used to:

1. Support an application for a replacement title. See rule 810-5-75-.15 for guidelines regarding applying for a replacement title.

2. Support the transfer of ownership of the vehicle. See rule 810-5-75-.18 for guidelines regarding transferring title for a vehicle currently titled in Alabama.

(c) As the form MVT 5-6 is a sworn affidavit, a power-of-attorney form may not be used in conjunction with the form MVT 5-6.

(d) A copy of the death certificate for the person reflected as the owner on the form MVT 5-6 must accompany form MVT 5-6.

(e) The person completing form MVT 5-6 must sign the reverse side of the certificate of title as the "seller". This is being done on behalf of the estate of the deceased owner.

(2) When the Estate Has Been or Will Be Probated. Once the estate has been or will be probated, the executor or administrator shall transfer ownership of the vehicle. In order to accomplish this task, the following procedures must be followed:

1. The executor or administrator of the estate signs the reverse side of the certificate of title as the "seller". This is being done on behalf of the estate of the deceased owner.

2. A copy of the letter of testamentary, administration, or equivalent order issued by a court of competent jurisdiction will accompany the title.

(3) When the Deceased Individual Acquired Vehicle but Did Not Title Vehicle Prior to Death, the Vehicle Must Be Titled in the Estate of the Deceased. In the event that an individual acquires a vehicle, but did not title the vehicle before his/her death,

the vehicle must be titled in the estate of the deceased owner by following the procedures in sections (1) or (2) above depending on whether or not the estate will be probated.

(4) The fees associated with processing title documents are provided for in Section 32-8-6, Code of Alabama 1975.

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Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975

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