

# Creation and Release of Liens

## Section 6

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#### Creation of a Lien

Missouri law states that for a lien to be perfected the date it is created, and to protect the creditor from the buyer's/debtor's possible bankruptcy, the notice of lien should be perfected (received by the department) within 30 days from the date of the loan.

#### Perfecting a Lien

- A lien is a claim on the property of another, i.e., vehicle, vessel, etc., as security for payment of a debt.
- To perfect a lien on a motor vehicle, trailer, manufactured home, boat, or outboard motor, see the chart below.
  - If there is a complete change of ownership, file your lien online at: <https://dors.mo.gov/dmv/nol/loginLink.do>
- All certificates of title will be mailed to the owner named on the certificate of title unless the owner designates a "Mail-to" on the application for title or provides written authorization for other handling.

Below is a summary of documents and fees required based on the type of transaction:

TRANSACTION TYPE	TYPE OF UNIT	REQUIRED DOCUMENTS	FEES
Filing First/Second Lien, Change of Ownership	Motor vehicle, Trailer, all-Terrain Vehicle, and Manufactured Home	Fourth and Fifth copies of form DOR - 108; <b>or</b> Form DOR - 4809	<b>\$9.00</b> processing/agent fee
	Vessel, Outboard Motor	Form DOR -4809	<b>\$9.00</b> processing/agent fee
Filing First/Second Lien, <b>No</b> Change of Ownership	Motor Vehicle, Trailer, All Terrain Vehicle, Manufactured Home	D O R -108 w / "Title and Notice of Lien" checked; <b>or</b> D O R -108 (all 5 parts); <b>or</b> D O R -108A and D O R -4809; <b>and</b> Certificate of title	\$8.50 title fee <b>\$8.00</b> processing/agent fee
	Vessel, Outboard Motor	Completed form DOR - 93; Form DOR -4809; and Certificate of Title	\$7.50 title fee for vessels or <b>\$8.00</b> outboard motor title fee <b>\$8.00</b> processing/agent fee

To add a second lien, the first lienholder's authorized agent must sign the lienholder authorization box on the notice of lien form. The owner may submit the above listed items to his or her local license office or mail them to the Motor Vehicle Bureau, Post Office Box 100, Jefferson City, MO 65105-0100.

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## Releasing a Lien

On a motor vehicle, trailer, manufactured home, vessel, or outboard motor, Sections 301.640, 306.420, and 700.370, RSMo require the lienholder to release the lien on a separate document within **5** business days after the lien is satisfied. The release document shall be notarized. Each perfected second lienholder, if any, shall release such lien in the same manner.

- Lien releases made on or after July 1, 2003, may no longer be released on the **face** of a Missouri title, but must be released as follows:
  - If the **lienholder is an individual**, a notice of release (lien release section of DOR-4809) must be completed, signed, and **notarized**. An estate executor may release the lien by submitting the above with an **original or certified copy** of the probate court order.
  - If the **lienholder is a business entity**, a completed, signed, and notarized notice of release (lien release section of DOR-4809) **or a notarized** lien release on the lienholder's letterhead listing the year, make, vehicle identification number, lien release date, lienholder name and signature, and vehicle owner's information must be submitted; **or**
    - ◆ A faxed copy may be accepted as long as the notary information is legible.
  - If the above cannot be obtained, the **original** security agreement stamped "paid" with the official seal of the lienholder will be accepted. The seal must contain the lienholder's business name (a stamp that only shows "paid" is not acceptable).
- Liens released prior to July 1, 2003, may be released on the face of the title or as listed above and do not have to be notarized.
- If the owner is unable to obtain a lien release, a court order instructing the director of revenue to release the lien must be submitted.
- Some states still require the lien to be released on the face of the title. For these states, Missouri will accept this method of lien release. The out-of-state title must be notarized only if that state currently requires the release to be notarized.
- To release a lien recorded on a certificate of title when the accounts/assets of the lienholder have been taken over by the FDIC due to insolvency and/or liquidation, a document from the FDIC must be submitted.
  - The document from the FDIC must grant power of attorney to the receiver of the account and list the names of the insolvent lienholder and the lienholder that took over the account. If the power of attorney references an "asset pool" only, rather than the name of the insolvent lienholder, a separate document listing the insolvent lienholder is required.