

Motor Vehicle Procedure Manual

Title and Lien

Application for Certificate of Title and Satisfaction of Liens Involving Registered Owners or Lienholders Who are Deceased

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**Legal Authority**

[Section 319.22\(1\), Florida Statutes](#), states except as provided in s. [319.21](#) and [319.28](#), Florida Statutes, a person acquiring a motor vehicle or mobile home from the owner thereof, whether or not the owner is a licensed dealer, shall not acquire marketable title to the motor vehicle or mobile home until he or she has had issued to him or her a Certificate of Title to the motor vehicle or mobile home; nor shall any waiver or estoppel operate in favor of such person against a person having possession of such Certificate of Title or an assignment of such certificate for such motor vehicle or mobile home for a valuable consideration. Except as otherwise provided herein, no court shall recognize the right, title, claim, or interest of any person in or to any motor vehicle or mobile home sold, disposed of, mortgaged, or encumbered, unless evidenced by a Certificate of Title duly issued to that person, in accordance with the provisions of this chapter.

[Section 319.22\(3\), Florida Statutes](#), states in the case of a private or casual sale, except for transfers by a surviving spouse as provided by s. [319.28](#), Florida Statutes, no title shall be accepted for transfer unless the name of the person who is selling the vehicle is shown as the owner on the face of the title.

[Section 319.23\(1\), Florida Statutes](#), states an Application for a Certificate of Title shall be made upon a form prescribed by the department, shall be filed with the department, and shall be accompanied by the fee prescribed in this chapter. If a Certificate of Title has previously been issued for a motor vehicle or mobile home in this state, the application for a Certificate of Title shall be accompanied by the Certificate of Title duly assigned, or assigned and reassigned, unless otherwise provided for in this chapter. If the motor vehicle or mobile home for which application for a Certificate of Title is made is a new motor vehicle or new mobile home for which one or more manufacturers' statements of origin are required by the provisions of s. [319.21](#), Florida Statutes, the application for a Certificate of Title shall be accompanied by all such manufacturers' statements of origin.

[Section 319.28, Florida Statutes](#), provides for the transfer of ownership of a motor vehicle or mobile home by operation of law upon inheritance, devise or bequest.

[Section 319.28\(1\)\(b\), Florida Statutes](#), states: When the application for a Certificate of Title is made by an heir of a previous owner who died intestate, it shall not be necessary to accompany the application with an order of a probate court if the applicant files with the department an affidavit that the estate is not indebted and the surviving spouse, if any, and the heirs, if any, have amicably agreed among themselves upon a division of the estate. If the previous owner died testate, the application shall be accompanied by a certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets to pay all just claims or, if the will is not being probated, by a sworn copy of the will and an affidavit that the estate is not indebted.

[Section 319.28\(1\)\(c\), Florida Statutes](#), states: If a surviving spouse who would be entitled to issuance of a Certificate of Title under paragraph (b) wishes to dispose of the vehicle rather than retaining it for his or her own use, the surviving spouse shall not be required to obtain a Certificate of Title in his or her own name, but may assign to the transferee the Certificate of Title which was issued to the decedent. An application for a Certificate of Title by an applicant taken through such a surviving spouse under this paragraph shall be accompanied by the same documentation as would an application by a surviving spouse under paragraph (b), which documentation shall be supplied to the transferee by the surviving spouse.

[Section 319.28\(2\)\(a\), Florida Statutes](#), states that except as provided in paragraph (b), only an affidavit by the person, or agent of the person, to whom possession of such motor vehicle or mobile home has so passed, setting forth facts entitling him to such possession and ownership, together with a copy of the journal entry, court order, or instrument upon which such claim of possession and ownership is founded, shall be considered satisfactory proof of ownership and right of possession.

[Section 319.32 \(7\), Florida Statutes](#), allows a surviving spouse to remove the deceased co-owner (spouse) from the title for no-fee. An expedited title may be issued for \$10 fee.

(a) For a certificate of title issued for a motor vehicle solely to remove a deceased co-owner from a title registered in the names of two persons if the other co-owner is the surviving spouse:

or

(b) To issue a certificate of title solely to change the ownership of a motor vehicle from a deceased spouse's name to the surviving spouse's name.

[Section 320.0609 \(7\), Florida Statutes](#), authorizes the Department or its agents to verify necessary information through the electronic file of death records maintained by the Department of Health when a surviving spouse does not present a death certificate.

[Section 732.507\(2\), Florida Statutes](#), states that any provision of a will executed by a married person that affects the spouse of that person shall become void upon the divorce of that person or upon the dissolution or annulment of the marriage. After the dissolution, divorce, or annulment, the will shall be administered and construed as if the former spouse had died at the time of the dissolution, divorce, or annulment of the marriage, unless the will or the dissolution or divorce judgment expressly provides otherwise. Any provision in a will for an ex-spouse becomes void upon divorce unless the will or the dissolution/divorce judgment expressly provides otherwise.

[Section 732.515, Florida Statutes](#), reads: "A written statement or list referred to in the decedent's will shall dispose of items of tangible personal property, other than property used in trade or business, not otherwise specifically disposed of by the will. To be admissible under this section as evidence of the intended disposition, the writing must be signed by the testator and must describe the items and the devisees with reasonable certainty. The writing may be prepared before or after the execution of the will. It may be altered by the testator after its preparation. It may be a writing that has no significance apart from its effect upon the dispositions made by the will. If more than one otherwise effective writing exists, then, to the extent of any conflict among the writings, the provisions of the most recent writing revoke the inconsistent provisions of each prior writing."

[Section 732.802, Florida Statutes](#), provides that a killer is not entitled to receive property or other benefits by reason of a victim's death.

[Section 733.615, Florida Statutes](#), provides that when letters of administration show the appointment of two or more personal representatives of an estate, a majority of them must sign on all acts in connection with the administration, even if the names are joined by "or," unless the will specifies otherwise

## Description and Use

This procedure is provided to assist employees of the tax collector, license plate agent and, Florida Highway Safety and Motor Vehicles (FLHSMV) in implementing requirements to process certificate of title applications and satisfactions of liens involving registered owners or lienholders who are deceased.

## Documentation Required and Special Instruction

### A. Ownership is Recorded in the Name of the Deceased Only and the Estate Is Administered. (See Exhibit B Example 1)

#### 1. The Certificate of Title IS AVAILABLE.

- The “Transfer of Title by Seller” section on the Florida Certificate of Title, accurately completed in full and signed by the personal representative(s), as seller for the estate of the deceased. If the Certificate of Title is conforming and the motor vehicle is not exempt from an odometer disclosure or declaration, the purchaser must also sign. The assignment of the Certificate of Title may be to anyone or to the “Estate of (Name of the Deceased).”
- A form [Application for Certificate of Motor Vehicle Title - HSMV 82040 MV](#), [Application for Certificate of Vessel Title - HSMV 82040 VS](#), or [Application for Certificate of Mobile Home Title - HSMV 82040 MH](#), accurately completed by the purchaser(s) or the personal representative of the “Estate of,” if applicable.
- A photocopy of the Letters of Administration.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
- The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

- When the Letters of Administration show the appointment of two or more personal representatives of the estate, a majority of them must sign, even if the names are joined by “or,” unless the Will specifies otherwise.

## 2. The Certificate of Title IS NOT AVAILABLE.

If the title is electronic, it must be printed. Once printed, refer to II, A, 1, of this procedure.

- A form [Application for Duplicate or Lost in Transit/Reassignment for A Motor Vehicle, Mobile Home or Vessel Title Certificate - HSMV 82101](#), accurately completed by the personal representative, in the deceased owner's name.
- A photocopy of the Letters of Administration.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- Title fees.

After the duplicate title has been issued in the name of the deceased owner, follow the instructions in II, A, 1, of this procedure.

## B. Ownership is Recorded in the Names of Individuals Other Than a Married Couple. The Certificate of Title is Connected by “AND,” One is Deceased, and the Estate is Administered. (See Exhibit B Example 2)

If the title includes the wording “With Rights of Survivorship,” refer to section II, G. for transfer instructions.

### 1. The Certificate of title IS AVAILABLE.

- The “Transfer of Title by Seller” section on the Florida Certificate of Title accurately completed in full and signed by both the personal representative of the deceased co-owner and the surviving co-owner(s). The assignment of Certificate of Title may be to anyone.
- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the purchaser(s).
- A photocopy of the Letters of Administration.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.

- Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

When the Letters of Administration show the appointment of two or more Personal representatives of the estate, a majority of them must sign, even if the names are joined by “or,” unless the Will specifies otherwise.

## 2. The Certificate of Title IS NOT AVAILABLE.

If the title is electronic, it must be printed. Once printed, refer to II, B, 1, of this procedure.

- A form [HSMV 82101](#)  
Title Certificate accurately completed by the personal representative of the deceased co-owner AND the surviving co-owner.
- A photocopy of the Letters of Administration.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- Title fees.

After the duplicate title has been issued in the name of the deceased co- owner “AND” co-owner, follow the instructions in II, B, 1, of this procedure.

## C. Ownership is Recorded in the Names of Individuals Who MAY, or MAY NOT be a Married Couple. The Certificate of Title is Connected by “OR” and One is Deceased. (See Exhibit B Example 3).

The surviving co-owner receives all rights to the vehicle (Who MAY, or MAY NOT be the Surviving Spouse). The options available are:

1. If the title is available, the surviving co-owner may transfer the title to anyone. If the title is electronic, it must be printed. Once printed, refer to II, C, 1, of this procedure.
2. If the paper title is not available, the surviving co-owner MUST apply for a Certificate of Title in his/her name to remove the decedent’s name from the title record. The following should be submitted:

- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the surviving co-owner.
- An affidavit stating the title is lost or destroyed (may be checked on the completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), [HSMV 82040 MH](#)).
- A photocopy of the death certificate.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.

Specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

D. Disposition by a Circuit Judge through Orders of Summary Administration, Family Administration, or Setting Aside Exempt Property, letter or other written instrument authorized by and under seal of the court. (See Exhibit B Example 4).

The Certificate of Title IS or IS NOT AVAILABLE.

- The Florida Certificate of Title, if AVAILABLE. All sections of the Certificate of Title should remain blank.

If the Certificate of Title is NOT AVAILABLE, an affidavit by the person(s) named in the court order, letter or other written instrument authorized by and under seal of the court stating the Certificate of Title is lost or destroyed (may be checked on the completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), [HSMV 82040 MH](#)).

If the title is electronic, it does not have to be printed. The applicant should state the “title is electronic” in the affidavit area on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), [HSMV 82040 MH](#) in lieu of the lost/destroyed check box.

- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the person(s) named in the court order, letter or other written instrument authorized by and under seal of the court.

The person(s) named in the court order, letter or other written instrument authorized by and under seal of the court MUST have a certificate of title issued in their name prior to selling the motor vehicle or transferring the Certificate of Title, even if the Order states “To dispose of as they see fit.”

- A photocopy of the court order, letter or other written instrument authorized by and under seal of the court.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- Specify sales tax exemption information on an accurately completed on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

E. Ownership is Recorded only in the Name of the Deceased and the Estate is Not Administered. (See Exhibit B Example 5).

1. Florida Certificate of Title, either no Will or Will does not specify a recipient, and there is a Surviving Spouse.

The surviving spouse may transfer the title without taking the title in his/her name.

- The “Transfer of Title by Seller” section on the certificate of title, accurately completed by the surviving spouse, as seller, to the purchaser (who may be the surviving spouse).
- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the applicant.

If the title is electronic, it must be printed. Once printed, refer to II, E, 1, of this procedure.

If the Certificate of Title is NOT AVAILABLE, the “Release of Heirs” section on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), must be accurately completed by the surviving spouse as heir (releasing interest), along with an affidavit stating the certificate of title is lost or destroyed. The remaining portion of the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) must be completed by the applicant, (may be the surviving spouse or a new purchaser). If the surviving spouse is making an application for title in his/her name, the affidavit stating the certificate of title is lost or destroyed may be indicated in the “certification” section on the accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), in lieu of a separate affidavit.

- A photocopy of the death certificate.

The Department of Health (DOH) death file records can be queried through the “Death File Inquiry” screen in the motor vehicle issuance system to obtain death information in lieu of the



actual death certificate. After retrieving the death file information, the user should print the information and attach it with the other transaction documents for the customer record. The Death File Inquiry print out is confidential and should not be given to the customer.

- A photocopy of the will, if applicable.
- Lien satisfaction, for any liens, as shown on the motor vehicle records of this or any other state, if applicable
- Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

2. Florida Certificate of Title, either NO Will, or the Will does not specify a recipient, and there is NO Surviving Spouse. (See Exhibit B Example 5).

The heir(s) receive the decedent's interest in the motor vehicle. Either all heir(s) or any one of the heirs must have a Certificate of Title issued in their name.

- The Florida Certificate of Title in the name of the deceased, if AVAILABLE. All sections on the Certificate of Title should remain blank.

If the Certificate of Title is NOT AVAILABLE, an affidavit stating Certificate of Title is lost or destroyed signed by the heir(s). This affidavit may be placed on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

If the title is electronic, it does not have to be printed. The applicant should state the "title is electronic" in the affidavit area on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

- The "Release of Heirs" section on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by all the heir(s).

All heir(s) or any one of the heirs must complete the rest of the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), as applicant(s).

- A photocopy of the death certificate.
- A photocopy of the will, if applicable.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

### **3. Florida Certificate of Title, Establishing Ownership and Possession Rights via Attorney-Attested Affidavit.**

**When the previous owner of a motor vehicle or mobile home has died testate (with a valid will), a Florida-licensed attorney in good standing with The Florida Bar, may present the certificate of title, along with an attested affidavit stating the rightful heir(s) and confirming their lawful entitlement to ownership and possession of the motor vehicle or mobile home as per the will. A presumption of ownership and right of possession is established unless contrary information is received. Submission of the will or testamentary instrument is not necessary under this procedure.**

- **Florida Certificate of Title, if available**
  - **Application for Certificate of Title ([HSMV 82040 MV](#) or [HSMV 82040 MH](#))**
  - **Lien satisfaction(s), if applicable**
  - **Sales tax or specify sales tax exemption on [HSMV 82040 MV](#) or [HSMV 82040 MH](#)**
  - **Title fees**
- **Florida Certificate of Title, not available**
  - **Photocopy of Letters of Administration**
  - **Lien satisfaction(s), if applicable**
  - **Title fees**
- **Attested Affidavit**
  - **Affidavit Requirements (must include the following information):**
    - **Florida-licensed attorney information**
      - **Name of law firm, if applicable**
      - **First name, last name or Florida Bar number as listed with The Florida Bar**
  - **Attested statement identifying the Florida-licensed attorney as in good standing with The Florida Bar at the time the affidavit was being made.**

- **Heir(s) Information (must include the following):**
  - **First name, middle name (if applicable), and last name as it appears on state/government issued identification**
  - **Date of birth**
  - **Gender**
  - **State/Government issued identification number**
- **Previous Owner Information:**
  - **First name, middle name (if applicable), and last name**
  - **Date of birth**
  - **Gender**
  - **State/Government issued identification number (if available)**
- **Motor Vehicle or Mobile Home Information:**
  - **Vehicle Identification Number (VIN)**
  - **Florida Title Number (if available)**
  - **Decal Number (if available)**
  - **License Plate Number (MV)**
  - **Make/Manufacturer**
  - **Model (MV)**
  - **Year**

4. Florida Certificate of Title, Will Specifies the Name of the Recipient(s). There may or may not be a surviving spouse. (See Exhibit B Example 5).

When the will specifies that a specific heir receives the motor vehicle or mobile home, that person must take the title in their name, unless they are the surviving spouse (if spouse, refer to II, E, 1, a-g)? If the will specifies multiple heirs receive the motor vehicle or mobile home, then either all heirs or just one heir must take title in their name. If it is decided that only one heir will take title, all other heirs must sign over their interest.

It is acceptable for the heir (as named in the will) to add another name to the title at the time they are applying for the title in their name.

- The Florida Certificate of Title in the name of the deceased, if AVAILABLE. All sections of the Certificate of Title should remain blank.

If NOT AVAILABLE, an affidavit stating the Certificate of Title is lost or destroyed, signed by the recipient(s). The affidavit may be placed on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

If the title is electronic, it does not have to be printed. The applicant should state the “title is electronic” in the affidavit area on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) in lieu of the lost/destroyed check box.

- Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the person(s) named in the will.
- A photocopy of the will.
- A photocopy of the death certificate.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

F. Co-owners Other Than a Married Couple, the Names are Joined by “AND;” the Estate is Not Administered. (See Exhibit B Example 6).

1. Florida Certificate of Title, either NO Will, or the Will does not specify a recipient, and there is a Surviving Spouse of the Co-owner(s). These instructions also apply when both owners are deceased.

The surviving spouse of the deceased co-owner receives the decedent's interest in the motor vehicle without any heir(s) assigning his/her interest to the spouse. The surviving spouse may apply for co-ownership together with the registered co- owner(s) OR the surviving spouse and registered co-owner(s) may complete the “Transfer of Title by Seller” section on the Certificate of Title assigning their interest to an applicant.

- The “Transfer of Title by Seller” section on the Certificate of Title, accurately completed by the surviving spouse and co-owner, as seller, to the purchaser. The form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the surviving spouse and the co-owner(s) or the new owner(s).

If the title is electronic, it must be printed. Once printed, refer to II, F, 1, of this procedure.

If the Certificate of Title is NOT AVAILABLE, the “Release of Heirs” section on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), must be accurately completed by the surviving spouse and co-owner, along with an affidavit stating the certificate of title is lost or destroyed. The remaining portion of the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) must be completed by the applicant, (may be the surviving spouse and co-owner or a new owner). If the surviving spouse and co-owner is making an application for title in his/her name, the affidavit on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), stating “I certify That the Certificate of Title Is Lost or Destroyed” may be checked in lieu of a separate affidavit.

- A photocopy of the death certificate.
- A photocopy of the will, if applicable.
- Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

2. Florida Certificate of Title Will Specifies the Name of the Recipient. (See Exhibit B Example 6).

- The Florida Certificate of title in the name of the deceased and the co- owner(s), if AVAILABLE.

If NOT AVAILABLE, submit an affidavit stating the certificate of title is lost or destroyed, signed by the recipient and the surviving co-owner(s). The affidavit may be shown on the form HSMV 82040, Application for Certificate of Title with/without Registration, in lieu of a separate affidavit.

If the title is electronic, it does not have to be printed. The applicant should state the “title is electronic” in the affidavit area on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) in lieu of the lost/destroyed check box.

- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the person(s) named in the will and the surviving co-owner(s).
- A photocopy of the death certificate.
- A photocopy of the will.

- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
  - Specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
  - The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
  - Title fees.
3. Florida Certificate of Title, either NO Will, or the Will does not specify the name of a recipient, NO Surviving Spouse of Co-owner. (See Exhibit B Example 6).

Follow the guidelines listed below if the co-owners are both deceased, and the names are joined by “AND”.

The heir(s) receive the decedent's interest in the motor vehicle. The surviving heir(s) or any one of the heirs must have a Certificate of Title issued in their name with the co-owner OR the registered co-owner(s) may complete the “Transfer of Title by Seller” section on the Certificate of Title assigning interest to all or any one of the heirs.

- The Florida Certificate of Title, in the name of the deceased and the co- owner(s), if AVAILABLE.
- The co-owner(s), (if applicable) and the heirs taking ownership must complete the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) as applicant(s).

If the Florida Certificate of Title is NOT AVAILABLE, submit an affidavit stating the Certificate of Title is lost or destroyed signed by the surviving co-owner(s) and the heir(s) taking ownership. This statement may be included on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#). The “Release of Heirs” section on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), must be accurately completed by all heir(s) and co-owner(s).

If the title is electronic, it does not have to be printed. The applicant should state the “title is electronic” in the affidavit area on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) in lieu of the lost/destroyed check box.

- A photocopy of the death certificate.
- A photocopy of the will.
- Lien satisfaction, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.

- Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

G. Co-owners, the name are joined by “AND” along with the wording “With Rights of Survivorship” and the Estate IS/IS NOT Administered. (See Exhibit B Example 16).

Surviving co-owner receives all rights to the vehicle (even if the owner and co-owner are not married) due to the wording “WITH RIGHTS OF SURVIVORSHIP.” The Certificate of Title MAY be issued with the names joined by “Or” along with the wording “With Rights of Survivorship.” However, it would not be necessary to add the wording “With Rights of Survivorship” along with “Or,” since the surviving co-owner automatically receives all rights to the vehicle (see Exhibit B, Chart 3).

1. The Certificate of Title is AVAILABLE, Names are Joined by “AND” along with the wording “With Rights of Survivorship.”

- The “Transfer of Title by Seller” section on the Florida Certificate of Title must be completed by the surviving co-owner. The assignment of Certificate of Title may be to anyone.
- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the applicant, who may be the surviving co-owner.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- A photocopy of the death certificate.
- Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for a mobile home. A non- use affidavit is not acceptable for a mobile home.
- Title fees.

- If the title is electronic, it must be printed. Once printed, refer to II, G, 1, of this procedure.
2. The Certificate of Title is NOT AVAILABLE (The surviving co-owner MUST remove the decedent's name from the title), Names are Joined by “AND” along with the wording “With Rights of Survivorship.” (See Exhibit B).
- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed in the surviving co-owner's name, with an indication in the “Certification” section that the title is lost or destroyed.
  - A photocopy of the death certificate.
  - Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
  - The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for a mobile home. A non- use affidavit is not acceptable for a mobile home.
  - Title fees.

The surviving co-owner may add a name to the application.

H. Tenancy by the Entirety. (Ownership Recorded in the Names of a Married Couple). (See Exhibit B Example 7).

If both owners are deceased, the heirs must follow deceased instructions for the owner that expired last.

1. The Certificate of Title is AVAILABLE, Names are Joined by “AND”.
- The “Transfer of Title by Seller” section on the Florida Certificate of Title must be completed by the surviving spouse. The assignment of Certificate of Title may be to anyone.
  - A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the applicant, who may be the surviving spouse.
  - Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
  - A photocopy of the death certificate.
  - Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).



- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for a mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

If the title is electronic, it must be printed. Once printed, refer to II, H, 1, of this procedure.

2. The Certificate of Title is NOT AVAILABLE (The surviving spouse MUST remove the decedent's name from the title), Names are Joined by “AND.”

- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed in the surviving spouse's name, with an indication in the “Certification” section that the title is lost or destroyed.
- A photocopy of the death certificate.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for a mobile home. A non-use affidavit is not acceptable for a mobile home.
- Title fees.

The surviving spouse may add a name to the application.

I. When an out-of-state Certificate of Title is the Proof of Ownership. (See Exhibit B Example 8)

If the Certificate of Title is in the name of the deceased person or is in the name of the estate of the deceased, the application is to be processed under the appropriate method outlined in this procedure to transfer a Certificate of Title. In addition, the following must also be submitted:

- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the applicant.
- A [Vehicle Identification Number and Odometer Verification - HSMV 82042](#), accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), may be used in lieu of the above listed form.

or,

An affidavit from the seller(s) and the purchaser(s) verifying that the motor vehicle identification number shown on the affidavit is identical to the motor vehicle identification number shown on the motor vehicle.

Verification is not required on any mobile home; any trailer or semi-trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

- The out-of-state proof of ownership accurately assigned or proper documents assigning ownership.

or,

If the out-of-state proof of ownership has been lost or destroyed and the estate was NOT administered, the heir(s) must submit an affidavit stating that fact. If the estate WAS administered, the personal representative MUST apply for a duplicate title from the title state (to be signed over to the applicant/purchaser).

The affidavit must be accompanied by verification of ownership and lien status from the out-of-state Motor Vehicle Division where the motor vehicle was last titled and registered. Verification may be one of the following:

- (1) A computer-generated printout from an out-of-state motor vehicle division.
- (2) A letter on original letterhead stationery from an out-of-state motor vehicle division.
- (3) A photocopy of the current out-of-state Certificate of Title.
- (4) A copy of the teletype printout or a statement which shows the ownership, lien status and the name of the law enforcement agency who provided the verification information.

J. Proof of Ownership is in the Name of a Trust/Trustee and the Trustee is Deceased.

1. If the Certificate of Title is currently in the name of a Trust (Smith Family Trust) and the trustee is deceased, the successor trustee may transfer the title to the new purchaser (see Exhibit B Example 17). The following documentation would be required:

- A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the new owner.
- A photocopy of the death certificate for the deceased trustee.
- A photocopy of the trust agreement. Only the following pages are required:
- A photocopy of the trust agreement. Only the following pages are required:
  - a. The first page.
  - b. The page which specifies the name of the trustee and successor trustee.

- c. The page which shows the signature of the creator of the trust.
  - Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
  - Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
  - The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home.
  - Title fees.
2. When the Certificate of Title is currently in the name of a Trust (Smith Family Trust), the trustee is deceased, and Certificate of Title IS NOT AVAILABLE (see Exhibit B Example 17).

If the title is electronic, it must be printed. Once printed, refer to II, J, 1, of this procedure.

- A form [HSMV 82101](#), accurately completed by the successor trustee, in the name of the trust.
- A photocopy of the death certificate for the deceased trustee.
- A photocopy of the trust agreement. Only the following pages are required:
  - b. The first page.
  - c. The page which specifies the name of the trustee and successor trustee.
  - d. The page which shows the signature of the creator of the trust.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- Title fees

After the duplicate title has been issued in the name of the trust, follow the instructions in II, J, 1, of this procedure).

3. When the title is currently in the name of the “trustee” (John Smith, trustee) or (John Smith as Trustee for Smith Family Trust) and the trustee is deceased, the successor trustee (Sam Smith) MUST apply for title in the name of “Sam Smith as Trustee for Smith Family Trust” or in the name of the trust (Smith Family Trust), prior to selling the vehicle (see Exhibit B Example 18). The following documentation would be required:

- The Certificate of Title completed by the successor trustee as the seller to “Sam Smith as trustee For Smith Family Trust” or to the name of the trust, if AVAILABLE.

If the title is electronic, it must be printed. Once printed, refer to II, J, 3, of this procedure.

If the Certificate of Title is NOT AVAILABLE, submit an affidavit signed by the successor trustee stating the title has been lost or destroyed (this statement may be placed on a completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) or 82041).

- Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), completed by the successor trustee, showing the name of the trust (Smith Family Trust) or “Sam Smith as Trustee for Smith Family Trust,” as the applicant.
- A copy of the trustee's death certificate.
- A photocopy of the trust agreement. Only the following pages are required:
  - a. The first page.
  - b. The page which specifies the name of the trustee and successor trustee.
  - c. The page which shows the signature of the creator of the trust.
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for the mobile home.
- Title fees.

#### K. LIFE ESTATE:

A Certificate of Title may be issued with “Life Estate” after the name of an individual who has executed a will or legal instrument creating a life estate.

That individual will be the legal owner as long as they live. The remainder person is the individual named in the will or legal instrument that is to receive ownership after the life estate individual expires.

Example: Ann Brown Carter (Life Estate), John Doe Brown (remainder person)

If the title is to be issued NOT showing the name of a remainder person, a legal document would be required when the vehicle is transferred, which specifies the name of the remainder person.

1. To apply for transfer of title into the name of the life estate and remainder person, submit the following:
  - The Florida Certificate of Title accurately completed for transfer to the Life Estate and remainder person.
  - A form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the person named as the “Life Estate.”
  - Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
  - The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for a mobile home. A non- use affidavit is not acceptable for a mobile home.
  - Title fees.
2. To transfer the title from the Life Estate person (now deceased) and the remainder person into the name of the remainder person, submit the following: (See Exhibit B Example 9)

If the title was previously issued NOT showing the name of a remainder person, a legal document specifying the name of the remainder person would be required.

- The Florida Certificate of Title, if AVAILABLE.

If the Certificate of Title is NOT AVAILABLE, an affidavit stating the Certificate of Title is lost or destroyed signed by the remainder person. This affidavit may be placed on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

If the title is electronic, it does not have to be printed. The applicant should state the “title is electronic” in the affidavit area on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) in lieu of the lost/destroyed check box.

- [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), accurately completed by the remainder person.
- A photocopy of the death certificate for the life estate individual.
- Florida sales tax or specify sales tax exemption information on an accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).
- Lien satisfactions, for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
- The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for, or the RP decal transferred to or purchased for a mobile home. A non- use affidavit is not acceptable for a mobile home.
- Title fees.

## Documentation Required and Special Instructions on Liens When the Lienholder is Deceased

- A. The following is a list of documents required to satisfy or reassign liens under the following situations:
- Estate is Administered
  - Estate is not Administered.
  - Tenancy by the Entirety
    1. Letters of Administration, if estate is probated, or
    2. A photocopy of the will if a will exists and a photocopy of the death certificate for the deceased.
    3. The lien satisfaction on the Certificate of Title, or if the title is not available, Lien Satisfaction – HSMV 82260 (completed by the lienholder(s)), or if the lien needs to be reassigned, sections 1 and 3 of form [Application for Notice of Lien/Reassignment of Lien or Notice to First Lienholder of Subsequent Lien – HSMV 82139](#).
- B. The following is a list of persons authorized to release or reassign liens.
- The Personal Representative
  - The Surviving Spouse
  - All heirs

## Miscellaneous Information

1. When the proof of ownership is signed over to an individual and the individual dies before Certificate of Title is applied for in their name, follow the instructions that apply as if the Certificate of Title were issued in the name of the deceased.
2. If the death certificate is in a language other than English, it must be accompanied by an interpretation.
3. Copies of court orders or Letters of Administration are not required to be certified.
4. General, limited, or durable powers of attorney made by an owner of a motor vehicle or vessel are viewed as null and void upon their death.
5. If a Certificate of Title is in the name of two individuals, joined by “and”, one is deceased and the surviving co-owner cannot locate the deceased co-owner's heir(s), a court order must be obtained.
6. An out-of-state address is acceptable, when following deceased instructions.

7. Stepchildren are not considered lineal descendants. A Chart of lineal descendants is attached as Exhibit D. Adopted children are considered lineal descendants per [Section 732.108](#), Florida Statutes.
8. If the will specifies that a specific heir receives the motor vehicle or mobile home, that person must take title in their name, unless they are the surviving spouse. If the will specifies multiple heirs receive the motor vehicle or mobile home, then either all heirs or just one heir must take title in their name. If it is decided that only one heir will take title, all other heirs must sign over their interest. It is acceptable for the heir (as named in the will) to add another name to the title at the time they are applying for title in their name.
9. A license plate may be transferred to the surviving spouse upon the death of the owner of a vehicle, unless the decedent owned a license plate that required a special status, such as a Disabled Veteran, Wheelchair, etc. See [Procedure RS-05](#) for more information.
10. A Certificate of Title may be issued with the names joined by “And” along with the wording “With Rights of Survivorship.” If one of the owners of the motor vehicle dies, his or her share of the motor vehicle automatically goes to the surviving co-owner. A joint tenant (titled with “and” along with the wording “with rights of survivorship”) cannot use a will to leave his or her share of the joint tenancy property (motor vehicle) to someone else.
11. A Certificate of Title may be issued with the names joined by “Or” along with the wording “With Rights of Survivorship.” However, it would not be necessary to add the wording “With Rights of Survivorship” along with “Or,” since the surviving co-owner automatically receives all rights to the vehicle (see Exhibit B).
12. When an application is for a “Life Estate/Remainder Person,” “Tenancy by the Entirety,” or “With Rights of Survivorship,” in which there are two or more customers, select a legal description from the drop-down box during the title transaction. This will identify the relationship between the vehicle owners. If no legal ownership description is designated, tab through this new field leaving the default value of No Legal Ownership Description. Whenever a legal ownership description is chosen, it will print on the title with the owner names and an abbreviation of the description will print with the names on the 82041. The following describes how to complete the form HSMV 82040 when selecting one of the above listed legal descriptions:

**Life Estate/Remainder Person** The name of the life estate person should be shown in the “owner's” area of the form. The remainder person should be shown in the “co-owner's” area. You must still choose “and” or “or”, prior to choosing “Life Estate/Remainder Person” as the legal description. Only the life estate person would be required to sign the application for title, as the remainder person would only be a beneficiary.

**With Rights of Survivorship** The owner must be shown on the form as the “owner.” The additional person would be the co-owner and must be shown in the “co- owner's” area of the form. You must

still choose “and” or “or,” prior to choosing “With Rights of Survivorship” as the legal description. Both owners must sign the application for title.

**Tenancy by the Entirety** The owner must be shown on the form as the “owner.” The co-owner must be shown in the “co-owner's” area of the form. You must still choose “and” prior to choosing “Tenancy by The Entirety” as the legal description. Both owners must sign the application for title.

13. Pursuant to [Section 732.802](#), Florida Statutes, a surviving heir who intentionally kills or participates in the death of a decedent is not entitled to any benefits of the decedent’s estate.
14. When a sole owner of a company listed as owner on the title dies, follow the appropriate instructions as if the title were in the deceased person's name.
15. If the owner of a motor vehicle dies and has no heirs, this procedure CANNOT be followed (see Procedure TL-07).
16. If the owner of a motor vehicle is deceased and the lienholder repossesses his/her vehicle, refer to [Procedure TL-23](#).
17. A will may reference or specify a separate piece of paper or list for disposal or distribution of the person's tangible personal property. This list may have been created after the execution of the will and would only require the signature of the testator. The signature of the testator would be acceptable without witnesses.
18. A penalty fee is not due on deceased applications.
19. Pertinent Questions to Ask and a Flow Chart Directory are attached as Exhibit A.
20. Flow Charts are attached as Exhibit B.
21. Additional definitions are attached as Exhibit C.

See Forms Appendix for a sample of the HSMV forms referred to in this Procedure.

## Surviving Spouse Transfer

### Documentation Required:

- A. Form [Surviving Spouse Transfer of Florida Certificate of Title for a Motor Vehicle – HSMV 82152](#)
- B. Original or certified copy of the death certificate. The Department of Health (DOH) death file records can be queried through the “Death File Inquiry” screen in the motor vehicle issuance system to obtain death information in lieu of the actual death certificate. After retrieving the death file information, the user should print the information and attach it with the other transaction



documents for the customer record. The Death File Inquiry print out is confidential and should not be given to the customer.

- C. Original or copy of the marriage certificate, if the surviving spouse is not named on the death certificate.
- D. Proof of identity – valid driver license or identification card from any state or valid passport.

**General Information:**

- A. For a certificate of title issued for a motor vehicle solely to remove a deceased co-owner from a title registered in the names of two persons if the other co-owner is the surviving spouse. Or, to issue a certificate of title solely to change the ownership of a motor vehicle from a deceased spouse's name to the surviving spouse's name.
- B. Fees – No title or service fees may be charged. An expedited title fee of \$10 may be charged if the surviving spouse requests a fast title.
- C. Registration fees are due at the time the title is issued unless the surviving spouse provides the non-use certificate on form [HSMV 82152](#).
- D. If a fast title is not requested the title may be mailed at no charge to the customer's address or a one-time "mail to" address or a "mail to" customer address. An address change cannot take place during the Surviving Spouse Transfer transaction.
- E. The title may be held "electronically", when the customer requests a printed title online, by mail, or in the office the fee will be \$2.50 for mailing or \$10 for a fast title.
- F. If the title is lost or destroyed, the surviving spouse may certify on form [HSMV 82152](#).
- G. A name cannot be added to the title at the time the Surviving Spouse Transfer is processed.
- H. A lien cannot be added to the title at the time the Surviving Spouse Transfer is processed.
- I. The issuance of the fast title must be acknowledged on the form [HSMV 82152](#).
- J. The Surviving Spouse Transfer is a no-fee transaction, unless the customer chooses to have an expedited (fast) title printed. Only those agents with the Correction/Modify role are able to process this transaction

## Frequently Asked Questions

Q. Why would this not apply to a title if the owner of record is only in the deceased name and the surviving spouse wants title in their name?

A. The statute, [Section 319.32 \(7\)](#), has been amended and now fees are not to be charged when there are two persons on the title if the other co-owner is the surviving spouse or to issue a certificate of title solely to change the ownership of a motor vehicle from a deceased spouse's name to the surviving spouse's name.

Q. Does this also apply to vessels?

A. No, this applies to motor vehicles only. Mobile homes, vessels, tools, and vehicles that run only upon a track, bicycles, swamp buggies, or mopeds are not included.

Q. If the title is in both names (husband and wife) is the [Application for Surviving Spouse Transfer of Florida Certificate of Title for a Motor Vehicle – HSMV 82152](#) still required?

A. Yes.

Q. Does it matter if the names are joined by AND or OR?

A. No.

Q. Is the face of the title to be left blank?

A. No, the face of the title should be completed the same as for any title transfer; however, the mileage and acquired date are not required to be shown.

Q. If there is a will or probate do, we use the surviving spouse procedure or follow [TL-18](#) for the correct scenario?

A. If the will or probate is requiring anything other than removing the deceased owner's name, you would not be able to use the surviving spouse transfer.

Q. The death certificate must be an original or certified copy per [TL-18](#), is the original or certified documentation to be submitted with the title work? Can we view and return – enter comments in the motor vehicle issuance system or submit a photocopy?

A. The customer is not required to surrender their original or certified copy of the death certificate or original marriage license. The clerk should make a copy to submit with the title work. The clerk is not required to notate on the copy that they saw the original or certified copy.

Q. Do you plan to add surviving spouse transfer as an exhibit in [TL-18](#)?

A. Not at this time.

Q. If the title is electronic, can we process with just form [HSMV 82152](#) and must it be left electronic?

A. If the title is electronic you can process with the [HSMV 82152](#). The customer can choose to have the title printed or to leave it electronic.

### **Revision(s) to Procedure**

#### **07/24: Added 3. to E. Ownership is Recorded only in the Name of the Deceased and the Estate is Not Administered to Documentation Required and Special Instructions section.**

06/26/23 Added instructions for the new Form HSMV 82040s Added to the procedure (a) For a certificate of title issued for a motor vehicle solely to remove a deceased co-owner from a title registered in the names of two persons if the other co-owner is the surviving spouse; or (b) To issue a certificate of title solely to change the ownership of a motor vehicle from a deceased spouse's name to the surviving spouse's name. Removed "chart" and added "example".

7/21/17 Added a Frequently Asked Questions (FAQ) page to the Surviving Spouse Transfer procedure and additional information under General Information.

## PERTINENT QUESTIONS TO ASK

1. Do you have a Title?
2. Is the title from Florida or out of state?
3. Is there a will?
4. Has the estate been probated?
5. Do you have the court documents or death certificate?
6. Do you have single or joint ownership on the title?
7. How many names are on the front of the title and were the individuals a married couple?

<b>Single Ownership</b>	
Estate Probated – Letters Issued	Exhibit B, Chart 1
Orders of Summary Administration, Family Administration, or Setting Aside Exempt Property	Exhibit B, Chart 4 a & b
Estate Not Probated	Exhibit B, Chart 5
<b>Joint Ownership (Not a Married Couple)</b>	
“And” connects names on the title – Letters Issued	Exhibit B, Chart 2
“And” connects names on the title – No Probate	Exhibit B, Chart 6
<b>Joint Ownership (Who May or May Not be a Married Couple)</b>	
“Or” connects names on the title – Probate/No Probate	Exhibit B, Chart 3
“And” along with “With Rights of Survivorship” connects name on the title – Probate/No Probate	Exhibit B, Chart 16
<b>Joint Ownership (In the Names of a Married Couple) – Tenancy by the Entirety – “And” connects names on the title</b>	Exhibit B, Chart 7
<b>Out-of-State Title</b>	Exhibit B, Chart 8
<b>Life Estate with Remainder Person</b>	Exhibit B, Chart 9
<b>Lienholder Deceased – Will Specifies Recipient</b>	Exhibit B, Chart 10
<b>Lienholder Deceased – Estate Not Administered</b>	Exhibit B, Chart 11 & 12
<b>Lienholder Deceased – Lien Recorded in the Name of <u>Individuals Who May or May not have been a Married Couple</u> – Names Joined by “Or”</b>	Exhibit B, Chart 13
<b>Lienholder Deceased – Tenancy by the Entirety – Lien Recorded in the Names of a <u>Married Couple</u> – Names Joined by “And”</b>	Exhibit B, Chart 14
<b>Lienholder Deceased – Estate Administered</b>	Exhibit B, Chart 15
<b>Trustee Deceased – Title in the name of the “Trust” or Trustee for the trust</b>	Exhibit B, Chart 17 & 18

**EXHIBIT B (CHART 1)**

**SINGLE OWNERSHIP – ESTATE PROBATED – LETTERS ISSUED**

**Administration of Estate by Personal Representative**

Scenario:  
Title **IS** Available

Requirements:  
Transfer of Title by seller section of title completed by the personal representative, to the new owner or the “Estate of (Name of Deceased).”  
NOTE: If the title is electronic, it must be printed. [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), completed by the new owner, or by the personal representative, for the “Estate of (Name of Deceased).” If applicable.  
A Photocopy of letters of Administration.  
Lien satisfaction(s), If applicable.  
Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)  
Tag number or non-use affidavit.  
Title fees.

**NOTE:** If applying for title in the name of the estate, the application for title must read “Estate of (Name of the Deceased).”

Scenario:  
Title **NOT** Available.

Requirements:  
[HSMV 82101](#) \*\*, Completed by the personal representative, in the name of the deceased owner.  
A photocopy of Letters of Administration.  
Lien satisfaction(s), if applicable.  
Title fees.

**After the duplicate title has been issued in the name of the deceased owner, follow the above instructions for “Title is Available.”**

- \* Form HSMV 82041 is the Application for Vehicles/Vessel Certificate of Title and/or Registration printed in the tag agencies.
- \*\* Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) may be used. Form [HSMV 82101](#), is the Application for Duplicate or Lost in Transit/Reassignments for A Motor Vehicle, Mobile Home, or Vessel Title Certificate.

## EXHIBIT B, cont. (CHART 2)

### JOINT OWNERSHIP (NOT A MARRIED COUPLE)

#### “AND” CONNECTS NAMES ON THE TITLE

#### ESTATE PROBATED – LETTERS ISSUED

#### Vehicle Titled in Names Other than Married Couple, joined by “And”, Estate is Administered.

The “Transfer of title by Seller” section on the Certificate of Title should be accurately completed by the personal representative of the deceased co-owner AND the surviving co-owner, to the new owner. Transfer may be to anyone.

Scenario:  
Title **IS** Available

Requirements:  
NOTE: If the title is electronic, it must be printed.  
Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), \* completed by the new owner(s)  
A photocopy of Letters of Administration  
Lien satisfaction(s), if applicable  
Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)  
Tag number or non-use affidavit  
Title fees

Scenario:  
Title **NOT** Available

Requirements:  
[HSMV 82101](#) \*\*, completed by the personal representative of the deceased co-owner AND the surviving co-owner.  
A photocopy of Letters of Administration.  
Lien satisfaction(s), if applicable.  
Title fees.

After the duplicate title has been issued in the name of the deceased co-owner and the surviving co-owner, follow the above instructions for “Title Is Available.”

\*\* Form [HSMV 82101](#), is the Application for Duplicate or Lost in Transit/Reassignment for A Motor Vehicle, Mobile Home, or Vessel Title Certificate.

**EXHIBIT B, cont. (CHART 3)**

**JOINT OWNERSHIP (MAY OR MAY NOT BE A MARRIED COUPLE)**

**“OR” CONNECTS NAMES ON THE TITLE**

**ESTATE PROBATED/NOT PROBATED**

**Surviving co-owner receives all rights to the vehicle**

**(Who MAY or MAY NOT be a Married Couple)**

Scenario:

Title **IS** Available

Requirements:

The “Transfer of Title by Seller” section completed by the surviving co-owner to the new purchaser. Transfer may be to anyone.

NOTE: If the title is electronic, it must be printed.

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)\* or 82041, \* completed by the new owner(s)

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) or 82041

Tag number or non-use affidavit

Title fees

**When the title is not available, the surviving co-owner (who may or may not be a married couple) MUST apply for a Certificate of Title in his/her name in order to remove the decedent's name from the title record.**

Scenario:

Title **NOT** Available

Requirements:

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), \* completed by the surviving co-owner, as applicant.

Affidavit stating the title is lost or destroyed (may be placed on the completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)).

A photocopy of the death certificate.

Lien satisfaction(s), if applicable.

Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)

Tag number or non-use affidavit

Title fees

**EXHIBIT B, cont. (CHART 4)**

**SINGLE OWNERSHIP -COURT ORDER**

**NO PERSONAL REPRESENTATIVE**

**Order of Summary Administration, Family Administration, Order Setting Aside Exempt Property, Letter or Other Instrument Authorized by and Under the Seal of the Court**

Scenario:

Title **IS** Available

Requirements:

Florida Certificate of Title, left blank

NOTE: If the title is electronic, it does not have to be printed. The applicant would state the "title is electronic" in the affidavit area on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) in lieu of the lost/destroyed check box.

AND

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) accurately completed by the person(s) named in the court order, letter or other instrument authorized by and under the seal of the court, as applicant

A photocopy of the court order, letter or other instrument authorized by and under the seal of the court

Lien satisfaction(s), if applicable

Specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)

Tag number or non-use affidavit

Title fees

Scenario:

Title **NOT** Available

Requirements:

Affidavit by person(s) named in the court order, \*\* letter or other instrument authorized by and under the seal of the court, as the owner(s) of the vehicle, stating the title has been lost or destroyed.

The affidavit may be placed on the accurately completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by the person(s) named in the court order, letter or other instrument authorized by and under the seal of the court, as owner(s) of the vehicle.

A photocopy of the court order, letter or other instrument authorized by and under the seal of the court.

Lien satisfaction(s), if applicable

Specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

Tag number or non-use affidavit

Title fees

\*\* Person(s) named in the court order, letter or other instrument authorized by and under the seal of the court must apply for title before they transfer ownership, even if the court order reads "To dispose of as they see fit."



## EXHIBIT B, cont. (CHART 5)

### SINGLE OWNERSHIP - ESTATE NOT PROBATED

#### Vehicle is An Asset of Estate NOT Administered

##### Title Recorded in Name of Deceased

###### Scenario:

**Florida Title, NO Will, or Will does not Specify Recipient A photocopy of the death certificate There is a Surviving spouse**

###### Requirements:

“Transfer of Title by Seller” section accurately completed by the surviving spouse, to the purchaser (who may be the surviving spouse).

NOTE: If the title is electronic, it must be printed.

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by the applicant (who may be the surviving spouse)

If title is unavailable, “Release of Heirs” section on form HSMV 82040 completed by the surviving spouse along with an affidavit stating title is lost or destroyed (if spouse is taking title, the affidavit may be placed on the completed form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)).

A photocopy of the death certificate

A photocopy of the Will if one exists

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)

Tag number or non-use affidavit

Title Fees

###### Scenario:

**Florida Title, NO Will, or Will does not specify Recipient, No Surviving Spouse**

###### Requirements:

“Release of Heirs” section on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by heir(s) at law

All heirs(s) or any one of the heirs(s) must complete the rest of form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) as applicant(s)

A photocopy of death certificate

A photocopy of the Will, if one exists

Florida title (leave blank) or an affidavit stating title is lost or destroyed, signed by heir(s) (this affidavit may be placed on the [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)).

NOTE: If the title is electronic, it does not have to be printed. The applicant would state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)

Tag number or non-use affidavit

Title Fees

Scenario:	Requirements:
Florida Title,	Form <a href="#">HSMV 82040 MV</a> , <a href="#">HSMV 82040 VS</a> , or <a href="#">HSMV 82040 MH</a> completed by person(s) named in the Will
Will Specifies	A photocopy of the death certificate
Recipient	A photocopy of the will
	Lien satisfaction(s), if applicable
	Sales tax or specify sales tax exemption information on form <a href="#">HSMV 82040 MV</a> , <a href="#">HSMV 82040 VS</a> , or <a href="#">HSMV 82040 MH</a>
	Florida title (leave blank) or affidavit stating the title is lost or destroyed, signed by the recipient (this affidavit may be placed on the <a href="#">HSMV 82040 MV</a> , <a href="#">HSMV 82040 VS</a> , or <a href="#">HSMV 82040 MH</a> ).
	NOTE: If the title is electronic, it does not have to be printed. The applicant would state the “title is electronic” in the affidavit area on the form <a href="#">HSMV 82040 MV</a> , <a href="#">HSMV 82040 VS</a> , or <a href="#">HSMV 82040 MH</a> in lieu of the lost/destroyed check box.
	Tag number or non-use affidavit
	Title Fees

**EXHIBIT B, cont. (CHART 6)**

**JOINT OWNERSHIP (NOT A MARRIED COUPLE)**

**“AND” CONNECTS NAMES ON THE TITLE - ESTATE NOT PROBATED**

**Vehicle titled NOT a Married Couple, Names Joined by “And” - Estate Not Administered**

Scenario:

**NO Will, or Will does not Specify Recipient. There is a surviving Spouse of the co-owner**

Requirements:

The surviving spouse may apply for co-ownership with the co-owner OR the registered co-owner and surviving spouse may complete the “Transfer of Title by Seller” section on the Florida Certificate of Title to new owner. If title is unavailable, submit an affidavit stating the title is lost or destroyed, signed by Spouse of the co-owner.

NOTE: If the title is electronic, it must be printed

“Release of Heirs” section on Form HSMV 82040 should be accurately completed, by the - co owner and surviving spouse to new owner

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by the applicant (who may be the surviving spouse and co-owner)

A photocopy of death certificate

A photocopy of the Will, if one exists.

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form HSMV 82040 or 82041

Tag number or non-use affidavit

Title fees

Scenario:

**Will Specifies Names of Recipient of Vehicle**

Requirements:

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by recipient of vehicle named in will and surviving co-owner

A photocopy of the Will

A photocopy of death certificate

Florida title or affidavit stating the title is lost or destroyed, signed by recipient and co-owner (affidavit may be placed on the 82040 or 82041).

NOTE: If the title is electronic, it does not have to be printed. The applicant would state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)

Tag number or non-use affidavit

Title fees

Lien satisfaction(s), if applicable

Scenario:

**No Will or Will Does Not  
Specify Name of Recipient  
No Surviving Spouse of  
Co-owner**

Requirements:

The heirs may apply for co-ownership with the co-owner OR the registered co-owner may complete the “Transfer of Title by Seller” section on the Florida Certificate of Title, to any one or all of the heirs.

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by the co-owner (if applicable) and heirs taking ownership, as applicants.

If the Certificate of Title has been lost or destroyed, the “Release of Heirs” section on Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), should be accurately completed by the co-owner and all heirs with an indication in the “Certification” section that the title is lost or destroyed.

NOTE: If the title is electronic, it does not have to be printed. The applicant would state the “title is electronic” in the affidavit area on the form HSMV 82040 in lieu of the lost/destroyed check box.

A photocopy of death certificate

A photocopy of the Will if one exists

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)

Tag Number or non-use affidavit

Title fees

## EXHIBIT B, cont. (CHART 7)

### JOINT OWNERSHIP (A MARRIED COUPLE)

#### Tenancy by the Entirety, Ownership Recorded in the Names of a Married Couple

Scenario:

Title **IS** Available

Joined by **“And”**

Requirements:

“Transfer of Title by Seller” section of title, accurately completed by the surviving spouse, to the new owner. Transfer may be to anyone.

NOTE: If the title is electronic, it must be printed.

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by the applicant(s)

A photocopy of death certificate

Lien satisfaction(s), if applicable

Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)

Tag number or non-use affidavit.

Title fees

Scenario:

Title **NOT** Available Names Joined by **“And”**

Surviving spouse **MUST** remove decedent's name from title

Requirements:

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) accurately completed in the surviving spouse's name with an indication in the “Certification” section that the title is lost or destroyed.\*\*\*

A photocopy of death certificate

Lien satisfaction(s), if applicable

Tag number or non-use affidavit

Title fees

\*\*\* Surviving spouse may add a name to the application.

If both owners are deceased, the heirs must follow deceased instructions for the owner that expired last.

## EXHIBIT B, cont. (CHART 8)

### VEHICLE TITLED OUT OF STATE

Scenario:  
Title is Available

Requirements:  
Follow appropriate method from this procedure. Title is Available

Out-of-state title properly assigned, if applicable

HSMV 82042 or VIN Verification section completed on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)

Scenario:  
Title is Not Available

Requirements:  
Follow appropriate method from this procedure  
Affidavit by the Heir(s) stating that the out of state title has been lost or destroyed (if the estate was NOT administered)  
NOTE: If the estate WAS administered, the personal representative must apply for a duplicate title from the title state to be signed over to the applicant/purchaser.  
HSMV 82042 or VIN Verification section completed on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)  
Verification of ownership and lien status from the motor vehicle division of the state of previous registration.

\* \* Verification may be any one of the following:

A computer-generated printout from an out-of-state motor vehicle division.

A letter on original letterhead stationery from an out-of-state motor vehicle division.

A photocopy of the current out-of-state Certificate of Title.

A copy of the teletype printout or a statement which shows the ownership, lien status and the name of the law enforcement agency who provided the verification information.

## EXHIBIT B, cont. (CHART 9)

### TITLE IN LIFE ESTATE WITH REMAINDER PERSON

#### LIFE ESTATE INDIVIDUAL IS DECEASED

NOTE: If the title was previously issued NOT showing the name of a remainder person, a legal document specifying the name of the remainder person, would be required.

Scenario:  
**Title is Available**

Requirements:  
Florida Certificate of Title  
NOTE: If the title is electronic, it does not have to be printed. The applicant would state the "title is electronic" in the affidavit area on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) in lieu of the lost/destroyed check box.  
Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by the remainder person  
A photocopy of death certificate  
Lien Satisfaction(s), if applicable  
Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)  
Tag number or non-use affidavit  
Title fees

Scenario:  
**Title is Not Available**

Requirements:  
Affidavit stating title is lost or destroyed  
Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by the remainder person  
A photocopy of death certificate  
Lien Satisfaction(s), if applicable  
Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)  
Tag number or non-use affidavit  
Title fees

## EXHIBIT B, cont. (CHART 10)

### LIEN HAS BEEN RECORDED AND THE INDIVIDUAL AS LIENHOLDER IS DECEASED

#### DECEASED LIENHOLDER HAS A WILL SPECIFYING RECIPIENT

Scenario: Title is Available Lien Satisfied	Requirements: Florida Certificate of Title showing deceased lienholder NOTE: If the title is electronic, it must be printed. Lien satisfaction on title completed by the recipient (named in the deceased lienholder's will) A photocopy of death certificate A photocopy of the will
Scenario: Title NOT Available Lien Satisfied	Requirements: Form <a href="#">HSMV 82101</a> , completed by the titled owner Form HSMV 82260 completed by the lienholder (named in the deceased lienholder's will) A photocopy of death certificate A photocopy of the will Title fees
Scenario: Title IS Available Lien NOT Satisfied	Requirements: Florida Certificate of Title showing deceased lienholder NOTE: If the title is electronic, it must be printed. Form <a href="#">HSMV 82139</a> , completed by the recipient reassigning the lien to the new lienholder (which may be the recipient) A photocopy of death certificate A photocopy of the will Title and lien fees
Scenario: Title NOT Available Lien NOT Satisfied	Requirements: Form <a href="#">HSMV 82101</a> , completed by the recipient, (named in the deceased lienholder's will), as lienholder Form <a href="#">HSMV 82139</a> , completed by the recipient reassigning the lien to the new lienholder (which may be the recipient) A photocopy of death certificate A photocopy of the will Title and lien fees



## EXHIBIT B, cont. (CHART 11)

### LIEN HAS BEEN RECORDED AND THE INDIVIDUAL AS LIENHOLDER IS DECEASED

#### LIENHOLDER'S ESTATE IS NOT ADMINISTERED – SURVIVING SPOUSE

##### Scenario:

Title is Available  
Lien Satisfied – No  
Will or Will does not  
Specify Recipient  
(Surviving Spouse)

##### Requirements:

Florida Certificate of Title showing deceased  
lienholder  
NOTE: If the title is electronic, it must be printed.  
Lien satisfaction on title completed by the surviving  
spouse  
A photocopy of death certificate  
A photocopy of the will if one exists

##### Scenario:

Title NOT Available  
Lien Satisfied – No  
Will or Will does not  
Specify Recipient  
(Surviving Spouse)

##### Requirements:

Form [HSMV 82101](#), completed by the titled owner  
Form HSMV 82260, completed by surviving spouse  
A photocopy of death certificate  
A photocopy of the will, if one exists  
Title fees

##### Scenario:

Title NOT Available  
Lien NOT Satisfied  
– No Will or Will  
does not Specify  
Recipient  
(Surviving Spouse)

##### Requirements:

Form [HSMV 82101](#), completed by the surviving  
spouse, as lienholder.  
Form [HSMV 82139](#), completed by surviving spouse  
reassigning lien to new lienholder (which may be  
surviving spouse)  
A photocopy of death certificate  
A photocopy of the will, if one exists  
Title and Lien fees

## EXHIBIT B, cont. (CHART 12)

### LIEN HAS BEEN RECORDED AND THE INDIVIDUAL AS LIENHOLDER IS DECEASED

#### LIENHOLDER'S ESTATE IS NOT ADMINISTERED- NO SURVIVING SPOUSE

Scenario:

Title IS Available  
Lien Satisfied  
No Will or Will does  
Specify Recipient  
(No Surviving Spouse)

Requirements:

Florida Certificate of Title showing deceased  
lienholder  
NOTE: If the title is electronic, it must be printed.  
Lien satisfaction on title completed by all heir(s). If  
more than not one heir, you may use form HSMV  
82260, completed by all heirs.  
A photocopy of death certificate  
A photocopy of the will, if one exists

Scenario:

Title NOT Available  
Lien Satisfied  
No Will or Will does  
not Specify Recipient  
(No Surviving Spouse)

Requirements:

Form [HSMV 82101](#), completed by the titled owner  
Form HSMV 82260, completed by all heir(s)  
A photocopy of death certificate  
A photocopy of the will if one exists

Scenario:

Title IS Available  
Lien NOT Satisfied  
No Will or Will does  
not Specify Recipient  
(No Surviving Spouse)

Requirements:

Florida Certificate of Title showing deceased  
lienholder NOTE: If the title is electronic, it must be  
printed.  
Form [HSMV 82139](#), completed by all heir(s)  
reassigning the lien to the new lienholder (which  
may be ALL or ONE of the (No heirs)  
A photocopy of death certificate  
A photocopy of the will, if one exists  
Title and Lien Fees

Scenario:

Title NOT Available

Lien NOT Satisfied

No Will or Will does  
not Specify Recipient  
(No Surviving Spouse)

Requirements:

Form [HSMV 82101](#), completed by the heirs, as  
lienholder

Form [HSMV 82139](#), completed by all heir(s)  
reassigning the lien to the new lienholder (which  
may be ALL or ONE of the heirs)

A photocopy of death certificate

A photocopy of the will, if one exists

Title and Lien Fees

**EXHIBIT B, cont. (CHART 13)**

**(LIEN RECORDED IN THE NAMES OF INDIVIDUALS WHO MAY OR MAY NOT BE A  
MARRIED COUPLE JOINED BY “OR”)**

**THE CO-OWNER AS LIENHOLDER IS DECEASED**

Scenario:  
Title IS Available  
Lien Satisfied

Requirements:  
Florida Certificate of Title showing deceased  
lienholder NOTE: If the title is electronic, it must be  
printed.

Lien satisfaction on title completed by surviving co-  
owner

Scenario:  
Title NOT Available  
Lien Satisfied

Requirements:  
Form [HSMV 82101](#), completed by the titled owner

Form HSMV 82260 completed by surviving co-owner  
Title fees

Scenario:  
Title IS Available  
Lien NOT Satisfied

Requirements:  
Florida title showing deceased lienholder NOTE: If  
the title is electronic, it must be printed.

Form [HSMV 82139](#) completed by surviving co-owner  
reassigning lien to the new lienholder (which may be  
the surviving co-owner)  
Title and Lien fees

Scenario:  
Title NOT Available  
Lien NOT Satisfied

Requirements:  
Form [HSMV 82101](#), completed by the surviving  
spouse, as lienholder  
Form [HSMV 82139](#) completed by surviving co-owner  
reassigning lien to the new lienholder (which may be  
the surviving co-owner)  
Title and Lien fees

**EXHIBIT B, cont. (CHART 14)**

**LIEN HAS BEEN RECORDED WITH JOINT LIENHOLDERS (ONE LIENHOLDER IS  
DECEASED)**

**TENANCY BY THE ENTIRETY - LIEN IS RECORDED IN THE NAMES OF A MARRIED  
COUPLE JOINED BY “AND”**

Scenario:  
Title IS Available  
Lien Satisfied

Requirements:  
Florida Certificate of Title showing deceased  
lienholder NOTE: If the title is electronic, it must be  
printed.

Lien satisfaction on the certificate of title completed  
by the surviving spouse.  
A photocopy of death certificate

Scenario:  
Title NOT Available  
Lien Satisfied

Requirements:  
Form [HSMV 82101](#), completed by the titled owner

Form HSMV 82260 completed by surviving spouse  
A photocopy of death certificate

Scenario:  
Title IS Available  
Lien NOT Satisfied

Requirements:  
Florida Certificate of Title showing deceased lienholder  
NOTE: If the title is electronic, it must be printed. Title IS  
Available Lien NOT Satisfied  
Form HSMV 82139 completed by surviving spouse  
reassigning lien to the new lienholder (which may be the  
surviving spouse)  
A photocopy of death certificate  
Title and Lien fees

Scenario:  
Title NOT Available  
Lien NOT Satisfied

Requirements:  
Form [HSMV 82101](#), completed by the surviving  
spouse, as lienholder  
Form [HSMV 82139](#) completed by surviving spouse  
reassigning lien to the new lienholder (which may be  
the surviving spouse)  
Title and Lien fees

## EXHIBIT B, cont. (CHART 15)

### LIEN HAS BEEN RECORDED AND THE INDIVIDUAL AS LIENHOLDER IS DECEASED

#### LIENHOLDER'S ESTATE IS ADMINISTERED

Scenario:

Title IS Available

Lien Satisfied

Requirements:

Florida Certificate of Title showing deceased lienholder NOTE: If the title is electronic, it must be printed.

Lien satisfaction on title completed by the personal representative

A photocopy of the Letters of Administration

Scenario:

Title NOT Available

Lien Satisfied

Requirements:

Form [HSMV 82101](#), completed by the titled owner

Form HSMV 82260 completed by personal representative

A photocopy of the Letters of Administration

Title fees

Scenario:

Title IS Available

Lien NOT Satisfied

Requirements:

Florida Certificate of Title showing deceased lienholder

NOTE: If the title is electronic, it must be printed.

Form HSMV 82139 completed by personal representative reassigning the lien to new lienholder (which may be the personal representative)

A photocopy of the Letters of Administration

Title and Lien fees

Scenario:

Title NOT Available

Lien NOT Satisfied

Requirements:

Form [HSMV 82101](#), completed by the personal representative, as lienholder

Form [HSMV 82139](#) completed by personal representative reassigning the lien to new lienholder (which may be the personal representative)

A photocopy of the Letters of Administration

Title and Lien fees

## EXHIBIT B, cont. (CHART 16)

### JOINT OWNERSHIP (THE NAMES OF INDIVIDUALS WHO MAY OR MAY NOT BE A MARRIED COUPLE) NAMES JOINED BY “AND” ALONG WITH THE WORDING “WITH RIGHTS OF SURVIVORSHIP” – ESTATE PROBATED/NOT PROBATED

Surviving co-owner receives all rights to the vehicle (who may or may not be a married couple) due to the wording “WITH RIGHTS OF SURVIVORSHIP.”

Scenario:

**Title IS Available  
Joined by “And” Along with “With rights of Survivorship”**

Requirements:

“Transfer of Title by Seller” section of title, accurately completed by the surviving co-owner, to the new owner. Transfer may be to anyone.

NOTE: If the title is electronic, it must be printed.

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) completed by the applicant(s).

A photocopy of death certificate

Lien satisfaction(s), if applicable.

Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

Tag number or non-use affidavit.

Title fees.

Scenario:

**Title NOT Available  
Names Joined by “And” Along with “With Rights Of Survivorship”**

Requirements:

Form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#) accurately completed in the surviving co-

owner's name with an indication in the

“Certification” section that the title is lost or destroyed.\*\*\*

A photocopy of death certificate.

Lien satisfaction(s), if applicable.

Tag number or non-use affidavit.

Title fees.

\* Form HSMV 82041 is the Application for Title/Registration printed in the tag agencies. Form HSMV 82040 may be used when applicant(s) are not in the office to sign the 82041.

\*\*\* Surviving co-owner may add a name to the application.

## EXHIBIT B (CHART 17)

### TITLE IN THE NAME OF THE “TRUST” AND THE TRUSTEE IS DECEASED

#### (SMITH FAMILY TRUST)

Scenario:

Title **IS** Available

Requirements:

Transfer of Title by Seller section of title completed by the successor trustee, to the new owner.

NOTE: If the title is electronic, it must be printed.  
[HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#), completed by the new owner.

A photocopy of the death certificate for the deceased trustee.

A photocopy of the trust agreement.

Lien satisfaction(s), if applicable.

Sales tax or specify sales tax exemption information on form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#).

Tag number or non-use affidavit.

Title fees.

Scenario:

Title **NOT** Available

Requirements:

[HSMV 82101](#)\*\*, completed by the successor trustee, in the name of the trust.

A photocopy of the death certificate for the deceased trustee.

A photocopy of the trust agreement.

Lien satisfaction(s), if applicable.

Title fees.

After the duplicate title has been issued in the name of the “trust,” follow the above instructions for “Title Is Available.”

\*\* Form HSMV 82101, is the Application for Duplicate or Lost in Transit/Reassignment for A Motor Vehicle, Mobile Home or Vessel Title Certificate.



## EXHIBIT B (CHART 18)

### TITLE IN THE NAME OF THE “TRUSTEE” AND THE TRUSTEE IS DECEASED

#### (JOHN SMITH, TRUSTEE OR

#### JOHN SMITH AS TRUSTEE FOR SMITH FAMILY TRUST)

Scenario:

Title **IS** Available

Requirements:

Transfer of Title by Seller section of title completed by the successor trustee to the “trust” or to him/herself as trustee for the trust.

NOTE: If the title is electronic, it must be printed.  
[HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#),  
completed by the successor trustee,  
A photocopy of the death certificate for the deceased trustee.  
A photocopy of the trust agreement.  
Lien satisfaction(s), if applicable.  
Tag number or non-use affidavit.  
Title fees.

Scenario:

Title **NOT** Available

Requirements:

[HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#),  
completed by the successor trustee,  
An affidavit stating the title has been lost or destroyed (may be placed on the form [HSMV 82040 MV](#), [HSMV 82040 VS](#), or [HSMV 82040 MH](#)).  
A photocopy of the death certificate for the deceased trustee.  
A photocopy of the trust agreement.  
Lien satisfaction(s), if applicable.  
Tag number or non-use affidavit.  
Title fees.

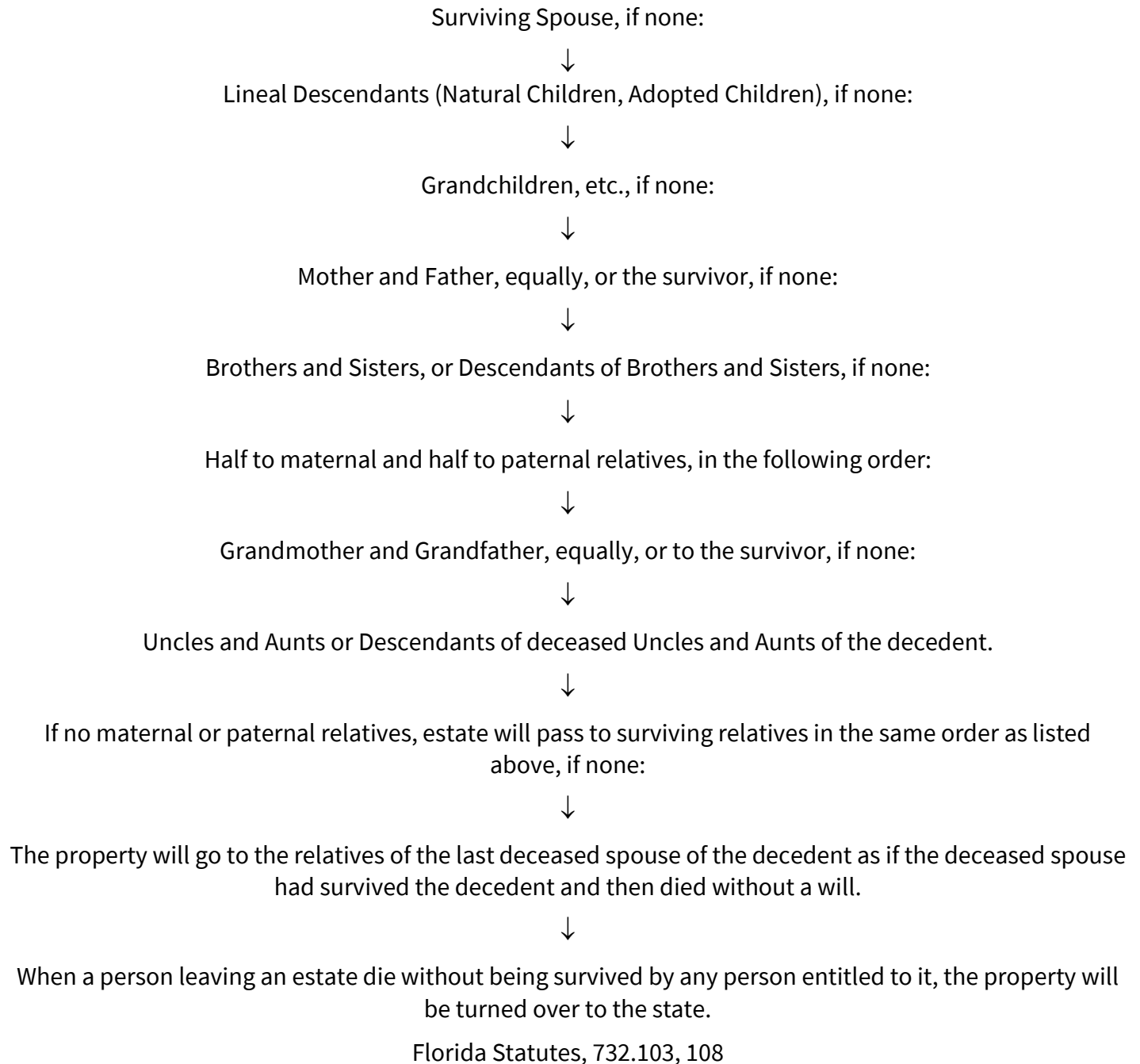
**DEFINITIONS**

Bequest	To leave to a person by will.
Certified Copies	Copies of an original document, witnessed by an official, such as a notary, as being the same as the original.
Co-Owner	One who owns property with another.
Conservator of Estate	A person authorized to take over and protect the estate of a deceased person.
Conveyance	Signing over ownership.
Court Order	An order from a court that requires a person to take title.
Curator of Estate	See Conservator of Estate, or Personal Representative.
Death Certificate	A document containing a certified statement that a person has legally been declared dead.
Decedent	A deceased person.
Devise	Same as bequest.
Disposition	Settling of an estate or transferring of ownership of a motor vehicle or mobile home.
Estate	Property and possessions of the deceased.
Estate Not Administered	The estate of the deceased is not sufficient value to be administered by a court or personal representative.
Executor or Executrix	A person named in decedent's will to carry out the provision of that will. Executors of wills are usually called "personal representatives" in modern wills; the Latin terms are not that commonly used anymore.
Family Administration	Normally used when the decedent leaves only personal property and the value of the estate subject to administration does not exceed \$60,000.
Heir(s)	Person who inherits or is entitled to inherit the property of a deceased person.
Informal Letter	A ruling by the court written on the letterhead of the court.
Intestate	Died without leaving a will.
Legatee	See Heir.

Letters of Administration	A document issued by a court authorizing a specified person to administer or settle the estate of one who has died.
Letters of Curatorship	See Letters of Administration.
Letters Testamentary	See Letters of Administration.
Order Setting Aside Exempt Property	See Summary Administration.
Operation of Law	A transfer of ownership of a motor vehicle mandated or required by law.
Personal Property	Property of the deceased that would include a motor vehicle or mobile home.
Personal Representative/ Curator	The person specified (named) in the court document to administer or settle the estate of a deceased person. The term is used in wills as well as in Letter of Administration but has a completely different meaning in each context. In a will, the personal representative/executor is only empowered to do what the will specifies. However, in the Letters of Administration, the personal representative/executor has unlimited power in disposing of the decedent's estate.
Probate	A legal process through which the assets of a deceased person are properly distributed to the heirs or beneficiaries under a will. The court oversees the estate to make sure debts are paid and proper distribution is made.
Recipient	Person who receives a motor vehicle.
Spouse	A partner in a legally recognized marriage. Common law marriages are not presently recognized in Florida.
Summary Administration	May be had in the administration of either a resident or nonresident decedent's estate, when it appears in a testate estate, that the decedent's will does not direct administration as required by chapter 733, or that the value of the entire estate subject to administration in this state, less the value of property exempt from the claims of creditors, does not exceed \$75,000 or that the decedent has been dead for more than 2 years.
Surviving Spouse	The individual who remains living after the death of the other.
Tenancy by the Entirety	Ownership in names of a married couple, upon death of the other.

Testate	Died leaving a will.
Testator	Person who dies leaving a will in force.
Will	The legal declaration of a person's intentions as to the disposal of their estate after death.
With Rights of Survivorship	Surviving co-owner receives all rights to the vehicle (who may or may not be a married couple).

## CHART OF HEIRS FOR INTESTATE (WITHOUT A WILL) ESTATES



**Note:** Stepchildren are not considered lineal descendants per Section 732.103, Florida Statutes. Adopted children have the same status as natural children. Children are the natural heirs of their parents, whether their parents are married or not.