

❖ 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	Perfected Title		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	Vehicle	State	OH	Electronic

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

Title Trans Commcnts

Transation Correcnts

Inactive Reason
Type
Text

Admin Hold
Type
Date
Desc

Property Information

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

Title Chain Comments

Brand	Brand Desc
Brand	Brand Desc
Brand	Brand Desc

Miscellaneous Information

# Liens	1	# Active Liens	1	# Owners	1	TOD	0
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Owner Information

Last Name	OMALLEY	First Name	DONALD	M.I.	C	Sufix	
FEIN		Dealer Permit #		Vendr Lic #			
Company Name		Dealer Name					
Street	3416 BRUNK RD						
City	AKRON	State	OH	Country	USA	Zip	44312
						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 # ND000403	Vendr Lic # 77107048			
Company Name	Dealer Name VAN DEVERE INC				
Street	300 W MARKET ST				
City	AKRON	State OH	Country USA	Zip 44303	Int's Zip

Lien Information

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

Receipt Information

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