



Louisiana Department of Public Safety
Office of Motor Vehicles
Policy 18.00 Successions / Judgments of Possession

Section: 4. Motor Vehicle Registration Requirements

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Authority:

C.C.P. 3396 - 3396.20

General:

- When the titled owner of a vehicle is deceased a succession may be opened to settle the estate. Documentation from the succession can be used to transfer ownership of the vehicle.

Definitions:

- **Administrator** - A person (male) appointed by the court to administer an estate. If the person appointed is a female, she is called an *Administratrix*.
- **Executor** - A man designated by a will to administer an estate. If a female is designated, she is called an *Executrix*.
- **Interdict** - A person mentally incapable of caring for himself and one who has been legally committed to an institution or to the care of another person.
- A person who takes care of an Interdict is called a **Curator**.
- **Curator** - A guardian appointed by the court to take care of the estate of an incompetent person. If the guardian is a female, she is called a *Curatrix*.
- **Tutor** - A male guardian of a minor. A female guardian is called a *Tutrix*.
- **Usufruct** - The right to receive and enjoy the revenues from property.

Requirements:

- When the titled owner of a vehicle is deceased and a succession has been opened, the following documents will be required to establish or transfer ownership:
 - Certified copy of the Judgment of Possession rendered in the succession of the decedent listing the heirs and what proportion they are to inherit, or naming a specific legatee along with a notarized bill of sale or act of donation, if applicable. A surviving spouse having usufruct of the other heirs interest is permitted to title the vehicle in his/her name or sell it; the same applies to the usufruct extended to parents when the decedent had only parents, brothers and/or sisters as surviving heirs. This would also apply to a specific legatee of the vehicle named in a judgment. If the spouse does not have the usufruct of the other heirs interest, then a notarized bill of sale or act of donation is required from all heirs to the applicant or dealer.

- If a minor or interdict is named in a Judgment of Possession as an heir and if the spouse does not have the usufruct of that heirs portion, then the judgment must state who can act for that minor or for the interdict; otherwise, a certified copy of the court order naming the tutor or tutrix of the curator or curatrix must also be submitted and include authorization from the courts to dispose of the vehicle in their behalf.
- It is not absolutely necessary for the VIN to be listed on the Judgment of Possession as long as enough information is shown to establish the identity of the vehicle in question.
- If the succession proceedings have not been completed and the Judgment of Possession has not yet been rendered in court, the following will be required:
 - A certified copy of the order naming the administrator or executor of the estate and a certified copy of the order authorizing the executor/administrator to dispose of the vehicle. If, however, the individual named in the court order is identified as the independent executor or administrator, they may act independently without prior court approval to handle the affairs of the estate, including disposing of immovables. In either case, a notarized bill of sale must be executed by the executor/administrator to the purchaser.
- In addition to the items listed above, the applicant must submit the following:
 - Title and registration, if available. ONLY if the vehicle was last titled in Louisiana in the name of the decedent could a transaction be accepted without a title.
 - If a legatee or heir, including the surviving spouse, is the applicant, no odometer disclosure statement is required; however, the current mileage is to be listed on the DPSMV 1799 application form and entered into the mileage field on computer.
 - Any time a vehicle is transferred to a third party, an odometer disclosure statement is required. The odometer disclosure statement may be on the Louisiana odometer disclosure form or on the back of a conforming title.
 - Original or certified copy of chattel mortgage or UCC-1 financing statement, if a new lien is to be recorded, plus applicable fees.
 - If a lien was reflected on the title of decedent, that lien should be noted on the new title unless proof of cancellation of lien is presented in the form of a paid note or *a satisfaction of lien executed by the lien holder indicating that the lien shown on the last title record has been paid in full.
 - The lien satisfaction must be submitted on company letterhead, and include name, address, and telephone number of the lien holder. If the telephone number is not on the letterhead, but is attainable, do not reject for that reason. A notarized affidavit of satisfaction from the lien holder may also be accepted. Either form must contain a full description of the vehicle.
 - A completed vehicle application form (DPSMV 1799), fees and taxes, if applicable.
 - All files with a date of sale on or after August 1, 2012, must include a copy of each vehicle owner's current and valid photo identification. The photo identification provided should be a driver's license or identification card issued by this state, another state, or by the United States military.
- **Tax Rules:**
 - Donations by testament (will) are never taxable.
 - All transfers by last will or intestate succession are tax free.
 - Transfers of vehicles by heirs or legatees may or may not be taxable, depending on the nature of the transfer (Section IV, Policy 52.0).
 - If there is an existing mortgage being assumed by the surviving spouse, taxes will not be due on the unpaid principal balance of the mortgage.

Related Policies:

Section 4, Policy 2.03 [Completion Of Vehicle Application](#)

Section 4, Policy 7.00 [Open Titles](#)

Section 4, Policy 18.01 [Small Successions](#)

Section 4, Policy 18.02 [Affidavit Of Heirship](#)