

QUIET TITLE STATUTE

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 filed 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, 2ndFloor, 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.

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.

NATURE OF SUIT (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)

CIVIL

If a CH. 61: \$ _____ (Judgment Demand Amount)

TORT

- ☐ Asbestos Product Liability
- ☐ Automobile Tort
- ☐ Intentional Tort
- ☐ Legal Malpractice
- ☐ Medical Malpractice
- ☐ Other Professional Malpractice
- ☐ Premises Liability
- ☐ Slander/Libel/Defamation
- ☐ Tobacco Product Liability
- ☐ Toxic/Other Product Liability
- ☐ Other Tort

CONTRACT

- ☐ Buyer Plaintiff
- ☐ Employment Dispute – Discrimination
- ☐ Employment Dispute - Other
- ☐ Fraud
- ☐ Landlord/Tenant - Unlawful Detainer
- ☐ Landlord/Tenant Dispute – Other
- ☐ Seller Plaintiff (debt collection)
- ☐ Other Contract

CIVIL APPEALS

- ☐ Administrative Agency
- ☐ Other Civil Appeal

REAL PROPERTY

- ☐ Eminent Domain
- ☐ Mortgage Foreclosure
- ☐ Other Real Property

☐ STATE TAX WARRANT

MISCELLANEOUS

- ☐ 60-1507
- ☐ Habeas Corpus
- ☐ Other Writs

☒ OTHER CIVIL

☐ SMALL CLAIMS

DOMESTIC

☐ MARRIAGE DISSOLUTION/DIVORCE ☐ PROTECTION FROM ABUSE ☐ PROTECTION FROM STALKING ☐ UIFSA

☐ OTHER DOMESTIC RELATIONS ☐ NON-DIVORCE SUPPORT, CUSTODY OR VISITATION ☐ PATERNITY

PROBATE/ESTATE

GUARDIAN/CONSERVATOR

- ☐ Conservatorship/Trusteeship
- ☐ Guardianship - Adult
- ☐ Guardianship - Minor
- ☐ Guardian/Conservator - Adult
- ☐ Guardian/Conservator - Minor

☐ DETERMINATION OF DESCENT

☐ SEXUALLY VIOLENT PREDATOR

☐ DECEDENT ESTATE CARE AND TREATMENT

☐ ELDER ABUSE

☐ ADOPTION

☐ OTHER PROBATE/ESTATE

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: _____

ATTORNEYS

(Firm Name, Address, Telephone Number and
Supreme Court ID Number)

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: _____

ATTORNEYS

(Firm Name, Address, Telephone Number and
Supreme Court ID Number)

**FOR DOMESTIC CASES - NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER
OF EACH DEPENDENT CHILD:**

(Name)	(Date of Birth)	(Social Security Number)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

12/10/2014

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.

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.