



TERMS OF USE - To be completed by Next of Kin.

This form, along with the title or transferable registration properly completed **and** a copy of the Death Certificate (Certificate of Death or Certification of Death), may be used by a Next of Kin to transfer a motor vehicle having a value of **twenty-five thousand dollars (\$25,000) or less**, owned by a person at the time of the person's death, to themselves or another party. This form should only be used if there is NO surviving spouse and NO surviving minor children: there is NO will to be offered for probate; and Letters Testamentary or Letters of Administration HAVE NOT or WILL NOT be secured. If the vehicle is valued at more than \$25,000, or if there is more than one vehicle, the Next of Kin may NOT use this form to transfer the vehicle.

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|---|---|--|--|---|
| Print Your Name | | | County | |
| Mailing Address (Street & Number) | | Apt. No. | City | State and ZIP |
| Name of Deceased | | Date of Death | Your Relationship to the Deceased Person | |
| Did the deceased leave a will? <input type="checkbox"/> Yes <input type="checkbox"/> No | If so, has the will been probated? <input type="checkbox"/> Yes <input type="checkbox"/> No | Will it be probated? <input type="checkbox"/> Yes <input type="checkbox"/> No | Did the deceased own any other motor vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No | What is the value of vehicle being transferred? |
| Is the spouse of the deceased living? <input type="checkbox"/> Yes <input type="checkbox"/> No | Is the surviving spouse disqualified (<i>divorced, separated, abandoned, or failed to provide support for the deceased until the time of death</i>), under Section 5-1.2 of the Estates, Powers and Trusts Law? (See page 2.) <input type="checkbox"/> Yes (provide documentation) <input type="checkbox"/> No | | | |
| Plate Number | Year and Make of Vehicle | Vehicle ID Number (VIN) | | |
| Name of Person to Whom Car is Being Transferred | | | | |
| Mailing Address (Street and Number) | | Apt. No. | City | State and ZIP |

STATE OF NEW YORK - COUNTY OF _____ ss:

The undersigned, being duly sworn, deposes and says: I am the relative named above, and the deponent in this affidavit; the statements made are true; the deceased was the legal owner of the motor vehicle described; this affidavit is made for the purpose of transferring the vehicle; I agree to the Terms of Use. I have either obtained consent from any and all other eligible persons and they have waived all claims to it OR I agree to indemnify all eligible persons whose consent to this transfer has not been obtained.

Sworn to before me this _____ Day of _____, in the year of _____.

(Notary Public or Commissioner of Deeds)

(Sign your name in full - not initials)

My commission expires _____

WARNING: Intentionally making a false statement or providing false or misleading information in connection with this application is a criminal offense that may subject you to criminal prosecution under the Law.

§ 5-1.2 Disqualification as surviving spouse

(a) A husband or wife is a surviving spouse within the meaning, and for the purposes of 4-1.1, 5-1.1, 5-1.1-A, 5-1.3, 5-3.1 and 5-4.4, unless it is established satisfactorily to the court having jurisdiction of the action or proceeding that:

(1) A final decree or judgment of divorce, of annulment or declaring the nullity of a marriage or dissolving such marriage on the ground of absence, recognized as valid under the law of this state, was in effect when the deceased spouse died.

(2) The marriage was void as incestuous under section five of the domestic relations law, bigamous under section six thereof, or a prohibited remarriage under section eight thereof.

(3) The spouse had procured outside of this state a final decree or judgment of divorce from the deceased spouse, of annulment or declaring the nullity of the marriage with the deceased spouse or dissolving such marriage on the ground of absence, not recognized as valid under the law of this state.

(4) A final decree or judgment of separation, recognized as valid under the law of this state, was rendered against the spouse, and such decree or judgment was in effect when the deceased spouse died.

(5) The spouse abandoned the deceased spouse, and such abandonment continued until the time of death.

(6) A spouse who, having the duty to support the other spouse, failed or refused to provide for such spouse though he or she had the means or ability to do so, unless such marital duty was resumed and continued until the death of the spouse having the need of support.

