

QUIET TITLE STATUTE - Vehicle

K.S.A. 60-1002: Quieting or determining title or interest in property

(a) **Right of action** An action may be brought by any person claiming title or interest in personal or real property, including oil and gas leases, mineral or royalty interests, against any person who claims an estate or interest therein adverse to him or her, for the purpose of determining such adverse claim.

(b) **Action to bar lien claim**, when a lien on property has ceased to exist, or when an action to enforce a lien is barred by a statute of limitation or otherwise, the owner of the property may maintain an action to quiet title.

RELATING TO PERSONAL PROPERTY, SUCH AS CARS, TRAVEL TRAILERS, MANUFACTURED HOMES (may also be known as mobile homes or trailers), ETC.

When a person or business applies for a title with the Division of Motor Vehicles (DMV), there may be a problem that needs to be fixed.

- Often this is because the initial owner of the vehicle did not sign the title when handing it over to the new owner, and the new owner can't find the person to fix the problem.
- From time to time it is because a wrecked or abandoned vehicle is restored, and the owner can't be found.
- These are just a couple of possible reasons.
- To fix these snags, you would file a QUIET TITLE ACTION /CASE.

If you need to transfer a vehicle belonging to a family member who is deceased, you can do so with these forms: <http://www.ksrevenue.org/pdf/tr83.pdf> or <http://www.ksrevenue.org/pdf/tr83b.pdf> if either is proper.

Kansas is a "lien holding" state.

This means that the Kansas Department of Revenue holds the title on any vehicle that is bound by a lien.

The lien is not available to the owner until payment is made in full on the purchase price or other loan in which the vehicle is a collateral.

If the seller cannot provide a title, it may be because there is still a lien on the vehicle.

If you "buy" a vehicle with a "lien" on the title, your ownership is not clear until the lien has been paid. This may call for you to pay off this lien to get title of the vehicle.

Even if the seller tells you they have lost the title and will apply for a new one, you can see if the vehicle has a lien by looking at the annual registration form gotten when the property taxes and tag renewal are paid.

If you buy a car and do not get title at the time of the sale, or if agreed within 60 days of the sale, the sale is void and untrue, per KSA 8-135. You can cancel the sale and get your money back, if you can find the seller.

Facts about filing a Quiet Title Action

*****ALL FORMS, INCLUDING THE NOTICE OF SUIT, MUST BE FILLED OUT COMPLETELY OR YOUR CASE COULD BE DISMISSED*****

A Quiet Title Action can be used to clear up the ownership of any vehicle on which a Title is given by the State of Kansas.

This can include a car, motorcycle, travel trailer, or manufactured home. These things will be referred to together as 'vehicle' in this guide.

The first step, before filing any court action, is to check to be certain that the vehicle hasn't been reported as STOLEN. You can do this by checking on this free website, provided by the National Insurance Crime Bureau. <https://www.nicb.org/vincheck>. This doesn't guarantee that the car isn't stolen, but it a good start on that process. You get this information by entering the Vehicle Identification Number (VIN) for the vehicle.

If the vehicle is reported stolen, you won't be able to file a quiet title action and obtain ownership of the vehicle.

For more information on how to get the Vehicle Identification Number look here:

- For vehicles built after 1968, the VIN might be found on the lower-left corner of the dashboard, in front of the steering wheel. You can read the number by looking through the windshield.
- For vehicles built before 1968, you can get ideas on this website: <http://www.dmv.org/vehicle-history/find-vin.php>

If you don't have a current title on the vehicle, you should look up whether a Kansas title has been issued on this car.

- You get the form to obtain the title info here: <http://www.ksrevenue.org/pdf/trdl302.pdf>. You will use code 'F' for the reason you are getting this info.
- There are charges related to getting this data.
- You may wish to request a Vehicle Registration Report to know who is listed as on the title. That person should be listed as a defendant on the Quiet Title Petition.

Terminology

- Petitioner = Person who files the Petition
- Respondent = Person who did not file the Petition
- In addition, the Kansas Department of Revenue is **always** a Respondent
- Kansas Highway Patrol should be a defendant if the vehicle is not currently registered in Kansas, as they will be required to complete an inspection of the vehicle before it can be titled.

Case Caption:

The section above the title of every document is called the case caption. It identifies which county the case was filed in, the case number and the names of the people involved in the case. The person who originally filed the petition is listed on the top line and is called the "Petitioner". The person who did not file the petition is listed on the lower line and is called the "Respondent." These name designations remain the same for the entire case including in all documents filed with the court after the divorce is final.

Instructions for filing a Quiet Title Action.

1. Complete the Civil Information Sheet, Petition & Request and Service Instruction Form
2. Sign the Petition for Quiet Title in front of a notary public. Notary publics may commonly be found in law firms, title companies & financial institutions, i.e. banks and credit unions.
3. You will need to include the Vehicle Identification Number & provide a description of the property (i.e. 1SAMPL31234567890, a 2002 Pontiac Sunfire) in the Petition and other places on the forms.
4. File with the Clerk of the District Court:

- The Civil Information Sheet, Petition & Request & Service Instruction Form
- If doing service by Publication, you will also need to file the Affidavit & Order for Publication
- 5. You must pay court costs of \$195.00
- 6. You must notify the Defendant(s) in one of the following ways:

- a. **“Sheriff Service”** You must fill out a Request for Service Form, requesting that the sheriff deliver the Petition to the Respondent. If they live in Kansas, you must pay a sheriff’s service fee of \$15. If they live in a State other than Kansas, it is your responsibility to find out the procedures required by the sheriff in that state and county and to pay any fees required.
- b. **“Certified Mail Service”:** You must mail the summons and Petition for Quiet Title by certified mail - return receipt requested to the Defendant at his or her last known residential address. **IT IS YOUR RESPONSIBILITY TO MAIL THESE DOCUMENTS.** File the “green” “return-receipt card” with the Clerk when you receive it from the US Postal Service.

*** Address for service on the Kansas Department of Revenue and the Kansas Highway Patrol is Kansas Attorney General, 120 SW 10th Ave, 2nd Floor, Topeka, KS 66612. This is the proper process for serving any part of state government.

- c. **“Service by Process Server”**-In Wyandotte County only, you may have any defendant that can be served in Wyandotte County served by the Court Process Server for no additional fee.
- d. **“Publication”:** If you cannot provide notice of the Quiet Title Action to the Respondent under either (a), (b), or (c) then you may be able to provide notice of the Quiet Title Action by publishing notice in a local newspaper. In order to obtain “publication service,” you must request permission to do so by filing the “Affidavit for Service by Publication,” and obtaining an order from the assigned judge allowing you to publish notice. After you obtain the signed “Order Allowing Service by Publication”, you must then publish the attached notice in the Legal Publication for the county in which the case is filed. For Wyandotte County, use either The Wyandotte Echo or The Wyandotte County Business News. The notice must be filed three separate times, one week apart each time. The notice must notify the person they have a certain amount of time to answer, which must be at least forty-one days from the day the publication first runs. You must obtain “proof of publication” from the newspaper and file the proof with the court. Court personnel cannot help you with this process.

MAKE SURE TO TAKE A COPY OF YOUR RETURN WITH YOU TO COURT

You are asked to state the value of the vehicle.

- You can decide this based on what you believe the fair market value of the vehicle is, in its present state.
- The amount you paid for it would be one basis of the value. There are also sources on the internet for finding out opinions on the value of the vehicle.

TO FINALIZE YOUR CASE:

Once you have provided notice to all parties and the time for them to respond to your notice (the answer period) has run out, the Department of Revenue is generally ready to sign off on an Agreed Journal Entry of Judgment to resolve the case.

You will need a final order to complete this case. This is the order that must be presented to the Judge for signature. It must contain the proper language in order for you to get a Kansas title.

The Kansas Department of Revenue will assist you with completing the appropriate final order. You should contact the Legal Services Department at 785-296-6856, during normal business hours. Provide the county and case number and ask for assistance with the final order.

Once you have the final order signed by the Kansas Department of Revenue (and the Kansas Highway patrol if needed, you can take the final order to the Court. You may be able to have the Judge sign it immediately, as an agreed order. You may be required to leave the order for the Judge to sign later, depending on Court process and the Judge's schedule. Whichever option is available to you, you will need to get some file stamped copies of the order from the Clerk of the Court.

Take 3 copies and the original of the final order with you to Court.

The copies will be file stamped by the Clerk (but if you take copies with you, you don't have to pay the Court Clerk for copies).

Take a copy of the Journal Entry with the vehicle to the Kansas Highway Patrol office in your area. They will affix a VIN. They will give you some paperwork. Take the copy of the Journal Entry and the KHP paperwork assigning a VIN to the County vehicle (TAG) office to register the vehicle, get license tags, etc. Be sure to take insurance information with you.

ESTATUA DEL TITULO SILENCIOSO

K.S.A. 60-1002: Anular o determinar el título o interés en la propiedad

(a) **Derecho de acción**, Cualquier persona que reclame un título o interés en bienes muebles o inmuebles, incluidos los arrendamientos de petróleo y gas, intereses de minerales o regalías, puede iniciar una acción contra cualquier persona que reclame un patrimonio o interés en el mismo adverso a él o ella, propósito de determinar dicha reclamación adversa.

(b) **Acción para prohibir la reclamación gravamen**, cuando un gravamen sobre la propiedad ha dejado de existir, o cuando una acción para hacer cumplir un gravamen esta prohibida por una ley de limitación o de otra manera, el dueño de la propiedad puede mantener una acción para silenciar el título.

RELACIONADOS CON LA PROPIEDAD PERSONAL, COMO COCHES, REMOLQUES DE VIAJE, VIVIENDAS FABRICADAS (también pueden ser conocidas como Casas móviles o remolques), ETC.

Cuando una persona o empresa solicita un título con la División de Vehículos Motorizados (DMV), es posible que haya un problema que deba solucionarse.

- A menudo, esto se debe a que el propietario inicial del vehículo no firmo el titulo cuando se lo entrego al nuevo propietario, y el nuevo propietario no puede encontrar a la persona que solucione el problema.
- De vez en cuando se debe a que se restaura un vehículo averiado o abandonado y no se puede encontrar el propietario.
- Estas son solo algunas de las posibles razones
- Para solucionar estos inconvenientes, debe presentar una ACCION/CASO DE TITULO SILENCIOSO.

Si necesita transferir un vehículo de un familiar fallecido, puede hacerlo con estas formas:

<http://www.ksrevenue.org/pdf/tr83.pdf> o <http://www.ksrevenue.org/pdf/tr83b.pdf> si alguno es adecuado.

Kansas es un estado de “retención de gravámenes”.

Esto significa que el Departamento de Ingresos de Kansas tiene el título de cualquier vehículo que este sujeto a un gravamen.

El gravamen no está disponible para el propietario hasta que se realice el pago total del precio de compra u otro préstamo en el que el vehículo sea una garantía.

Si el vendedor no puede proporcionar un título, puede deberse a que todavía existe un gravamen sobre el vehículo.

Si “compra” un vehículo con un “gravamen” en el título, su propiedad no está clara hasta que se haya pagado el gravamen. Esto puede requerir que pague este gravamen para obtener el título del vehículo.

Incluso si el vendedor le dice que ha perdido el título y solicitara uno nuevo, puede ver si el vehículo tiene un gravamen al mirar la forma de registro anual que recibió cuando se pagan los impuestos a la propiedad y la renovación de la etiqueta.

Si compra un automóvil y no obtiene el titulo en el momento de la venta, o si se acuerda dentro de los 60 días posteriores a la venta, la venta es nula y falsa, según KSA 8-135. Puede cancelar la venta y recuperar su dinero, si puede encontrar al vendedor.

Hechos sobre la presentación de una Acción de Título Silenciosa

*****TODAS LAS FORMAS, INCLUYENDO EL AVISO SE JUEGO, DEBEN LLENARSE COMPLETAMENTE O SU CASO PODRIA SER DESECHADO*****

Una Acción de Título Silencioso se puede utilizar para aclarar la propiedad de cualquier vehículo en el que el estado de Kansas otorga un título.

Esto puede incluir un automóvil, una motocicleta, un remolque de viaje o una casa prefabricada. Estos elementos se denominarán juntos “vehículo” en esta guía.

El primer paso, antes de presentar una acción judicial, es asegurarse de que el vehículo no haya sido reportado como ROBADO. Puede hacerlo revisando este sitio web gratuito, proporcionado por la Oficina Nacional de Delitos contra el Seguro. <https://www.nicb.org/vincheck>. Esto no garantiza que el automóvil no sea robado, pero es un buen comienzo en ese proceso. Obtiene esta información ingresando el Número de Identificación del Vehículo (VIN) del vehículo.

Si se denuncia el robo del vehículo, no podrá presentar una demanda de título silenciosa y obtener la propiedad del vehículo.

Para obtener más información sobre cómo obtener el número de identificación del vehículo, consulte aquí:

- Para los vehículos fabricados después de 1968, el VIN se puede encontrar en la esquina inferior izquierda del tablero, frente al volante. Puede leer el número mirando a través del parabrisas.
- Para vehículos construidos antes de 1968, puede obtener ideas en este sitio web: <http://www.dmv.org/vehicle-history/find-vin.php>

Si no tiene un título actual del vehículo, debe buscar si se ha emitido un título de Kansas para este automóvil.

- Consigue la forma para obtener la información del título aquí: <http://www.ksrevenue.org/pdf/trdl302.pdf>. Utilizará el código “F” por la razón por la que recibe esta información.
- Hay cargos relacionados con obteniendo estos datos.
- Es posible que desee solicitar un informe de registro del vehículo para saber quien figura en el título. Esa persona debe figurar como demandada en la petición de título silencioso.

Terminología

- Peticionario = Persona que presenta la Petición
- Demandado = Persona que no presentó la Petición
- Además, el Departamento de Ingresos de Kansas siempre es el Demandado
- La Patrulla de Caminos de Kansas debe ser un demandado si el vehículo no está registrado actualmente en Kansas, ya que deberán completar una inspección del vehículo antes de que pueda ser titulado.

Título del caso:

La sección sobre el título de cada documento se denomina título del caso. Identifica en que condado se presentó el caso, el número de caso y los nombres de las personas involucradas en el caso. La persona que presentó originalmente la petición se enumera en la línea superior y se llama “peticionario”. La persona que no presentó la persona la petición aparece en línea inferior y se llama “Demandado”. Estas designaciones de nombres siguen siendo las mismas para todo el caso, incluidos todos los documentos presentados ante el tribunal después de que el divorcio es definitivo.

Instrucciones para presentar una acción de título silencioso.

1. Complete la Hoja de información civil, la Petición y solicitud y la forma de instrucción de servicio
2. Firme la Petición de Título Silencioso frente a un notario público. Los notarios públicos se pueden encontrar comúnmente en bufetes de abogados, compañías de títulos de propiedad e instituciones financieras, es decir, bancos y uniones de crédito.
3. Debera incluir el Número de identificación del vehículo y proporcionar una descripción de la propiedad (es decir 1SAMPL31234567890, un Pontiac Sunfire 2002) en la Petición y en otros lugares de las formas.

4. Presente ante el secretario del tribunal de distrito:
- La Hoja de información civil, la forma de solicitud y solicitud e instrucción de servicio
 - Si realiza el servicio por publicación, también deberá presentar la declaración jurada y la orden de publicación
5. Debe pagar el costo de la corte de \$195.00
6. Debe notificar a los Demandados de una de las siguientes maneras:
- a. **“Servicio del Alguacil”** debe completar la forma de solicitud de servicio, solicitando que el alguacil entregue la petición al Demandado. Si vive en Kansas debe pagar \$15. Si viven en un estado que no sea Kansas, es su responsabilidad averiguar los procedimientos requeridos por el alguacil en ese estado y condado y pagar el costo requerido.
 - b. **“Servicio de Correo Certificado”**: debe enviar por correo la citación y la petición de título silencioso por correo certificado – se solicita acuse de recibo al demandado en su última fecha conocida dirección residencial. **ES SU RESPONSABILIDAD ENVIAR ESTOS DOCUMENTOS.** Presente la “tarjeta de acuse de recibo” “verde” ante la secretaria cuando la reciba del Servicio Postal de EE.UU.

*** La dirección para el servicio en el departamento de Ingresos de Kansas y la Patrulla de Carreteras de Kansas es fiscal general de Kansas, 120 SW 10th Ave, 2do Piso, Topeka, KS 66612. Este es el proceso adecuado para servir a cualquier parte del gobierno estatal.

- c. **“Servicio por medio del Servidor de Proceso”** – solo en el condado de Wyandotte, puede hacer que cualquier demandado que pueda ser notificado en el condado de Wyandotte sea notificado por el servidor de procesos judiciales sin cargo adicional.
- d. **“Publicación”**: Si no puede notificar al demandado sobre la acción de título silencioso en virtud de (a), (b) o (c), entonces puede proporcionar un aviso de la acción de título silencioso mediante la publicación de un aviso en un periódico local. Para obtener “servicio de publicación”, debe solicitar permiso para hacerlo mediante la presentación de la “Declaración jurada de notificación por publicación” y obtener una orden del juez asignado que le permita publicar el aviso. Después de obtener la “Orden que permite la notificación por publicación”, debe publicar el aviso adjunto en la Publicación legal del condado en el que se presenta el caso. Para el condado de Wyandotte, use The Wyandotte Echo o The Wyandotte County Business News. La notificación debe de presentarse tres veces por separado, con una semana de diferencia cada vez. El aviso debe notificar a la persona que tiene una cierta cantidad de tiempo para responder, que debe ser de al menos cuarenta y un días a partir del día en que se publica por primera vez. Debe obtener una “prueba de publicación” del periódico y presentar la prueba ante el tribunal. El personal de la corte no puede ayudarlo con este proceso.

ASEGÚRESE DE LLEVAR UNA COPIA DE SU DECLARACION CON USTED AL TRIBUNAL

Se le pide que indique el valor del vehículo.

- Puede decir esto basándose en lo que cree que es el valor justo de mercado del vehículo, en su estad actual.
- La cantidad que pago sería una base el valor. También existen fuentes en internet para conocer opiniones sobre el valor del vehículo

PARA FINALIZAR SU CASO:

Una vez que haya notificado a todas las partes y se haya agotado el tiempo para que respondan a su notificación (el periodo de respuesta), el Departamento de Ingresos generalmente esta listo para firmar una entrada acordada del fallo en el diario para resolver el caso.

Necesitará un pedido final para completar este caso. Esta es la orden que debe presentarse al juez para su firma. Debe contener el idioma adecuado para que pueda obtener un título de Kansas.

El departamento de Ingresos de Kansas lo ayudara a completar el pedido final correspondiente. Debe comunicarse con el Departamento de Servicios Legales al 785-296-6856, durante el horario laboral normal. Proporcione el condado y el número de caso y solicite ayuda con la orden final.

Una vez que tenga la orden final firmada por el Departamento de Ingresos de Kansas (y la patrulla de carreteras de Kansas si es necesario, puede llevar la orden final al Tribunal. Puede hacer que el juez la firme inmediatamente, como una orden acordada. Es posible que deba dejar la orden para que el juez la firme más tarde, según el proceso del tribunal y el calendario del juez. Cualquiera que sea la opción que tenga disponible, deberá obtener algunas copias selladas de la orden de la secretaria del tribunal.

Lleve 3 copias y el original de la orden final al Tribunal.

Las copias serán selladas por la secretaria (pero si lleva copias con usted, no tiene que pagarle a la secretaria del tribunal por las copias).

Lleve una copia se la entrada del caso con el vehículo a la oficina de la Patrulla de Caminos de Kansas en su área. Colocaran un VIN. Te darán algunos trámites.

Lleve una copia de la entrada del caso y la documentación de KHP que asigna un VIN al vehículo del condado (TAG) para registrar el vehículo, obtener placas de licencia, etc. Asegúrese de llevar la información del seguro con usted.

Self-Represented Litigant Certification Form

By signing this form, I certify that, to the best of my knowledge, information, and belief, and based on my reasonable review of the document's contents, the attached

Court by a Self-Represented Litigant as follows:

(a) I have signed the attached filing and provided my name, address, email address (if available), telephone number, and fax number (if available); and

(b) The attached filing contains no personally identifiable information (PII) or meets an exception in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant because the filing (check box that applies):

contains no PII (if this box is checked, do not check any other boxes); or

requests that this document be sealed under the Temporary Rule for Filing in a District Court by a Self-Represented Litigant for the following reason (check box that applies):

a pre-existing order was entered by the court on _____ that seals this document;

this document asks the court to issue an order that seals the following document: [include general description of document contents without including PII.] _____;

or this document asks the court to seal the following document already filed in the case: [describe the document already on file so that the clerk can identify it without using PII]

_____.

Date: _____

Signature: _____

Name of Party: _____

CIVIL COVER SHEET

The civil cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. **This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time.** A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at www.kscourts.org.

<u>NATURE OF SUIT</u> (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)			
<u>CIVIL</u>		If a CH. 61: \$ _____ (Judgment Demand Amount)	
TORT WARRANT <input type="checkbox"/> Asbestos Product Liability <input type="checkbox"/> Automobile Tort <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Legal Malpractice <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Other Professional Malpractice <input type="checkbox"/> Premises Liability <input type="checkbox"/> Slander/Libel/Defamation <input type="checkbox"/> Tobacco Product Liability <input type="checkbox"/> Toxic/Other Product Liability <input type="checkbox"/> Other Tort	CONTRACT <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Employment Dispute – Discrimination <input type="checkbox"/> Employment Dispute - Other <input type="checkbox"/> Fraud <input type="checkbox"/> Landlord/Tenant - Unlawful Detainer <input type="checkbox"/> Landlord/Tenant Dispute – Other <input type="checkbox"/> Seller Plaintiff (debt collection) <input type="checkbox"/> Other Contract CIVIL APPEALS <input type="checkbox"/> Administrative Agency <input type="checkbox"/> Other Civil Appeal	REAL PROPERTY <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Other Real Property MISCELLANEOUS <input type="checkbox"/> 60-1507 <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Other Writs <input type="checkbox"/> OTHER CIVIL <input type="checkbox"/> SMALL CLAIMS	<input type="checkbox"/> STATE TAX
<u>DOMESTIC</u>			
<input type="checkbox"/> MARRIAGE DISSOLUTION/DIVORCE <input type="checkbox"/> PROTECTION FROM ABUSE <input type="checkbox"/> PROTECTION FROM STALKING <input type="checkbox"/> UIFSA <input type="checkbox"/> OTHER DOMESTIC RELATIONS <input type="checkbox"/> NON-DIVORCE SUPPORT, CUSTODY OR VISITATION <input type="checkbox"/> PATERNITY			
<u>PROBATE/ESTATE</u>			
GUARDIAN/CONSERVATOR <input type="checkbox"/> Conservatorship/Trusteeship <input type="checkbox"/> Guardianship - Adult <input type="checkbox"/> Guardianship - Minor <input type="checkbox"/> Guardian/Conservator - Adult <input type="checkbox"/> Guardian/Conservator – Minor	<input type="checkbox"/> DETERMINATION OF DESCENT <input type="checkbox"/> SEXUALLY VIOLENT PREDATOR <input type="checkbox"/> DECEDENT ESTATE CARE AND TREATMENT	<input type="checkbox"/> ELDER ABUSE <input type="checkbox"/> OTHER PROBATE/ESTATE	<input type="checkbox"/> ADOPTION

JURY DEMAND YES (Check yes only if jury demand is included in petition or as a separate pleading)
 NO

SUMMONS ATTACHED: YES
 NO

SERVICE BY: PROCESS SERVER/ATTORNEY
 SHERIFF IN STATE _____ (County)
 SHERIFF OUT OF STATE _____ (State)

SHERIFF'S PROCESS FEE ATTACHED YES
 NO

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: Kansas Department of Revenue
ADDRESS: % Kansas Attorney General
Memorial Building, 2nd Fl 120 SW 10, Topeka, Ks
66612

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

The requirement that Social Security numbers be included on domestic cases is mandatory and authorized by the Supreme Court and federal law. On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Kansas Department of Revenue,

Respondent- Person you bought it from/Name on title

Pursuant to Chapter 60 of
Kansas Statutes Annotated

PETITION

COMES NOW the Petitioner, _____, and for his/her claim against Respondent(s) who may have an interest in a _____ (year) _____ (Make and Model) car/motorcycle/travel trailer/motor home with VIN: _____, herein states:

1. Petitioner, _____, is a resident of County, Kansas, residing at _____
2. I am the rightful owner and am in possession of a _____ (car make and model), with the vehicle identification number: _____
3. I estimate the value of this vehicle to be \$ _____.
4. I have determined that there is not a lien on this property, through a records inquiry with the Kansas Department of Motor Vehicles.
5. I have determined that this is not a stolen vehicle, through an inquiry with the Kansas Highway Patrol.

6. The reason I have been unable to obtain a title is: (put in your explanation here)

THEREFORE, petitioner requests judgment as follows:

That the Respondent and all persons who may be interested in the above- describe property, quieting title to _____ (description and VIN) in the name of Plaintiff _____ and in no other party; and for judgment against the Kansas Department of Revenue, Division of Motor Vehicles, ordering and requiring it, upon completion of the appropriate application and payment of the required application fee, to issue a new Kansas certificate of title for said property; for the costs of this action to be assessed to the Petitioner and for other and further relief as the Court deems just and proper.

Submitted by

Plaintiff

Print Name: _____

Address: _____

City, State, Zip Code: _____

Phone: _____

SUBSCRIBED AND SWORN to before me, a notary public, this _____ day of _____, 20____.

Notary Public

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____
Chapter 60

Respondent

REQUEST AND SERVICE INSTRUCTION FORM

To: The Clerk of the District Court

The Clerk of the Court will issue a Summons and Petition in the above entitled action to (list name and address of the person(s) to be served)

The Clerk is hereby instructed to effect service as follows:

- a. Certified mail service by the undersigned pro se litigant, who understands that the responsibility for obtaining service shall be their own. The Return of Service (green card) must be filed with the Clerk of the Court prior to the Hearing date.
- b. Personal Service through the Office of the Civil Process Server.
(Party to be served must live in Wyandotte County, Kansas)
- c. Personal Service through the Office of the Sheriff of _____
County, State of _____.
(A money order made out to that Sheriff's Office must accompany paperwork)

Signature

Use the next set of papers if services by publication is required on any defendants. If there are no defendants receiving service by publication, you don't need these forms.)

You will need the:

AFFIDAVIT & ORDER TO OBTAIN SERVICE BY PUBLICATION – which you complete and file with the Clerk.

NOTICE OF SUIT – which you will get to the paper that files legal publication in your county

AFFIDAVIT OF SERVICE – which you complete after you have mailed notice to the last known address for each defendant served by publication. You must mail a copy of the notice from the newspaper to the last address, even if you know that is no longer the address of the Defendant.

Utilice el siguiente conjunto de documentos, si se requieren servicios por publicación a algún demandado. Si no hay algún demandado que reciban notificación por publicación, no necesita estas formas).

Necesitarás:

DECLARACION JURADA Y ORDEN PARA OBTENER SERVICIO POR PUBLICACION – que debe completar y presentar ante la secretaria.

AVISO DE DEMANDA – que obtendrá en el documento que presenta la publicación legal en su condado

DECLARACION JURADA DE SERVICIO – que debe completar después de haber enviado la notificación por correo a la última dirección conocida de cada demandado notificado mediante publicación. Debe enviar por correo una copia del aviso del periódico a la última dirección, incluso si sabe que ya no es la dirección del demandado.

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Kansas Department of Revenue,

Respondent- Person you bought it from/Name on title

Pursuant to Chapter 60 of
Kansas Statutes Annotated

AFFIDAVIT TO OBTAIN SERVICE BY PUBLICATION

STATE OF KANSAS
WYANDOTTE COUNTY

I _____, being duly sworn upon oath, alleges and states:

FIRST: That I am the Plaintiff in the above-captioned action and makes this affidavit for the purpose of obtaining service by publication upon the Defendant(s),
_____.

SECOND: That Plaintiff does not know and with due diligence is unable to ascertain the residence of the Defendant(s).

THIRD: That Plaintiff is unable to procure personal service of summons upon the Defendant(s) within this state.

FOURTH: That this action is one of those mentioned in K.S.A. 60-307 (a) (1 to 4 inclusive), and amendments thereto.

Plaintiff

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this _____ day of _____, 20____.

Notary Public

My Appointment Expires:

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Kansas Department of Revenue,

Respondent- Person you bought it from/Name on title

Pursuant to Chapter 60 of
Kansas Statutes Annotated

ORDER ALLOWING SERVICE BY PUBLICATION

The Court finds:

1. The Petitioner filed an Affidavit seeking publication service upon the Respondent.
2. After inquiry of the Petitioner, it appears to the Court that the Petitioner does not now know where the Respondent lives, it appears that the Petitioner has made reasonable efforts to find out where the Respondent is living but has not been able to find out that information, and it appears that the Petitioner has done all things reasonably necessary to try to find out where the Respondent is living.
3. The Petitioner is allowed to give notice to the Respondent of the filing of the Quiet Title Action by publication service as is provided by K.S.A. 60-307.

IT IS SO ORDERED.

Judge of the District Court

Submitted by:

X _____

Signature of Petitioner

Petitioner's Name (Print): _____

Address: _____

Address: _____

City, State, Zip: _____

Telephone: _____

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Kansas Department of Revenue,

Respondent- Person you bought it from/Name on title

Pursuant to Chapter 60 of
Kansas Statutes Annotated

NOTICE OF SUIT

The State of Kansas to _____ (Name of Respondent):

You are notified that a Petition for Quiet Title was filed in the District Court of Wyandotte County, Kansas praying that title to property stated in the Petition be awarded to the Plaintiff. You must file an answer to the Petition for Quiet Title with the court and provide a copy to the Petitioner on or before _____, 20____, which shall not be less than 41 days after first publication of this Notice of Suit, or the court will enter judgment against you on that Petition.

X _____
Signature of Petitioner
Petitioner's Name (Print): _____
Address: _____
Address: _____
City, State, Zip: _____
Telephone: _____

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Kansas Department of Revenue,

Respondent- Person you bought it from/Name on title

Pursuant to Chapter 60 of
Kansas Statutes Annotated

AFFIDAVIT

**STATE OF KANSAS
WYANDOTTE COUNTY**

Your name, of lawful age, being duly sworn upon oath, states that:

On this _____ day of _____, 20____, a copy of the publication notice was mailed
by first class, postage prepaid, United States mail to:

(list name and address you mailed to)

Plaintiff

You **will need a final order** to submit to the Judge for signature and filing. That form is not available in this packet.

As set out in the instructions The Kansas Department of Revenue will assist you with completing the appropriate final order. You should contact the Legal Services Department at (785) 296-6856 during normal business hours. Provide the county and case number and ask for assistance with the final order. You must do this **at least 3 weeks** before your scheduled court date.

Necesitará **una orden final** para enviarla al juez para que la firme y la archive. Esa forma no esta disponible en este paquete.

Como se establece en las instrucciones, el Departamento de Ingresos de Kansas lo ayudara a completar la orden final correspondiente. Debe comunicarse al Departamento de Servicios Legales al (785) 296-6856 durante el horario laboral normal. Proporcione el condado y el numero de caso y solicite ayuda con la orden final. Debe hacer esto al menos 3 semanas antes de la fecha programada para la audiencia.