

# ❖ MEMORANDUM ❖

Chambers of The Honorable Marilyn Shea-Stonum  
Chief Judge - United States Bankruptcy Court  
Northern District of Ohio, Eastern Division  
John F. Seiberling Federal Building & U.S. Courthouse, Room 240  
2 South Main Street  
Akron, OH 44308  
330/252-6130 (phone)

**To: Akron Practitioners**

**Fr: Judge Marilyn Shea-Stonum**

**Date: February 18, 2009**

**Re: Evidence of Perfection With Respect To Motions for Relief From Stay Involving Vehicles**

Some creditors have begun to attach either a document identified as an electronic certificate of title ("E-Title") or the Ohio Bureau of Motor Vehicles ("OBMV") Vehicle Registration to motions for relief from stay involving vehicles. (*See* Attached Exhibits A and B). These documents are being submitted in lieu of the physical certificate of title as evidence of perfection of the lien. Having reviewed the record created in a hearing held by Judge Morgenstern-Clarren on July 10, 2008 in Case No. 06-14741 [docket #48], I will accept these documents as adequate evidence of perfection.

Pursuant to Ohio Revised Code § 4505.021, a vehicle owner may now elect to request issuance of either a physical certificate of title or an E-Title. If an application is submitted electronically, the clerk will automatically issue an E-Title unless otherwise specified. The benefits of the E-Title system apparently are numerous: reduction in paper and file space; elimination of staff time to file paper titles or locate misplaced titles; improved service through more timely release and printing of clear titles; reduction in mailing and printing costs; improved data accuracy and form security.

The OBMV itself does not actually store or fund the storage of E-Titles. Rather, the OBMV requires each institution opting into the system to provide its own software housing mechanism. For example, Citizens Automobile Finance, Inc. has chosen FDI as its provider of vehicle title administration (*See* Exhibit A). Because of this flexibility in E-Title handling, E-Titles may not all look alike nor have an official stamp, seal or other official verification affixed as is the case with the Vehicle Registration. However, an E-Title includes the same owner and vehicle information that

is currently printed on the paper title. When the lien has been satisfied, a paper title is printed and mailed to the customer. If a paper title is issued, the information is allegedly removed from the electronic system. It is unclear at this time whether or not the information can be reloaded back into the system once it is removed. Furthermore, the process of obtaining a paper title takes approximately 2 to 3 weeks, often causing the lienholder a delay in seeking relief from stay. Thus, it appears that if a paper title is created, it defeats the purpose of the system and is onerous for the lienholder.

Based on the foregoing, I have concluded that, where an E-Title is the currently available document, a paper title is not required as an exhibit to motions for relief from stay involving vehicles. Accordingly, either the E-Title or Vehicle Registration can be tendered with the motion as evidence of perfection ***provided that the motion contains supplemental information certifying in bold that the attached document is an E-Title or Vehicle Registration which contains the appropriate lien notation***, e.g. “[a] copy of the electronic title information showing that the lien is noted on the Title is attached hereto as Exhibit \_\_\_. The use of e-titles is authorized in Ohio pursuant to Ohio Revised Code Section 4505.021.”

It is equally important to recognize what is not an E-title. For example, the OBMV web site currently permits title inquiries by either title number or vehicle identification number. The resulting information appears in the summary format contained in attached Exhibit C but is not an actual E-title.

If the Court receives a document purporting to be an E-Title which does not comply with this Memorandum, the Clerk’s Office will issue a deficiency notice.

# Exhibit A

VIN	1ZVFT82H265229310		Financed	05/11/2006	Tech	FDI
Status	<b>Perfected Title</b>		ODPS Work	05/22/2006		
Borrower	JEFF M MCDUFFIE 60 SHADY ACRES DR AKRON, OH 44312		Imported	05/23/2006		
Borrower Home Phone			Added	05/16/2006		
Borrower Work Phone			Perfected	05/23/2006		
Branch	Acct #		Payoff	//	Tech	
Loan #	Suffix		Released	//		
Owner	MCDUFFIE JEFF M		Release Type			
Registration County	Summit		Exported	//		
Lienholder	CITIZENS AUTOMOBILE FINANCE, INC		ODPS Response	//	Code	
Dealer ID	274203		ODPS Deleted	//		
Year	2006	Make	FORD	Expires	05/10/2012	
License		Title #	7703639302	FDI Assigned User		FDI Action Date //
Body		Vehicle Type	VEH	Lienholder Assigned User		Lienholder Action Date //
Mail Code		User Defined Field		Misc.		
Account Type		Loan Type	<b>Vehicle</b>	State	OH	<b>Electronic</b>

**Notes**

Record Activity for CITIZENS AUTOMOBILE FINANCE

VTTs - Status changed to PT on 05/23/2006 08:33 AM by FDI  
VTTs - Status changed to PM on 05/16/2006 11:09 AM by FDI

Lien Placement Activity

# Exhibit B



## OHIO BUREAU OF MOTOR VEHICLES

PO BOX 16520  
COLUMBUS, OH 43216-6520

The foregoing is a true and accurate vehicle registration. Vehicle Registration records are provided pursuant to Section 4503.26(A) of the Ohio Revised Code.

Mike Rankin, Registrar

Date: 11-20-2008

User: ps\_mdickerson

Customer Name: TITLES - BILLABLE

### Title Information

Title Number	<b>7703843098</b>	Prev Title Number	<b>770383183000</b>	County Of Res	<b>77</b>
			<b>0</b>		
Control Number	<b>E77000RHS</b>	Prev Title State	<b>OH</b>	Reassign State	
Title Status	<b>Active</b>	Title Type	<b>Original</b>	Current Status Date	<b>2/5/2007</b>
Evidence	<b>Ohio Title</b>	Issue Date	<b>2/5/2007</b>	Surrendered To State	

Title Trans Commcnts

Transation Comects

Inactive Reason
Type
Text

Admin Hold
Type
Date
Desc

### Property Information

VIN/WIN/MIN	<b>1FTSX21505EA10211</b>	Year	<b>2005</b>	Property Type	<b>Vehicle</b>
Suffix	<b>0</b>	Body Type	<b>PT</b>	Condition	<b>Good</b>
Make	<b>FORD</b>	Desc	<b>FORD</b>	Mileage	<b>24443</b>
Model	<b>F2S</b>	Desc	<b>SRW SUPER DUTY</b>	Mileage Brand	<b>Actual</b>
Conversion				Mileage Just Code	

Title Chain Comments

Brand	Brand Desc
Brand	Brand Desc
Brand	Brand Desc

### Miscellaneous Information

# Liens	<b>1</b>	# Active Liens	<b>1</b>	# Owners	<b>1</b>	TOD	<b>0</b>
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### Owner Information

Last Name	<b>OMALLEY</b>	First Name	<b>DONALD</b>	M.I.	<b>C</b>	Sufix	
FEIN		Dealer Permit #		Vendr Lic #			
Company Name		Dealer Name					
Street	<b>3416 BRUNK RD</b>						
City	<b>AKRON</b>	State	<b>OH</b>	Country	<b>USA</b>	Zip	<b>44312</b>
						Int's Zip	

# Exhibit B

## 2nd Owner Information

Last Name	First Name	M.I.	Sufix	
FEIN	Dealer Permit #	Vendr Lic #		
Company Name	Dealer Name			
Street				
City	State	Country	Zip	Int's Zip

## Previous Owner Information

Last Name	First Name	M.I.	Sufix		
FEIN	Dealer Permit # <b>ND000403</b>	Vendr Lic # <b>77107048</b>			
Company Name	Dealer Name <b>VAN DEVERE INC</b>				
Street	<b>300 W MARKET ST</b>				
City	<b>AKRON</b>	State <b>OH</b>	Country <b>USA</b>	Zip <b>44303</b>	Int's Zip

## Lien Information

Lien Name	<b>FIFTH THIRD BANK</b>	Status	<b>Active</b>	
Street	<b>5001 KINGSLEY DR MD: 1MOB1S</b>	Issue Date	<b>2/5/2007</b>	
City	<b>CINCINNATI</b>	State <b>OH</b>	Zip <b>45263</b>	Cancel Date

## Receipt Information

Business Date	<b>2/5/2007</b>	User ID	<b>VKS</b>	Price	<b>28439.00</b>	Trade In	<b>0.00</b>
Total Fees	<b>10.00</b>	Total Taxes	<b>1761.44</b>	Total Paid	<b>1771.44</b>	Change	<b>0.00</b>
Sales Tax Credit	<b>0.00</b>	Exemption Code		Vendor Discount	<b>16.00</b>		
Broker Permit #		Broker Vendor #		Broker Name			



**Ohio Department Of Public Safety**  
Online Vehicle/Watercraft Title Inquiry



Date: 1/13/2009

**Search by  
Title Number**

**Search by  
Identification Number**

Search Title by entering **Title Number**

E-mail any comments or concerns to [Help Support](#).

The title information available from this web page is obtained from Ohio county title offices. Title information may not exist in the system and on this web page for titles issued prior to March 1993, because all Ohio county offices were not automated until March 1993. The information contained on this web page reports only detailed information for titles issued in the State of Ohio.

By making this information available, the Ohio Department of Public Safety and the Bureau of Motor Vehicles are not certifying that title information is accurate. Ohio Revised Code 4505.07 prohibits the filing of false information on title assignments and applications.

Ohio Revised Code 4501.27 prohibits the BMV from releasing private owner information.

For further assistance, contact the Title Section by telephone at (614) 752-7671 or email to: [Ask Titles A Question](#)

**Property Information**

Type: Vehicle	VIN#: 1FTSX21505EA10211	Year: 2005	Make: FORD	Model: SRW SUPER DUTY	Body Type: Pickup Truck
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**Current Title Information**

Title number: 3105853483	Title status: Active	Owner name: PRIVATE OWNER		Number of owners: 1
Issue date: 12/10/2008	Title type: Replacement	Liens 1: FIFTH THIRD BANK		Lien 1 cancel date:
Control Number: 091039456		Liens 2:		Lien 2 cancel date:
Mileage: 24443	Mileage brand: Actual	Brands 1:	Brands 2:	Brands 3:
Total Purchase Price: 28439	Resides in County: 77			

**History**

Title Number	Issue Date	Title Type	Title Status	Inactive Reason Type	Mileage	Mileage brand	Mileage justify	Owner Name
7703843098 ***	02/05/2007	Original	Inactive	Transferred to Replacement	24443	Actual		PRIVATE OWNER
7703831830	01/19/2007	Original	Inactive	Transferred Within County	24337	Actual		VAN DEVERE INC

7703207134	12/17/2004	Original	Inactive	Transferred Within County	39	Actual	CAB EAST LLC
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\*\*\*Denotes queried title number