

Questions and specific areas of training on Death Procedures

1. When using procedure number 6 on the MV39. Please see attached excerpt from an actual will. Must the vehicle be mentioned by specifics in the will such as year, make, model and VIN number or is the attached sufficient evidence of intent to allow the vehicle to be transferred because the will states "all the rest, residue and remainder of my estate, etc."

A: The vehicle does not need to be specified unless the decedent wants to specify a particular vehicle to a particular individual. Even in this case, year, make, model, and VIN number are not required but would help identify the specific vehicle that is being granted to a specific person.

2. Why does the will itself not give full powers to the executor or executrix to dispose of everything as long as they are abiding by the wishes of the deceased as stated in the will? What law, rule/regulation governs the stated procedures on the MV39? For instance, if my neighbor wants to give me his Ferrari upon his death and states that specifically in his will, why can the executor not just transfer that to me?

A: Because of the complex intricacies involved in the execution of a will, it is important to consult an attorney to best understand legal options as well as inquire to the hows/whats/wheres/and whys of each individual situation.

3. If the will/short certificate appoints as executor/s John Doe and/or Mary Doe, that would indicate that only one need be present to transfer the title. Is that correct? If the will/short certificate states "and" then both must be present to sign? If it states "and" can a POA signed by one of them be used by the other?

A: No, if co-executors are named in the will utilizing an "and" statement, all of them must act in unison which includes but is not limited to:

- apply to have the will probated (if probate is necessary)
- make all decisions unanimously
- sign property deeds and titles for transferring assets, and
- sign for the estate's financial accounts, investment accounts, tax returns, and any other paperwork

4. If the will appoints John Doe as executor but goes on to state that if John Doe is unwilling or unable to serve, then I appoint Mary Jones as my executrix and Mary Jones appears before us and states that John Doe is unable to serve, can we just accept Mary Jones' word for that or should we be doing something to protect ourselves before allowing her to sign to transfer a vehicle

A: PennDOT cannot speak to specific legal matters such as this but a good rule of thumb in any legal matter, when a question arises, is to consult an attorney before accepting information outside of a legal standing document, like a will naming an executor, because taking anyone's word would involve a great deal of risk.

5. If there is no will and a short certificate has not been issued and three of the four surviving adult children are in front of us and state that the fourth surviving adult child has not been seen

or heard from in many years and no one knows how to get in touch with him, what is the procedure to follow?

A: Again, because of the complex intricacies involved in the execution of a will, it is important to consult an attorney to best understand legal options as well as inquire to the hows/whats/wheres/and whys of each individual situation.

6. Please give example of how the MV39 would be completed when there is no surviving spouse but there are 4 surviving adult children using number 5 procedure on the MV39. Would any one of the children signing in section D also sign section F?

• As indicated in the instructions on the back of the form:

Block 5 (Section C) - No Will - No Surviving Spouse

• Complete Sections A, B, C, D, E, G, and I.

• **All heirs, including guardians of minor heirs, must assign title and enter their name, address, relationship and age in Section D. When more than two (2) persons must assign the title use Section D (Part II) for additional signature(s). *All Signatures must be notarized.**

** Form MV-4ST is required.

• Title fee is required.

• Applicable registration fees required. If transferring registration in accordance with Section 1314 of the Vehicle Code, decedent's registration card

should be attached. Vehicle insurance information must be listed on Form MV-4ST, Section F, if the vehicle will be registered.

7. Using the same scenario in number 6 above but 3 of the 4 children are out of state.

A: As stated in the NOTE at the end of the Instructions on form MV-39: If all heirs cannot appear before the same notary or attesting officer, additional notarized statement(s) listing vehicle information as it appears in Section A, names of person(s) to whom the vehicle is being transferred, and signature(s) of heir(s) must be attached. .

• Can each of the out of state children complete the MV39 separately, signing in section D II, since only one will be here to sign the title, and should each one of the three out of state adult children also sign section F or can the in state adult child just sign section F?

A. Since scenario 6 does involve a will, it would depend on the language of the will. Depending on whether it was a specific bequest or a general bequest would guide the executors actions. Typically, an executor can distribute specific assets to their assigned beneficiaries as soon as they are sure the estate has enough value to cover all the decedent's debts and taxes. Specific bequests are bequests where the decedent stated in his will that a certain item goes to a named beneficiary. They usually come off the top of the estate. For example, if the decedent's will specifically states that his daughter receives his paid-off Mercedes, the executor is usually obligated to transfer ownership of the automobile first, then divide the balance of the estate among the decedent's beneficiaries. A decedent's directive to divide his estate among his heirs, without specifying that any particular asset should go to a certain individual, is a general bequest. A general bequest may call for his executor to apportion the estate's net value evenly among all his beneficiaries, or it might indicate that the decedent wants half his estate to go to his spouse and the remaining half to his four children equally. In this case, the executor must arrange for appraisals of all property of any value. She can't apportion it without knowing the total worth. Typically, when she closes the estate, she assigns items of the appropriate value to each beneficiary according to the terms of the will. For example, if the entire estate is worth \$200,000 after payment of expenses, debts and taxes, four siblings would receive \$25,000

worth of property each, and the decedent's spouse would receive other assets totaling a value of \$100,000.

- Since two of the heirs are supposed to also sign the title would one of the out of state adult children have to complete a POA to allow the in state heir to sign the title on their behalf?

A. Please refer to the specific and general bequests above. If it is part of a specific bequest, then both parties willed the vehicle would be required to sign the title or have a POA to sign on their behalf.

- Would it make more sense to have all the out of state heirs complete a POA allowing the in state heir to sign all paperwork for them?

A. An attorney should be consulted to make certain the POA is specific and to help all parties involved understand the risks involved in allowing one person the right to sign on behalf of all parties.

8. When it states, "all adult surviving children", I was told at one time that step-children must sign also. Is that correct?

A: Again, because of the complex intricacies involved in the execution of a will, it is important to consult an attorney to best understand legal options as well as inquire to the hows/whats/wheres/and whys of each individual situation.

9. This sort of pertains to death procedures. I asked this question some time ago but never received an answer. Customer has a title with a personal lien holder on it. The lien is now paid off but the personal lien holder is now deceased. Who has the authority to sign off that lien and what would be required to establish that authority?

A. This would be specific to who was listed as the executor and again, an attorney should always be consulted, but as an example: If the son of the deceased has a lien against his vehicle that was put in place by his mother and he is not the executor of his mother's estate, he could release his own lien by filing the necessary paperwork.

10. At the bottom of the instructions for the MV39 it states under note that a notarized statement may be attached for additional heirs. We often have trouble getting distant heirs to correctly complete the MV39 and many times need to send it back to them. Would the attached statement comply if it was notarized?

A. Yes. This would be acceptable.

I, _____ son/daughter/spouse of _____

Do hereby agree to transfer _____

Year Make Title number VIN number of vehicle

to _____ and thus release all rights of ownership to

said vehicle. My age is _____ and my address is _____

Signature

LAST WILL AND TESTAMENT

OF

[REDACTED]

I, [REDACTED], of Mechanicsburg, Cumberland County, Pennsylvania, being of sound and disposing mind, hereby make, publish and declare this my Last Will and Testament, revoking and making void all prior Wills or other testamentary writings made by me.

FIRST: I direct my Executrix or alternate Executor, hereinafter named, to pay all of my just debts, funeral and testamentary expenses as soon as conveniently can be done after my demise.

A

SECOND: I give, devise and bequeath all the rest, residue and remainder of my estate, of whatsoever kind and wheresoever situate, unto my wife, [REDACTED]. Should my said wife, [REDACTED], survive me by a period of less than two (2) months, die simultaneously with me or in a common disaster, or should the said [REDACTED] not be my wife at the time of my death, then I leave all the rest, residue and remainder of my estate to my children, D. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED], and my wife's children, K. [REDACTED] [REDACTED] [REDACTED] and [REDACTED] in equal shares, share and share alike.

THIRD: I nominate, constitute and appoint DAUPHIN DEPOSIT

VEHICLE OWNED BY DECEASED AND ANOTHER PERSON AS JOINT OWNERS WITH RIGHT OF SURVIVORSHIP (REGARDLESS OF WILL OR APPOINTMENT OF EXECUTOR OR ADMINISTRATOR)

Joint Owner is Surviving Spouse

You will need to submit the following documents:

1. Title
 - a. If a vehicle is titled jointly to a husband and wife and the surviving spouse is taking title, they do not need to assign the certificate of title.
 - i. Make no entries on the reverse side of title
 - b. If a vehicle is titled jointly to a husband and wife and surviving spouse is not taking title since they are transferring ownership to another party.
 - i. The title does need to be assigned
 - ii. A completed Form MV-4ST
2. Complete Form MV-39, "Notification of Assignment/Correction of Vehicle Title upon Death of Owner"
 - a. Complete Section A, B, C (checking option 1), G, H (if vehicle is going to remain registered) and I.
3. Proof of Death
 - a. An original death certificate; or,
 - b. Form MV-39, Section G, completed by attending physician or funeral director
4. Insurance Information
 - a. If the vehicle is going to remain registered, Section H must be completed.
5. Fees
 - a. No fee required if surviving spouse is taking ownership
 - b. If surviving spouse is transferring ownership
 - i. Applicable title fee
 - ii. Applicable registration fees
 - iii. Applicable sales tax, if required

VEHICLE OWNED BY DECEASED AND ANOTHER PERSON AS JOINT OWNERS WITH RIGHT OF SURVIVORSHIP (REGARDLESS OF WILL OR APPOINTMENT OF EXECUTOR OR ADMINISTRATOR)

Joint Owner is NOT a Surviving Spouse

You will need to submit the following documents:

1. Certificate of Title
 - . If a vehicle is titled jointly between deceased and other persons who are joint tenants with the right of survivorship (title will be endorsed "joint tenants with right of survivorship), the survivor does not need to assign the certificate of title.
 - i. Make no entries on the reverse side of title
 - a. If a vehicle is titled jointly between deceased and another person who are joint tenants with right of survivorship and the surviving owner is not taking title and instead transferring ownership to another party.
 - i. The title does need to be assigned
 - ii. A completed Form MV-4ST
2. Complete Form MV-39, "Notification of Assignment/Correction of Vehicle Title upon Death of Owner"
 - a. Complete Section A, B, C (checking option 2), G, H (if vehicle is going to remain registered) and I.
3. Proof of Death
 - a. An original death certificate; or,
 - b. Form MV-39, Section G, completed by attending physician or funeral director
4. Insurance Information
 - a. If the vehicle is going to remain registered, Section H must be completed.
5. Fees
 - a. Applicable title fee is required.
 - b. Applicable registration fees
 - c. Applicable sales tax, if required

**VEHICLE OWNED SOLELY BY THE DECEASED OR BY THE DECEASED
AND ANOTHER PERSON AS TENANTS IN COMMON**

No Will - Surviving Spouse or Surviving Spouse and Children who is Not a Co-Owner

If the deceased vehicle owner had no Will, no administrator is appointed and there is a surviving spouse or a spouse and children, submit the following items:

1. Certificate of Title
- b. Assigned by the surviving spouse and any children who are at least 18 years of age (along with any co-owners)
2. Complete Form MV-39, "Notification of Assignment/Correction of Vehicle Title upon Death of Owner"
 - a. Complete Section A, B, C (checking Option 3), D, E, F, G, and I.
 - i. All heirs must enter their names, address, relationship and age in Section D.
3. Proof of Death
 - a. An original death certificate; or,
 - b. Form MV-39, Section G, completed by attending physician or funeral director
4. Form MV-4ST completed in full
5. Fees
 - a. Applicable title fee is required if being titled in any other name than a surviving spouse. No title fee required if being titled to a surviving spouse.
 - b. Applicable registration fees – a copy of the decedent's registration card should be attached.
 - c. Applicable sales tax, if required

**VEHICLE OWNED SOLELY BY THE DECEASED OR BY THE DECEASED
AND ANOTHER PERSON AS TENANTS IN COMMON**

Vehicle is Titled in Name of Estate

Section 1315 of the Vehicle Code provides that when the owner of a vehicle is deceased, the vehicle may be operated by or for any heir of the deceased owner or by the administrator or executor of the remainder of the current registration period and throughout the following registration period, provided that the registration is renewed in the name of the deceased owner's estate. Registrations may continue to be renewed annually in the name of the estate and the vehicle may continue to be operated by the spouse or, if there is no spouse (or if the spouse has forfeited his/her rights), by a child who was a member of the decedent's household or, if there is no spouse or child, by a parent who was a member of the decedent's household-until court approval of the final account, if any. It is not necessary to apply for a title in the name of the estate in order to renew registration in the name of the estate, however, if a new title is desired, submit the following:

1. Certificate of Title
 - a. Make no entries on the reverse side of the title
2. Complete Form MV-39, "Notification of Assignment/Correction of Vehicle Title upon Death of Owner"
 - a. Complete Section A, B, C (checking Option 4), G, H (if the vehicle is to be registered) and I.
3. Proof of Death
 - a. An original death certificate; or,
 - b. Form MV-39, Section G, completed by attending physician or funeral director
4. Insurance Information
 - a. If the vehicle is going to remain registered, Section H must be completed.
5. Fees
 - a. Applicable title fee

**VEHICLE OWNED SOLELY BY THE DECEASED OR BY THE DECEASED
AND ANOTHER PERSON AS TENANTS IN COMMON**

No Will - No Surviving Spouse and No Minor Heirs

If the deceased vehicle owner had no Will, no administrator is appointed and there is no surviving spouse, submit the following items:

1. Certificate of Title
 - a. Assigned by all heirs as follows:
 - i. All adult children of the deceased or, if none;
 - ii. Parents of the deceased, or if none,
 - iii. Brothers and sisters of the deceased or, if none,
 - iv. Aunts and uncles (blood only) of the deceased or, if none,
 - v. First cousins (blood only) of the deceased (After 1st cousins, a court order would be required.)

NOTE: In each category (except ii), if any of the persons specified are deceased, the person's children must sign.

2. Form MV-39, "Notification of Assignment/Correction of Vehicle Title upon Death of Owner"
 - a. Complete Section A, B, C (checking Option 5), D, E, G, and I.
 - i. All heirs must sign.
3. Proof of Death
 - a. An original death certificate; or,
 - b. Form MV-39, Section G, completed by attending physician or funeral director
4. Form MV-4ST completed in full
5. Fees
 - a. Applicable title fee
 - b. Applicable transfer fee to transfer a plate currently renewed in the name of the deceased owner. Plate is transferable only to spouse, children, parent, parents-in-law or children-in-law, step-children or step-parents. Otherwise, plate is not transferable. The decedent's registration card should be attached.
 - c. Applicable sales tax, if required.

**VEHICLE OWNED SOLELY BY THE DECEASED OR BY THE DECEASED
AND ANOTHER PERSON AS TENANTS IN COMMON**

No Will – Minor Heirs and No Surviving Spouse

If the deceased vehicle owner had no Will, and there are minor heirs but no surviving spouse, submit the following items:

1. Certificate of Title
 - a. Assigned in one of the following three procedures:
 - i. Letter of administration may be taken out by one or more heirs of legal age, if any and the title may then be assigned by the administrator.
 - ii. A guardian appointed by the Orphan's Court for the minor heir(s) may assign the title along with any heir of legal age. A copy of the court order showing the appointment of the guardian must be attached. If there are heirs of legal age, Form MV-39 must be completed and attached.
 - iii. A petition for distribution under the small estates procedures may be filed. The person to whom the vehicle is distributed in the court order must assign the title.
2. Proof of Death
 - a. An original death certificate; or,
 - b. Form MV-39, Section G, completed by attending physician or funeral director
3. Form MV-4ST completed in full
4. Fees
 - a. Applicable title fee
 - b. Applicable transfer fee to transfer a plate currently renewed in the name of the deceased owner. Plate is transferable only to spouse, children, parent, parents-in-law or children-in-law, step-children or step-parents. Otherwise, plate is not transferable. The decedent's registration card should be attached.
 - c. Applicable sales tax, if required.

**VEHICLE OWNED SOLELY BY THE DECEASED OR BY THE DECEASED
AND ANOTHER PERSON AS TENANTS IN COMMON**

Will is not Probated - No Executor Appointed

This procedure may be used only if the will passes ownership of the vehicle to the surviving spouse, child/children or parent(s). The following must be submitted:

1. Certificate of Title
 - a. Assigned by surviving spouse or adult child or children or parent(s) to whom the vehicle was willed.
2. Copy of the Will
3. Form MV-39, "Notification of Assignment/Correction of Vehicle Title upon Death of Owner"
 - a. Complete Section A, B, C (checking Option 6), G and I.
4. Completed Form MV-4ST
5. Proof of Death
 - a. An original death certificate; or,
 - b. Form MV-39, Section G, completed by attending physician or funeral director.
6. Fees
 - a. Applicable title fee if being titled in the name of child/children or parent(s). No title fee required if being placed in the name of the surviving spouse.
 - b. Applicable transfer fee – the decedent's registration card should be attached.
 - c. Applicable sales tax, if required.

**VEHICLE OWNED SOLELY BY THE DECEASED OR BY THE DECEASED AN
ANOTHER PERSON AS TENANTS IN COMMON**

Executor or Administrator Appointed

Submit the following if an executor or administrator has been appointed:

1. Certificate of Title
 - a. Assigned by executor or administrator (appointed by the Register of Wills) to the new owner.
2. Short Form Certificate which is obtainable from the Register of Wills and serves as evidence of the executor's or administrator's appointment.
 - a. Obtainable from the Register of Wills and serves as evidence of the executor's or administrator's appointment.
3. Completed Form MV-4ST
4. Fees
 - a. Applicable title fee
 - i. No fee is required if the vehicle is being titled in the name of the surviving spouse
 - b. Applicable transfer fee or appropriate registration fee, whichever is applicable
 - c. Applicable sales tax, if required.