

Requirements to Register/Re-title Vehicle When Owner Is Deceased

The following documents are required to sell or assign the vehicle based upon the Rights of Survivorship

A. Vehicle is jointly titled to *Tenants By The Entirety* (spouses):

- A copy of the Death Certificate identifying the surviving spouse.

B. Vehicle is jointly titled and title states ownership to be *Joint Tenants or Partners*:

- A copy of the Death Certificate.

C. Vehicle titled to deceased only and ownership states *Transfer on Death "TOD"*:

- A copy of the Death Certificate.
- Original title with "Release of Liens" section completed by the lienholder, if applicable.

D. Vehicle titled to deceased only or jointly with persons other than spouse and ownership states *Tenants in Common* or nature of ownership not stated on title:

INTESTATE - NO PROBATE

- A copy of the Death Certificate.
- A letter from an officer of the court stating that the deceased died intestate, there is no estate to be probated or the estate need not be probated, and names the person who has the rights of ownership to the vehicle. If the officer of the court is from out-of-state, additional proof is required that the authority is a member of the Bar or a Court Official.
- Original title properly assigned with "Release of Liens" section completed by the lienholder, if applicable.

INTESTATE – PROBATE

- A letter from the Probate Judge naming the Administrator of the estate.
- Original title properly assigned with the "Release of Liens" section completed by the lienholder, if applicable, and Section 1 completed by the Administrator and other owner(s), if they exist, assigning the vehicle to the new owner(s).

WILL - NO PROBATE

- A copy of the Death Certificate.
- A letter from the officer of the court stating the deceased died leaving a will that was not probated and naming the person with rights of ownership to the vehicle. If the officer of the court is from out-of-state, additional proof is required that the authority is a member of the Bar or a Court Official.
- Original title properly assigned, with "Release of Liens" section completed by the lienholder, if applicable.

WILL – PROBATE

- A letter from Probate Court showing proof of appointment of Executor of the Will.
- Original title properly assigned with "Release of Liens" section completed by the lienholder, if applicable, and Section 1 completed by the Executor and other owner(s), if they exist, assigning the vehicle to the new owner(s).

Definitions

- **Registered / Titled Owner** - Individual(s) shown as Owner(s) on the Title and/or Registration Certificate.
- **Intestate** - Died without a will.
- **No Probate** - The estate will not be the subject of Probate Court proceedings.
- **Probate** - The estate is the subject of Probate Court proceedings.
- **Officer Of The Court** - An attorney or an official court officer such as Court Clerk or Probate Judge.

RE-REGISTERING THE VEHICLE

1. Names on the registration and title must be the same; any changes to the names on the registration and/or title must be submitted at the same time.
2. If the new owner(s) are not currently registered owner(s), or if the registration has expired, the vehicle must be re-registered. A completed **Vermont Registration, Tax and Title Application, VD-119** must be submitted along with the appropriate fees.
3. If vehicle is being registered by the surviving spouse see "SURVIVING SPOUSE EXCEPTION" below.

~ SURVIVING SPOUSE EXCEPTION ~

1. This exception applies to a maximum of two vehicles.

If there is a third (or subsequent) vehicle involved the new owner will be required to pay the full fees for the title and registration, and payment of Purchase and Use Tax may apply.

2. This exception doesn't apply if the motor vehicle is titled in the name of one or more persons other than the deceased and the surviving spouse.

The surviving spouse may have the vehicle registration/title transferred to his/her name if:

- the deceased spouse died intestate, or
- the person's will or other testamentary document does not specifically address disposition of motor vehicles.

No fees are due. The Vermont Registration, Tax and Title Application form must be completed. The surviving spouse statement (below) must be completed in order to qualify for transfer at no fee.

23 V.S.A. § 2023. Transfer of interest in vehicle

(e) Notwithstanding other provisions of the law, whenever the estate of an individual who dies intestate consists principally of an automobile, the surviving spouse shall be deemed to be the owner of the motor vehicle and title to the same shall automatically and by virtue hereof pass to the surviving spouse. Upon request, the Department shall register and title the vehicle in the name of the surviving spouse, and no fee shall be assessed. This transaction is exempt from the provisions of the purchase and use tax on motor vehicles.

(1) Notwithstanding other provisions of the law, and except as provided in subdivision (2) of this subsection, whenever the estate of an individual consists in whole or in part of a motor vehicle, and the person's will or other testamentary document does not specifically address disposition of motor vehicles, the surviving spouse shall be deemed to be the owner of the motor vehicle and title to the motor vehicle shall automatically pass to the surviving spouse. Upon request, the Department shall register and title the vehicle in the name of the surviving spouse, and no fee shall be assessed. This transaction is exempt from the provisions of the purchase and use tax on motor vehicles.

(2) This subsection shall apply to no more than two motor vehicles, and shall not apply if the motor vehicle is titled in the name of one or more persons other than the decedent and the surviving spouse.

Surviving Spouse Statement

I, _____ hereby certify that _____ died
Name of surviving spouse Name of deceased

without leaving a will, or

leaving a will that does not dispose of the vehicle to any person other than the survivor.

I further certify that I was the legal spouse to the above named person at the time of his/her death.

I understand that this declaration is made under the penalties of 23 V.S.A. § 202, §203 and § 3829(a) 4.

Signature

Date

Surviving Spouse Statement is only required if the vehicle is being registered under above referenced "exception"