

(1) When an owner of a motor vehicle becomes deceased and the estate has not been and will not be probated, the next of kin may apply for replacement title or transfer ownership of the vehicle by submitting a title application to the department that is accompanied by:

(a) A Next of Kin Affidavit (Form MVT 5-6), attesting the desire of all said heirs to apply for replacement title or transfer ownership.

(b) A copy of the death certificate for the person reflected as the owner on the form.

When transferring ownership, the next of kin must complete the assignment of the certificate of title as the "seller" on behalf of the estate of the deceased owner.

(2) When an owner of a motor vehicle becomes deceased and the estate has been or will be probated the executor or administrator of the estate may apply for replacement title or transfer ownership of the vehicle by submitting a title application to the department that is accompanied by a copy of the letters testamentary, letters of administration, or an equivalent order issued by a court of competent jurisdiction. When transferring ownership, the executor or administrator must complete the assignment of the certificate of title as the "seller" on behalf of the estate of the deceased owner.

(3) When a deceased owner acquires a motor vehicle, but did not obtain title to the vehicle before their death, the vehicle must be titled in the estate of the deceased owner by following the procedures in paragraphs (1) or (2) above depending on whether or not the estate will be probated.

(4) The fees associated with processing title documents are provided for in §32-8-6, Code of Ala. 1975.

(5) The department may authorize the documents referenced in this rule to be electronically submitted to the department in lieu of delivering the original documents to the department.

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**Authority:** §§ 40-2A-7(a)(5) 32-8-3(b)(2), and 32-8-6, Code of Ala. 1975

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