

# VEHICLE GIFT AFFIDAVIT

## 1. 1. Caption and Jurisdiction

STATE OF [STATE], COUNTY OF [COUNTY], ss. AFFIDAVIT OF MOTOR VEHICLE GIFT TRANSFER. This affidavit is submitted to [MOTOR VEHICLE AGENCY NAME, e.g., the Department of Motor Vehicles, the Bureau of Motor Vehicles, the county tax assessor-collector] of the State of [STATE] in support of an application to transfer title and registration of the vehicle described in Section 4 as a gift. Application or transaction number, if assigned: [APPLICATION NUMBER].

## 2. 2. Donor Information

Donor full legal name: [DONOR FULL NAME]. Address: [DONOR STREET ADDRESS], [CITY], [STATE], [ZIP]. Telephone: [DONOR PHONE]. Drivers license or identification number: [DONOR ID NUMBER], issued by [ISSUING STATE]. The donor is the current record owner of the vehicle described in Section 4 and appears as the owner on the certificate of title numbered [TITLE NUMBER], issued by the State of [TITLE ISSUING STATE] on [TITLE ISSUE DATE]. If the vehicle is owned jointly, the second owner is [SECOND OWNER FULL NAME], of [SECOND OWNER ADDRESS], who joins in this affidavit and consents to the gift. If the donor is signing on behalf of an estate, the donor is the [EXECUTOR / PERSONAL REPRESENTATIVE / ADMINISTRATOR] of the estate of [DECEDENT NAME], appointed on [APPOINTMENT DATE] in [COURT NAME], case number [CASE NUMBER].

## 3. 3. Recipient Information and Relationship

Recipient full legal name: [RECIPIENT FULL NAME]. Address: [RECIPIENT STREET ADDRESS], [CITY], [STATE], [ZIP]. Telephone: [RECIPIENT PHONE]. Drivers license or identification number: [RECIPIENT ID NUMBER], issued by [ISSUING STATE]. Date of birth: [RECIPIENT DATE OF BIRTH]. The relationship of the recipient to the donor is: [RELATIONSHIP, e.g., spouse, parent, stepparent, child, stepchild, sibling, grandparent, grandchild, parent-in-law, child-in-law, guardian, or non-relative]. The donor and recipient understand that the family relationships qualifying for a tax exemption are defined by the law of the State of [STATE] and that a transfer between persons outside those defined relationships may be taxable even though it is a genuine gift.

## 4. 4. Vehicle Description

Year: [YEAR]. Make: [MAKE]. Model: [MODEL]. Body type: [BODY TYPE]. Vehicle identification number (VIN): [VIN]. License plate number: [PLATE NUMBER], issued by [PLATE STATE], expiring [PLATE EXPIRATION]. Color: [COLOR]. Fuel type: [FUEL TYPE]. Current certificate of title number: [TITLE NUMBER]. Estimated fair market value at the time of transfer: [FAIR MARKET VALUE], determined by [VALUATION SOURCE, e.g., a published used vehicle guide, a dealer appraisal, the standard presumptive value published by the state]. The vehicle is transferred in its present condition, as is, with no warranty of any kind, express or implied, including any implied warranty of merchantability or fitness for a particular purpose.

## 5. 5. Statement of Gift and No Consideration

I, the donor, state that I have given the vehicle described in Section 4 to the recipient named in Section 3 as a gift, freely and voluntarily, on [GIFT DATE]. No money, property, service, trade-in, credit, forgiveness of debt, assumption of any loan or lien, or other consideration of any kind has been paid, promised, or exchanged for the vehicle by the recipient or by any person on behalf of the recipient. The purchase price of this transfer is zero dollars. This transfer is not a sale, a payment, a repayment, an exchange, or a settlement of any obligation between the parties. I am not transferring the vehicle to avoid a creditor, a judgment, a lien, a tax obligation, or any other

claim, and I am not aware of any claim against the vehicle other than any lien disclosed in Section 7.

## **6. 6. Odometer Disclosure**

The odometer of the vehicle now reads [ODOMETER READING] miles, and I certify to the best of my knowledge that this reflects the actual mileage of the vehicle, unless one of the following is checked: ☐ the mileage stated is in excess of the mechanical limits of the odometer; ☐ the odometer reading is not the actual mileage and should not be relied on. Federal law and the law of the State of [STATE] require the transferor to state the mileage on transfer of ownership, and failure to complete this disclosure or making a false statement may result in fines or imprisonment. The odometer disclosure required on the certificate of title itself must also be completed at the time of assignment, and this affidavit does not replace it. Vehicles exempt from odometer disclosure, including those over the applicable model year threshold and certain heavy vehicles, should be noted here: [EXEMPTION, IF ANY].

## **7. 7. Lien and Title Status**

Lien status: ☐ The vehicle is owned free and clear and no lien or security interest exists against it. ☐ A lien exists in favor of [LIENHOLDER NAME], of [LIENHOLDER ADDRESS], in the approximate amount of [LIEN BALANCE], and that lien ☐ has been paid in full and a release is attached as Exhibit [LETTER] / ☐ will be paid in full by the donor before the transfer is completed / ☐ remains outstanding and the recipient assumes no personal obligation for it. I certify that the certificate of title is ☐ in my possession and is attached to the application / ☐ held by the lienholder and will be released to the agency / ☐ lost or destroyed, and an application for a duplicate title has been submitted on [DUPLICATE APPLICATION DATE]. The title has not been branded as salvage, rebuilt, flood, or non-repairable except as follows: [BRANDS, OR STATE "none"].

## **8. 8. Tax Exemption Claim**

The donor and recipient claim an exemption from state sales or use tax on this transfer on the ground that it is a gift between [RELATIONSHIP CATEGORY CLAIMED, e.g., spouses, parent and child, siblings] under the applicable law of the State of [STATE]. If a flat gift tax or transfer fee applies in place of a percentage-based sales tax, the recipient will pay that amount, currently understood to be [FLAT GIFT TAX AMOUNT], at the time of application. If the state does not recognize an exemption for this relationship, the recipient understands that tax will be assessed on [TAX BASIS, e.g., the fair market value or standard presumptive value of the vehicle] rather than on the zero-dollar purchase price. The donor and recipient acknowledge that eligibility for a family transfer exemption, the definition of a qualifying relative, the required form, and the tax basis used when no exemption applies all vary by state, and that the motor vehicle agency and the state tax authority make the final determination.

## **9. 9. Delivery, Insurance, and Transfer of Possession**

Possession of the vehicle, together with the keys, the certificate of title properly assigned, the current registration, and any service records in the possession of the donor, was or will be delivered to the recipient on [DELIVERY DATE] at [DELIVERY LOCATION]. From the moment of delivery, the recipient is solely responsible for insuring, registering, maintaining, operating, and storing the vehicle, and for any ticket, toll, accident, or liability arising from its use. The recipient certifies that liability insurance meeting the minimum requirements of the State of [STATE] is or will be in force before the vehicle is operated, under policy number [POLICY NUMBER] with [INSURER NAME]. The donor will cancel or transfer any existing insurance and, where required, will file a notice of transfer or release of liability with the motor vehicle agency within [NOTICE PERIOD, e.g., 5 to 30 days as required by your state] of the transfer.

## **10. 10. Filing and Supporting Documents**

The following are submitted with this affidavit: the certificate of title with the assignment completed and signed by the donor and the recipient; the application for title and registration on the form required by the State of [STATE]; the odometer disclosure required at assignment; a lien release, where applicable; proof of insurance; identification for both parties; and [ANY STATE-SPECIFIC GIFT AFFIDAVIT OR EXEMPTION FORM NUMBER]. The recipient will submit the application within [FILING DEADLINE, e.g., 20 to 30 days depending on your state] of the transfer date and understands that a late filing may result in penalties. Both parties will keep a signed copy of this affidavit for their records for at least [RECORD RETENTION PERIOD, e.g., four years].

## **11. Declaration and Signatures**

The donor and the recipient each declare under penalty of perjury under the laws of the State of [STATE] that the statements in this affidavit are true and correct, and each understands that a false statement made to obtain a tax exemption or a certificate of title may result in fines, imprisonment, the assessment of back taxes and penalties, and the cancellation of the title issued in reliance on it. DONOR: Signature: \_\_\_\_\_. Printed Name: [DONOR FULL NAME]. Date: [DATE]. SECOND OWNER (if any): Signature: \_\_\_\_\_. Printed Name: [SECOND OWNER FULL NAME]. Date: [DATE]. RECIPIENT: Signature: \_\_\_\_\_. Printed Name: [RECIPIENT FULL NAME]. Date: [DATE]. NOTARY: STATE OF [STATE], COUNTY OF [COUNTY]. Subscribed and sworn to before me on [DATE] by [NAMES OF PERSONS APPEARING], who presented [FORM OF IDENTIFICATION] as identification. Notary Public: \_\_\_\_\_. My commission expires: [EXPIRATION DATE]. [Seal].

## **12. Disclaimer**

This template is provided for general informational purposes only and is not legal or tax advice. Vehicle transfers are administered by each state, and the rules differ substantially: which family relationships qualify for a gift exemption, whether a flat gift tax applies instead of sales tax, whether tax is assessed on fair market value or a state-published presumptive value when no exemption applies, what filing deadline applies, whether a notice of transfer must be filed by the seller, and whether the agency requires its own official gift affidavit form that this document cannot replace. Federal odometer disclosure rules apply to most transfers and carry their own penalties. Confirm the requirements with the motor vehicle agency in the state where the vehicle will be titled before signing, and consult a tax professional about large gifts. Use of this template does not create an attorney-client relationship with ScanContract.