

# QUIET TITLE PACKET WITH INSTRUCTIONS

**QUIET TITLE STATUTE - K.S.A. 60-1002:** Quieting or determining title or interest in property.

(a) Right of action An action may be brought by any person claiming title or interest in personal or real property, including oil and gas leases, mineral or royalty interests, against any person who claims an estate or interest therein adverse to him or her, for the purpose of determining such adverse claim.

(b) Action to bar lien claim, when When a lien on property has ceased to exist, or when an action to enforce a lien is barred by a statute of limitation or otherwise, the owner of the property may maintain an action to quiet title.

## **RELATING TO PERSONAL PROPERTY, SUCH AS CARS, TRAVEL TRAILERS, MANUFACTURED HOMES** (may also be known as mobile homes or trailers), ETC.

When a person or business applies for a title with the Division of Motor Vehicles (DMV), there may be a problem that needs to be fixed.

- Often this is because the initial owner of the vehicle did not sign the title when handing it over to the new owner, and the new owner can't find the person to fix the problem.
- From time to time it is because a wrecked or abandoned vehicle is restored and the owner can't be found.
- These are just a couple of possible reasons.

To fix these snags, you would file a **QUIET TITLE ACTION /CASE**.

- If you need to transfer a vehicle belonging to a family member who is deceased, you can do so with these forms: <http://www.ksrevenue.org/pdf/tr83.pdf> or <http://www.ksrevenue.org/pdf/tr83b.pdf> if either is proper.
- Kansas is a "lien holding" state. This means that the Kansas Department of Revenue holds the title on any vehicle that is bound by a lien.
- The lien is not available to the owner until payment is made in full on the purchase price or other loan in which the vehicle is a collateral.
- If the seller cannot provide a title, it may be because there is still a lien on the vehicle.
- If you "buy" a vehicle with a "lien" on the title, your ownership is not clear until the lien has been paid. This may call for you to pay off this lien to get title of the vehicle.
- Even if the seller tells you they have lost the title and will apply for a new one, you can see if the vehicle has a lien by looking at the annual registration form gotten when the property taxes and tag renewal are paid.
- If you buy a car and do not get title at the time of the sale, or if agreed within 60 days of the sale, the sale is void and untrue, per KSA 8-135. You can cancel the sale and get your money back, if you can find the seller.

## **Notes on Filing a Quiet Title Action**

- A Quiet Title Action can be used to clear up the ownership of any vehicle on which a Title is given by the State of Kansas.
- This can include a car, motorcycle, travel trailer, or manufactured home. These things will be referred to together as 'vehicle' in this guide.
- The first step, before filing any court action, is to check to be certain that the vehicle hasn't been reported as STOLEN. You can do this by checking on this free website, provided by the National Insurance Crime Bureau. <https://www.nicb.org/vincheck>. This doesn't guarantee that the car isn't stolen, but it a good start on that process. You get this information by entering the Vehicle Identification Number (VIN) for the vehicle.
- If the vehicle is reported stolen, you won't be able to file a quiet title action and obtain ownership of the vehicle.
- For more information on how to get the Vehicle Identification Number look here:
- For vehicles built after 1968, the VIN might be found on the lower-left corner of the dashboard, in front of the steering wheel. You can read the number by looking through the windshield.

## Notes on Filing a Quiet Title Action continued:

- For vehicles built before 1968, you can get ideas on this website: <http://www.dmv.org/vehicle-history/find-vin.php>.
- If you don't have a current title on the vehicle, you should look up whether a Kansas title has been issued on this car.
- You get the form to obtain the title info here: <http://www.ksrevenue.org/pdf/trdl302.pdf>.
- You will use code 'F' for the reason you are getting this info.
- There are charges related to getting this data.
- You may wish to request a Vehicle Registration Report to know who is listed as on the title. That person should be listed as a defendant on the Quiet Title Petition.

### Parties:

- The person filing the case is the Plaintiff. This is the person who wants, ultimately, to have their name on the title to the car.
- The Defendants are the person who is listed on the title and the person who you bought the car from.
- The Kansas Department of Revenue is always a Defendant.
- Kansas Highway Patrol can be a defendant however, they don't need to be served. Vehicles from out of state will be required to have an inspection by KHP before it can be titled.
- Read the sample carefully. Fill in the blanks and remove the words in ( ) that help explain what you are to put in each blank.
- You will need to include the Vehicle Identification Number in the Petition and other places on the forms.
- You will also need to provide a description of the property, for example: a 2002 Pontiac Sunfire, with the Vehicle Identification Number: 1SAMPL31234567890
- You are asked to state the value of the vehicle. You can decide this based on what you believe the fair market value of the vehicle is, in its present state.
- The amount you paid for it would be one basis of the value. There are also sources on the lity to get the return receipts filed with the court to prove service on each party served.

### Publication:

- You may need to pay for publication costs to give notice to any Defendants you do not have an address for.
- You publish the notice attached in the Legal Publication for the county in which the case is filed.
- You can find the list of newspapers here: <http://kansaslegalservices.org/node/975>.
- The notice must be filed three separate times, one week apart each time.
- The notice must name the person to be served.
- The notice must notify the person that they have been sued in a named court.
- The notice must notify the person they have a certain amount of time to answer, which must be at least forty-one days from the day the publication first runs.
- The notice must notify the person that if they do not answer or otherwise defend, what judgment will be taken.
- The notice is not required to describe the property at issue, but it is generally a good idea to do so, e.g. "2002 Pontiac Sunfire, VIN 1SAMPL31234567890"

## REQUEST AND SERVICE INSTRUCTION FORM

You are required to “serve” the Petition on each Defendant in the case.

- Do not avoid Defendants because of service issues. This action is only good against Defendants listed in this action.
- It is possible to serve Defendants in many ways. You may use all options, depending on the data you have for each Defendant.
- Consider the type of service you will use on each Defendant.
- Service by the County Sheriff. This is useful when you have an address.

Fill out the Request and Service Instruction Form that is attached, select a type of service.

- A. Service through the Sheriff of \_\_\_\_\_ County, State of \_\_\_\_\_ . Returns may be faxed to(913) 715-3401 7 days a week – 24 hour a day.
- B. Service by an authorized process server.
- C. Certified mail with a Return Receipt service by the undersigned litigant or attorney, who understands that is their responsibility to obtain service and to make the return to the clerk. The postal “green card” for service must be filed with the Clerk’s office to prove service.
- D. Certified mail service by the Sheriff of Johnson County Kansas. Sheriff of Johnson County does not do Out-of-state service by certified mail.

- **Service by the Johnson County Sheriff or any county in Kansas** is \$15 per address. The **address** for service on the **Kansas Department of Revenue** and the
  - **Service by Process Server:** You can hire a process server to locate and serve the documents.
  - **Service by Certified Mail.**
  - You may select to serve the documents by certified mail with return receipt if you have an address for the defendant. This costs less, but you take the responsibility to get the return receipts filed with the court to prove service on each party served.
  - You prepare the envelope with the “green tag” from the US Postal Service.
  - You pay a price for the delivery by certified mail, return receipt requested.
  - Show your address as the place to return the “green tag”.
  - Mail it at the US Post Office.
  - Soon after, you may receive the green tag (return receipt) with the signature of the defendant.
  - Complete a "Return of Service by Certified Mail" form and attach the green card.
  - If it is returned “undelivered” from the Post Office, you have not successfully served that defendant and you must try another method of service.
  - Sign the return, and file it with the Clerk of the Court, when you go back for the final hearing.
  - Keep a copy to show the Judge at the hearing, since there is not enough time for the filing to be dealt with before your hearing, if you file it the same day.
  - This form of service is only difficult when people to whom the notice is delivered by the US Postal Service will not go to the Post Office to retrieve the letter.
  - Simply mailing the notice is not good enough. The person must go to the Post Office to sign for the letter.
  - Sometimes, it is helpful to mail a copy of the notice in regular mail with a note that this is the content of the certified mail and asking that the person go to the post office and retrieve the certified letter.

### Civil Information Sheet:

- This document is used to create the case. The information contained in this document is kept confidential and not for public view.
- You need to include all information about yourself and about each defendant in your case.
- The information has been provided for you for the Kansas Department of Revenue.

## **Service by Publication:**

- Publication is used when you don't have an address for a defendant and can't find one. It cannot be used for The Kansas Department of Revenue or Kansas Highway Patrol. You must take action to try to find the address. At the least, an internet search of the name and a search in a phone directory must be attempted. Often, libraries have a collection of phone directories.
- If you are going to do service by publication, you must complete the Affidavit to Obtain Service by Publication and sign it before a notary.
- You must also complete the Notice of Suit. You should write in the case number assigned to your case on the Notice of Suit.
- This is the actual notice that is published in the paper.
- You publish the notice attached in the Legal Publication for the county in which the case is filed. You can find the list of newspapers here: <http://kansaslegalservices.org/node/975>.
- The notice must be published three separate times, one week apart each time.
- Publication costs will depend on what the local legal publication paper charges.
- You will need to make your own arrangements to be billed by the newspaper publisher or pay in advance.
- This may not be the paper that prints the daily newspaper in your area.
- You will need to put a date in the document titled Notice of Suit before you file it.
- Count forward from the date the notice will be first published (learn that from the newspaper publisher) at least 41 days.
- That allows for three publications, one week apart, plus 20 days to file an answer. You will not do anything with the publication notice until after you have filed the case with the Clerk of the District Court. You only need to print the publication notice at this point.
- If you must notify more than one Defendant, you can do it in one Notice.
- If you are seeking publication notice on someone for whom you have an address, but failed with certified mail delivery, you need to mail them a copy of the publication notice.
- After the notice is published for the first time, you will receive a copy of the notice that was published in the paper. You should send a copy of that notice, regular mail, to any address you have for the Defendant.

## **Submitting the Case for Filing:**

- After you have completed the proper forms (Petition, Civil Information Sheet, Request and Service Instruction form and if publication is needed use the appropriate form). You will need to sign, include your address on the Petition and Request and Service Instruction form.  
When you sign in this manner, you are confirming the truth of the claims in your petition.

Fax: Please complete the FAX COVERSHEET/PAYMENT SLIP using the link. Fax the DOCUMENTS you need to file and the FAX COVERSHEET/PAYMENT SLIP to: 913-715-3405

**\*\*Paying by card, whether in fax or in person, has a \$4.95 processing fee.\*\***

In person or Mail:

SELF-HELP CENTER

150 W. SANTA FE STREET

OLATHE KS 66061

(Card, Cash (in person only), Check, or Money Order make payable to:  
CLERK OF THE DISTRICT COURT)

If filing documents that do NOT require payment, you may email them to DCC-Helpcenter@jocogov.org or fax them at 913-715-3401, You may also file in person or by mail.

We will not accept payment via email.

**Hearing Date:**

- After the Clerk's office receives the documents to create your case. An email notification will be sent to you stating the case number and the Judge that it has been assigned to. That email will also contain contact information for the division.
- You will need to contact the division/judge that your case has been assigned to regarding the publication and to obtain a court date for your case.
- Usually the date to finalize your case is at least 41 days after you file it.
- Please use the public website to keep updated on your case.  
<http://www.jococourts.org/>

**TO FINALIZE YOUR CASE:**

- Once you have provided a summons and petition to all parties and the time for them to respond to your notice (the answer period) has run out, the Department of Revenue is generally ready to sign off on an Agreed Journal Entry of Judgment to resolve the case.
- You will need a final order to complete this case. This is the order that must be presented to the Judge for signature. It must contain the proper language in order for you to get a Kansas title.
- The Kansas Department of Revenue will assist you with completing the appropriate final order. You should contact the Legal Services Department at 785-296-6856, during normal business hours. Provide the county and case number and ask for assistance with the final order.
- Take a copy of the Journal Entry with the vehicle to the Kansas Highway Patrol office in your area. They will affix a VIN. They will give you some paperwork. Take the copy of the Journal Entry and the KHP paperwork assigning a VIN to the County vehicle
- (TAG) office to register the vehicle, get license tags, etc. Be sure to take insurance information with you.



For Office Use Only

### CIVIL INFORMATION SHEET

The civil information sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time. A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at [www.kscourts.org](http://www.kscourts.org).

**NATURE OF SUIT** (Click or mark in one circle only – If the case involves more than one of the following categories, indicate the category having the highest dollar value)

<b>CIVIL</b> If a CH. 61: \$ _____ (Judgment Demand Amount)		
<b>TORT</b>	<b>CONTRACT</b>	<b>REAL PROPERTY</b> <input type="checkbox"/> <b>STATE TAX WARRANT</b>
<input type="checkbox"/> Asbestos Product Liability	<input type="checkbox"/> Buyer Plaintiff	<input type="checkbox"/> Eminent Domain
<input type="checkbox"/> Automobile Tort	<input type="checkbox"/> Employment Dispute - Discrimination	<input type="checkbox"/> Mortgage Foreclosure
<input type="checkbox"/> Intentional Tort	<input type="checkbox"/> Employment Dispute - Other	<input type="checkbox"/> Other Real Property
<input type="checkbox"/> Legal Malpractice	<input type="checkbox"/> Fraud	
<input type="checkbox"/> Medical Malpractice	<input type="checkbox"/> Landlord/Tenant - Unlawful Detainer	<b>MISCELLANEOUS</b>
<input type="checkbox"/> Other Professional Malpractice	<input type="checkbox"/> Landlord/Tenant Dispute – Other	<input type="checkbox"/> 60-1507
<input type="checkbox"/> Premises Liability	<input type="checkbox"/> Seller Plaintiff (debt collection)	<input type="checkbox"/> Habeas Corpus
<input type="checkbox"/> Slander/Libel/Defamation	<input type="checkbox"/> Other Contract	<input type="checkbox"/> Other Writs
<input type="checkbox"/> Tobacco Product Liability		<input checked="" type="checkbox"/> <b>OTHER CIVIL</b>
<input type="checkbox"/> Toxic/Other Product Liability	<b>CIVIL APPEALS</b>	<input type="checkbox"/> <b>SMALL CLAIMS</b>
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Administrative Agency	
	<input type="checkbox"/> Other Civil Appeal	
<b>DOMESTIC</b>	<input type="checkbox"/> <b>PROTECTION FROM ABUSE</b>	<input type="checkbox"/> <b>PROTECTION FROM STALKING</b>
<input type="checkbox"/> <b>MARRIAGE DISSOLUTION/DIVORCE</b>	<input type="checkbox"/> <b>NON-DIVORCE SUPPORT, CUSTODY OR VISITATION</b>	<input type="checkbox"/> <b>UIFSA</b>
<input type="checkbox"/> <b>OTHER DOMESTIC RELATIONS</b>		<input type="checkbox"/> <b>PATERNITY</b>
<b>PROBATE/ESTATE</b>	<input type="checkbox"/> <b>DETERMINATION OF DESCENT</b>	<input type="checkbox"/> <b>ELDER ABUSE</b>
<b>GUARDIAN /CONSERVATOR</b>	<input type="checkbox"/> <b>SEXUALLY VIOLENT PREDATOR</b>	<input type="checkbox"/> <b>OTHER PROBATE / ESTATE</b>
<input type="checkbox"/> Conservatorship/Trusteeship	<input type="checkbox"/> <b>DECEDENT ESTATE</b>	<input type="checkbox"/> <b>CARE AND TREATMENT</b>
<input type="checkbox"/> Guardianship – Adult		
<input type="checkbox"/> Guardianship - Minor		
<input type="checkbox"/> Guardian/Conservator – Adult		
<input type="checkbox"/> Guardian/Conservator - Minor		

**JURY DEMAND**  YES (Check yes only if jury demand is included in petition or as a separate pleading)  NO \_\_\_\_\_

**SUMMONS ATTACHED:**  YES  NO

**SERVICE BY:**  PROCESS SERVER/ATTORNEY  SHERIFF IN STATE \_\_\_\_\_  SHERIFF OUT OF STATE \_\_\_\_\_  
County/State

**SHERIFF'S PROCESS FEE ATTACHED**  YES  NO

**PLAINTIFF / SUBJECT INFORMATION**

(ATTACH ADDITIONAL SHEET, IF NECESSARY)

**NAME:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_  
**PHONE:** \_\_\_\_\_ **SEX:** \_\_\_\_\_  
**SSN:** \_\_\_\_\_ **DOB:** \_\_\_\_\_  
**DL OR STATE ID NO:** \_\_\_\_\_  
State and Number  
**ALIAS NAMES USED:** \_\_\_\_\_  
**EMAIL ADDRESS:** \_\_\_\_\_

**ATTORNEYS**

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

**DEFENDANT / OTHER PARTY INFORMATION**

(ATTACH ADDITIONAL SHEET, IF NECESSARY)

**NAME:** Kansas Department of Revenue  
**ADDRESS:** %Kansas Attorney General  
Memorial Building, 2<sup>nd</sup> Floor, 120 SW 10<sup>th</sup>, Topeka, KS 66612-1597  
**PHONE:** N/A **SEX:** N/A  
**SSN:** N/A **DOB:** N/A  
**DL OR STATE ID NO:** N/A  
State and Number  
**ALIAS NAMES USED:** \_\_\_\_\_  
**EMAIL ADDRESS:** \_\_\_\_\_

**ATTORNEYS (if known)**

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

The requirement that Social Security numbers be included on domestic cases is mandatory, and authorized by the Supreme Court and federal law. On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

## ADDITIONAL CIVIL PARTY INFORMATION

**DEF/OTHER PTY INFORMATION** (CIRCLE ONE)  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

DL OR STATE ID NO: \_\_\_\_\_

State and Number

ALIAS NAMES USED: \_\_\_\_\_

\_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**DEF/OTHER PTY INFORMATION** (CIRCLE ONE)  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

DL OR STATE ID NO: \_\_\_\_\_

State and Number

ALIAS NAMES USED: \_\_\_\_\_

\_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**PLTF/SUB/DEF/OTHER PTY INFORMATION** (CIRCLE ONE)  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

DL OR STATE ID NO: \_\_\_\_\_

State and Number

ALIAS NAMES USED: \_\_\_\_\_

\_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**PLTF/SUB/DEF/OTHER PTY INFORMATION** (CIRCLE ONE)  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

DL OR STATE ID NO: \_\_\_\_\_

State and Number

ALIAS NAMES USED: \_\_\_\_\_

\_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**PLTF/SUB/DEF/OTHER PTY INFORMATION** (CIRCLE ONE)  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

DL OR STATE ID NO: \_\_\_\_\_

State and Number

ALIAS NAMES USED: \_\_\_\_\_

\_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**PLTF/SUB/DEF/OTHER PTY INFORMATION** (CIRCLE ONE)  
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

DL OR STATE ID NO: \_\_\_\_\_

State and Number

ALIAS NAMES USED: \_\_\_\_\_

\_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

IN THE DISTRICT COURT,  
JOHNSON COUNTY, KANSAS  
CIVIL DEPARTMENT

and *Plaintiff* )  
 )  
 ) Case No. )  
 )  
 ) Kansas Department of Revenue & Person )  
 ) you bought it from, and Person(s) Named )  
 ) on title )  
 )  
 )  
 )  
 )  
 )  
 )

Pursuant to Chapter 60 of *Defendants*  
Kansas Statutes Annotated

PETITION

COMES NOW the Plaintiff, \_\_\_\_\_, and for his/her claim against  
Defendant(s) who may have an interest in a \_\_\_\_\_ car/motorcycle/  
travel trailer/motor home with VIN: \_\_\_\_\_, herein states:

1. Plaintiff, \_\_\_\_\_, is a resident of \_\_\_\_\_ County, Kansas, residing at

\_\_\_\_\_

2. The Kansas Department of Revenue can be served by delivering a copy of the

pleadings to the Kansas Attorney General, Memorial Building, 2<sup>nd</sup> Floor, 120 SW 10<sup>th</sup>, Topeka,  
KS 66612-1597. Defendant \_\_\_\_\_ can be served at: \_\_\_\_\_ I  
am unable to locate an address for the defendant, \_\_\_\_\_, who should be served by  
publication.

3. I am the rightful owner and am in possession of a \_\_\_\_\_, with the vehicle  
identification number: \_\_\_\_\_

4. I estimate the value of this vehicle to be \_\_\_\_\_.

5. I have determined that there is not a lien on this property, through a records inquiry  
with the Kansas Department of Motor Vehicles.



6. I have determined that this is not a stolen vehicle, through an inquiry with the Kansas Highway Patrol.

7. The reason I have been unable to obtain a title is:

THEREFORE, plaintiff requests judgment as follows:

That the Defendant and all persons who may be interested in the above- describe property, quieting title to \_\_\_\_\_ in the name of Plaintiff \_\_\_\_\_ and in no other party; and for judgment against the Kansas Department of Revenue, Division of Motor Vehicles, ordering and requiring it, upon completion of the appropriate application and payment of the required application fee, to issue a new Kansas certificate of title for said property; for the costs of this action to be assessed to the Plaintiff and for other and further relief as the Court deems just and proper.

Submitted by

\_\_\_\_\_  
Plaintiff

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

IN THE DISTRICT COURT OF JOHNSON COUNTY,  
KANSAS

CaseNo." \_\_\_\_\_  
Division No." \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

VS.

\_\_\_\_\_  
KS DEPT OF REVENUE,  
Defendant

REQUEST AND SERVICE INSTRUCTION FORM

To: Clerk of the District Court

Please issue a: \_\_\_\_\_ summons and petition \_\_\_\_\_

in this action for: \_\_\_\_\_

whose address for service is: \_\_\_\_\_  
\_\_\_\_\_

Service is requested as indicated below:

- A. Service through the Sheriff of \_\_\_\_\_ County, State of \_\_\_\_\_ . Returns may be faxed to(913) 715-3401 7 days a week – 24 hour a day.
- B. Service by an authorized process server.
- C. Certified mail with a Return Receipt service by the undersigned litigant or attorney, who understands that is their responsibility to obtain service and to make the return to the clerk. The postal “green card” for service must be filed with the Clerk’s office to prove service.
- D. Certified mail service by the Sheriff of Johnson County Kansas. Sheriff of Johnson County does not do Out-of-state service by certified mail.

Signature: \_\_\_\_\_

Pro Se: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Email Address \_\_\_\_\_

IN THE DISTRICT COURT OF JOHNSON COUNTY,  
KANSAS

CaseNo." \_\_\_\_\_  
Division No." \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

VS.

\_\_\_\_\_  
KS DEPT OF REVENUE,  
Defendant

REQUEST AND SERVICE INSTRUCTION FORM

To: Clerk of the District Court

Please issue a: \_\_\_\_\_ summons and petition \_\_\_\_\_

in this action for: \_\_\_\_\_ KANSAS DEPT OF REVENUE- C/O ATTORNEY GENERAL \_\_\_\_\_

whose address for service is: \_\_\_\_\_ 120 SW 10TH -MEMORIAL BLDG \_\_\_\_\_  
\_\_\_\_\_ TOPEKA, KS 66612 \_\_\_\_\_

Service is requested as indicated below:

- A. Service through the Sheriff of \_\_\_\_\_ County, State of \_\_\_\_\_ . Returns may be faxed to(913) 715-3401 7 days a week – 24 hour a day.
- B. Service by an authorized process server.
- C. Certified mail with a Return Receipt service by the undersigned litigant or attorney, who understands that is their responsibility to obtain service and to make the return to the clerk. The postal “green card” for service must be filed with the Clerk’s office to prove service.
- D. Certified mail service by the Sheriff of Johnson County Kansas. Sheriff of Johnson County does not do Out-of-state service by certified mail.

Signature: \_\_\_\_\_

Pro Se: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Email Address \_\_\_\_\_

**Use the next set of papers, if you can't find or don't have the address for the vehicle owner/person on the title. (If there are no defendants receiving service by publication, you don't need these forms.)**

You will need the:

1. AFFIDAVIT TO OBTAIN SERVICE BY PUBLICATION – which you complete and file with the Clerk stating you have attempted to find the party.
2. NOTICE OF SUIT – which you will get to the paper that files legal publication in your county
3. AFFIDAVIT OF SERVICE – which you complete after you have mailed notice to the last known address for each defendant served by publication. You must mail a copy of the notice from the newspaper to the last address, even if you know that is no longer the address of the Defendant.

IN THE DISTRICT COURT OF  
JOHNSON COUNTY, KANSAS

and )  
 ) **Plaintiff** )  
 ) Case No. )  
 )  
 ) Kansas Department of Revenue, )  
 ) Person you bought it from, and )  
 ) Person(s) Named on title )  
 ) **Defendants** )  
 )  
 )

Pursuant to Chapter 60 of  
Kansas Statutes Annotated

**AFFIDAVIT TO OBTAIN SERVICE BY PUBLICATION**

STATE OF KANSAS )  
 )  
 ) ss:  
 \_\_\_\_\_ COUNTY )

\_\_\_\_\_, being duly sworn upon oath, alleges and states:

FIRST: That I am the Plaintiff in the above-captioned action and makes this affidavit for the purpose of obtaining service by publication upon the Defendant, \_\_\_\_\_.

SECOND: That Plaintiff does not know and with due diligence is unable to ascertain the residence of the Defendant(s).

THIRD: That Plaintiff is unable to procure personal service of summons upon the Defendant(s) within this state.

FOURTH: That this action is one of those mentioned in K.S.A. 60-307 (a) (1 to 4 inclusive), and amendments thereto.

\_\_\_\_\_  
Plaintiff Signature

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Appointment Expires:

IN THE DISTRICT COURT OF  
JOHNSON COUNTY, KANSAS

and **Plaintiff** )  
 )  
 ) Case No.  
 )  
 Kansas Department of Revenue, )  
 Person you bought it from, and )  
 Person(s) Named on title )  
 **Defendants** )  
 )

\_\_\_\_\_  
Pursuant to Chapter 60 of  
Kansas Statutes Annotated

NOTICE OF SUIT

To \_\_\_\_\_ and all other  
concerned persons:

You are notified that a Petitioner has been filed in the District Court of \_\_\_\_\_  
County by \_\_\_\_\_ Plaintiff praying that title to property stated in the Petition be  
awarded to the Plaintiff and you are hereby required to plead to the Petition on or before  
\_\_\_\_\_, 20\_\_\_\_. If you fail to plead, judgment will be entered upon the Petition.

\_\_\_\_\_  
*Petitioner Signature*  
Full Address

IN THE DISTRICT COURT  
\_\_\_\_\_ COUNTY, KANSAS

and )  
 )  
 **Plaintiff** )  
 )  
 Case No. )  
 )  
 Kansas Department of Revenue, )  
 Person you bought it from, and )  
 Person(s) Named on title )  
 **Defendants** )  
 \_\_\_\_\_ )

Pursuant to Chapter 60 of  
Kansas Statutes Annotated

**AFFIDAVIT**

STATE OF KANSAS)  
 ) SS:  
 \_\_\_\_\_ COUNTY)

\_\_\_\_\_, of lawful age, being duly sworn upon oath, states that:  
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a copy of the publication notice was  
mailed by first class, postage prepaid, United States mail to: (list name and address you  
mailed to)

\_\_\_\_\_  
Plaintiff Signature

You **will need a final order** to submit to the Judge for signature and filing. That form is not available in this packet.

As set out in the instructions The Kansas Department of Revenue will assist you with completing the appropriate final order. You should contact the Legal Services Department at 785-296-6856, during normal business hours. Provide the county and case number and ask for assistance with the final order. Please do this at least 3 weeks before you need the document, if you are assigned a trial date by the Court.





STATE OF KANSAS  
Tenth Judicial District

## OFFICE OF THE CLERK OF THE DISTRICT COURT

JOHNSON COUNTY COURTHOUSE  
150 W SANTA FE  
OLATHE, KANSAS 66061-3273  
913-715-3500

FAX PAYMENT COVER LETTER

PAYMENT FAX NUMBER:  
913-715-3405

DATE SENT: \_\_\_\_\_ # OF PAGES ATTACHED: \_\_\_\_\_

TO (check one department): Civil/Chapter 61    , Criminal/Traffic    , Help Center    ,  
Juvenile/Probate    , Records

AMOUNT: \_\_\_\_\_ (DO NOT ADD \$4.95 FEE)

CASE NUMBER (if applicable): \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

EMAIL: \_\_\_\_\_

CARD NUMBER: \_\_\_\_\_

ZIP CODE ASSOCIATED WITH CARD BILLING: \_\_\_\_\_

CARD HOLDER NAME: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_

CVV: \_\_\_\_\_

**\*\*AN ADDITIONAL \$4.95 WILL BE ADDED TO YOUR TOTAL AUTOMATICALLY AS A PROCESSING FEE CHARGED BY THE CREDIT CARD PROCESSING COMPANY. THIS APPLIES TO CHARGES IN PERSON OR BY FAX.**

**\*\*WE ACCEPT VISA, MASTERCARD AND DISCOVER – NO AMERICAN EXPRESS. \*\***