

(1) When an owner of a motor vehicle becomes deceased and the Estate has not been and will not be probated, the next of kin shall may apply for replacement title or transfer ownership of the vehicle by submitting a title application to the department that is accompanied by:

(a) A Next of Kin Affidavit (Form MVT 5-6), attesting the desire of all said heirs to apply for replacement title or transfer ownership.

(b) A copy of the death certificate for the person reflected as the owner on the form.

When transferring ownership, the next of kin must complete the assignment of the certificate of title as the “seller” on behalf of the estate of the deceased owner. ~~In order to accomplish this task, the following procedures must be followed:~~

(a) ~~The next of kin of the deceased owner shall complete 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 an owner of a motor vehicle becomes deceased and the estate has been or will be probated the executor or administrator of the estate may apply for replacement title or transfer ownership of the vehicle by submitting a title application to the department that is accompanied by a copy of the letters testamentary, letters of administration, or an equivalent order issued by a court of competent jurisdiction. When transferring ownership, the executor or administrator must complete the assignment of the certificate of title as the “seller” on behalf of the estate of the deceased owner. 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 a 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 owner~~ acquires a motor vehicle, but did not obtain title to the vehicle before his/her their death, the vehicle must be titled in the estate of the deceased owner by following the procedures in sections paragraphs (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 Ala.bama 1975.

(5) The department may authorize the documents referenced in this rule to be electronically submitted to the department in lieu of delivering the original documents to the department.

Author: Don Clemons and Jonathan Lawrence

Authority: §§ 40-2A-7(a)(5), and 32-8-3(b)(2), and 32-8-6, Code of Ala.bama 1975

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