



## Secure Power of Attorney to Process Duplicate Title

**Processing Duplicate Titles.** In the normal duplicate title situation, when a trade-in customer has lost their title, the dealer will use two documents - the Application for Duplicate Title - PS 2067, and a Secure Power of Attorney.

The trade in customer executes the Duplicate Title Application and Part A of the Secure Power of Attorney. The dealer forwards the duplicate title application to the Registrar along with an instruction to forward the Duplicate Title to the dealer. All copies of the Secure Power of Attorney are held in the deal file waiting for the trade in vehicle to be resold.

### **Part A of the Secure Power of Attorney.**

If the duplicate title arrives back from the State of Minnesota before the trade-in is sold, it can be filed in the deal jacket along with the Secure Power of Attorney and await the sale of the traded-in vehicle. When the trade-in vehicle is sold, the Duplicate Title itself is actually completed. The information from Part A of the Power of Attorney is used to complete the transfer and disclosures from the trade-in customer to the dealer. The dealer reassignment on the duplicate title is used for the assignment to the new buyer. When the Application for Title is completed in the buyer's name, the duplicate title along with the top copy (Secure copy) of the Secure Power of Attorney is sent to the State for transfer. The dealer retains the file copy (page 2). In this situation, the trade-in vehicle buyer does not sign the Secure Power of Attorney form and does not receive a copy. Page 3 of the Secure Power of Attorney form may be discarded.

**Parts B & C of the Secure Power of Attorney.** The preceding material described the use of the Secure Power of Attorney form in the event that the duplicate title arrives from the State of Minnesota before the trade-in vehicle is sold. However, if the trade-in is sold before the duplicate title arrives from the State, Parts B & C of the Secure Power of Attorney come into play.

Using Part B of the Secure Power of Attorney, the dealership makes its disclosures and the buyer signs as an acknowledgment. Part B also authorizes a dealer to apply for title in the buyer's name. In order to avoid undisclosed financing, Part B also asks about liens. A copy (Page 3) of the Secure Power of Attorney is given to the buyer. The original and one remaining copy of the Secure Power of Attorney are re-filed in the dealer's records until the duplicate title actually arrives from the State of Minnesota.

When the duplicate title does arrive, the dealer completes the assignments, disclosures and application for both transfers (to and from the dealer) based on the information contained in Parts A and B of the Secure Power of Attorney. The dealership employee who actually fills out the Certificate of Title must also complete Part C of the Secure Power of Attorney form. The original Secure Power of Attorney form is then attached to the duplicate title and forwarded to the State for transfer. The dealer retains the file copy (Page 2) for its records.

Note: Rather than using Parts B and C, a dealer could use a Secure Reassignment to sell the vehicle to the new buyer.

The Secure Power of Attorney form implements a very narrow exception to the Federal Odometer Law normally requiring live signatures on odometer disclosures incorporated into Certificate of Title documents. In Minnesota, the Secure Power of Attorney may be used only if the title to a trade in vehicle has been lost.