



DEPARTMENT OF GAME AND INLAND FISHERIES - CLIENT SERVICES  
P.O. BOX 9930, HENRICO, VA 23228-9930  
TELEPHONE: (866) 721-6911 WEBSITE: WWW.DGIF.VIRGINIA.GOV

## **INSTRUCTIONS FOR TITLING/REGISTERING WATERCRAFT UNDER THE PROVISIONS OF THE CODE OF VIRGINIA FOR ESTRAY AND DRIFT PROPERTY**

**To register/title a vessel under this provision requires that the boat be washed up on the applicant's own property or adrift in public waters.**

1. If the boat has registration numbers from the Commonwealth of Virginia or from any other state, contact that state to determine the last registered/titled owner(s)' name and address as well as any lienholder's name and address.
2. Send a certified letter to that last registered owner and lienholder at the address listed in the official records for the state in which the boat was registered/titled. The letter that you should send is attached to this form.
3. Wait at least 30 days for a response from the last registered owner and lienholder. After 30 days have passed, proceed with the instructions below.
4. Contact the clerk of court in the county/city in which the boat was found.
5. The Clerk shall issue warrants to three free-holders (appraisers) requiring them to view and appraise the boat and certify their results with a description and valuation of the boat.
6. The Clerk shall post copies of the appraisal certifications at the front door of the County/City courthouse on the first day of two terms of court after receiving the certificates.
7. If the boat is found to be valued above \$5.00, the applicant must post a notice in a newspaper of general circulation for three consecutive days. The notice should describe the boat in detail and give instructions for how to contact the applicant to re-claim the boat. The notice should also state the owner has until the end of the second term of court to re-claim the boat (ask the Court Clerk for a specific date).
8. If the owner has not then appeared, the court will issue an order of award to the applicant.
9. The applicant may then make application to the Department of Game and Inland Fisheries for a Watercraft Registration/Title by submitting the following documentation:

- ☛ **Application for Certificate of Title/Certificate of Number (Registration) completed and signed.**
- ☛ **A copy of the court order awarding the applicant the property.**
- ☛ **The return receipt card from the post office showing a certified letter was sent to the last registered owner and lienholder and the signature of that owner and lienholder, or if the letter was returned as undeliverable, the unopened letter.**
- ☛ **Copies of the advertisements that were published in a newspaper of general circulation for three consecutive days or a verification letter from the newspaper confirming the content of the advertisement and the days it was published.**
- ☛ **The Completed, notarized Affidavit for Transfer of Watercraft Title and Registration By Operation of Law.**



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## **Code of Virginia**

### **Title 55; Chapter 11**

- [55-202](#) - Estray, or boat adrift, to be valued and described
- [55-203](#) - Valuation, etc., to be recorded and posted
- [55-204](#) - When landowner, etc., entitled to the property
- [55-205](#) - Right of recovery by former owner
- [55-206](#) - When landowner, etc., not liable
- [55-207](#) - Who entitled to drift property
- [55-208](#) - Conditions on which owner may remove it
- [55-209](#) - When owner of land may sell drift property; owner of property entitled to proceeds after payment of expenses, etc
- [55-210](#) - Right of property to be proved

#### **§ 55-202 Estray, or boat adrift, to be valued and described**

Any person may take up an estray found on his land or a boat or vessel adrift. He shall immediately inform the court not of record, or clerk thereof, of his county or corporation, who shall issue warrants to three freeholders, requiring them under oath to view and appraise such estray or boat or vessel, and certify the result, with a description of the kind, marks, brand, stature, color and age of the animal, or kind, burden and build of the boat or vessel.

#### **§ 55-203 Valuation, etc., to be recorded and posted**

The freeholders shall return their certificate, with the warrant, to the clerk of the circuit court of the county, or clerk of the corporation court of the city, who shall record the same in a book kept for that purpose and post a copy thereof at the front door of his courthouse on the first day of two terms of court next after receiving the certificate.

#### **§ 55-204 When landowner, etc., entitled to the property**

If the owner of such property has not then appeared and the valuation thereof be under five dollars, or if such valuation is as much as five dollars and the owner shall not have appeared after the certificate has been published as aforesaid and also three times in some newspaper published nearest to the place where such property was taken up, it shall belong in either case to the owner of the land on which it was so taken, if an estray, or to the person taking it up in the case of a boat or vessel.

#### **§ 55-205 Right of recovery by former owner**

The former owner may at any time after recover the valuation money except the amount of the clerk's and printer's fees and such compensation for keeping the property as shall be certified under oath by any two freeholders in the county or corporation where the property was valued to be reasonable, and also fees of the justice of the peace and the freeholders for services rendered by them.

#### **§ 55-206 When landowner, etc., not liable**

If such estray die or any such property be lost to the owner of the land or person taking it up, without his fault, he shall not be liable for the same or its valuation.



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### **§ 55-207 Who entitled to drift property**

When any property, not mentioned in § [55-202](#) is drifted on any of the waters of this Commonwealth and deposited and left on the lands of any person other than the owner of such property, the owner of such land shall, as against all persons other than the owner of such property, be deemed and treated, and have the same rights and remedies relating thereto, as such owner thereof.

### **§ 55-208 Conditions on which owner may remove it**

The owner of such property, after he shall have paid to the owner of the land a just compensation for any proper care, labor or expense bestowed, done or incurred by him about such property, but not before, may enter upon the land and, doing as little injury as possible thereto, remove the property therefrom, but shall pay the owner of the land for any damage caused to him by such entry and removal.

### **§ 55-209 When owner of land may sell drift property; owner of property entitled to proceeds after payment of expenses, etc**

If the owner of the property shall not, within three months from the time the same was so deposited, remove or demand the property from the owner of the land, the owner of the land may sell the property or otherwise convert it to his own use; but the owner of the land after deducting a just compensation for any proper care, labor or expense bestowed, done or incurred by him about the property from the amount received by him as the price thereof, or the actual value thereof at the time of such sale or other conversion, shall pay to the owner of the property, if he shall elect to receive it, the residue of the price or of the actual value, as the case may be. The owner of the property, after he shall have demanded such residue, and proved by the affidavit of some other person, or by a competent witness, his right thereto, or offered to prove such right, and the owner of the land shall have refused or declined to inspect or hear the evidence thereof, but not before, may recover such residue, when the property has been sold, as money received for his use, or, when the property has not been sold, as the price of goods sold by the owner of the property to the owner of the land, or he may have his action of trover to the extent of such residue.

### **§ 55-210 Right of property to be proved**

In any action, suit, prosecution or controversy about any such property, the person, other than the owner of such land, claiming to be the owner of the property, must prove his ownership in order to sustain his claim.



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AFFIDAVIT FOR TRANSFER OF WATERCRAFT TITLE AND REGISTRATION
BY OPERATION OF LAW

As Required by §29.1-717.2 of the Code of Virginia

Date \_\_\_\_\_

Virginia Title No. \_\_\_\_\_

NOTE: This affidavit is required for transfer by operation of law of the title or interest of an owner to a watercraft previously numbered and titled under Chapter 7 of the Code of Virginia.

I/We hereby certify that the following information is true and correct to the best of my (our) knowledge:

1. That the vessel described herein has legally come into my (our) possession by means of:
(legatee, distributee, joint tenant, bankruptcy, execution sale, repossession, or court order)
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ from:
(Name) (Address)

- 2. a. The certificate of title previously issued for the watercraft is attached.
b. The certificate of title is unavailable and a certified letter requesting the title was sent to the previous owner at his last known address. (Attach certified mail receipts and letter if returned unopened.)
c. That the lienholder has been contacted and the lien has been satisfied. (Attach written proof from lienholder that lien has been satisfied).
d. If purchased, a copy of the bill of sale is attached.

3. That based on the above certifications and the attached evidence of my/our ownership of said vessel,
(List Attachments)

I/We request that a Watercraft Registration/Title for the watercraft described below be issued in my/our name(s):

VA No. \_\_\_\_\_ Make \_\_\_\_\_ Model Year \_\_\_\_\_
Length \_\_\_\_\_ Hull Identification Number \_\_\_\_\_
Name of Applicant(s) \_\_\_\_\_

Signature of Applicant(s) \_\_\_\_\_

STATE OF VIRGINIA

City/county of \_\_\_\_\_:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared the affiant(s) signing above, acknowledged and made oath that the matters set forth in the foregoing affidavit are true.

(Notary Public)

(My Commission Expires)

(Seal)



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**Commonwealth of Virginia**  
**Code of Virginia**

**§ 29.1-717.2. Transfer by Operation of Law.** - In the event of a transfer by operation of law of the title or interest of an owner in and to a watercraft numbered and titled under the provisions of this chapter, the transferee or his legal representative shall make application to the Department for a certificate of title therefor, giving the name and address of the person entitled thereto, and accompany such application with the certificate of number and certificate of title previously issued for the watercraft, if available, together with such instruments or documents of authority, or certified copies thereof, as are required by law to evidence or effect a transfer of title or interest in or to chattels in such case. The Department shall cancel the certificate of number and title of the watercraft and issue a new certificate of number and title to the person entitled thereto.

For purposes of this section, transfers by operation of law shall include transfers to anyone as legatee or distributee or as surviving joint owner or by an order of bankruptcy or insolvency, or transfers by execution sale, sales as provided for in § 43-34, repossession upon default in the performing of the terms of a lease or executory sales contract or transfers pursuant to any written agreement ratified or incorporated in a decree or order of a court of record, or otherwise than by the voluntary act of the person whose title or interest is so transferred (1989).



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**THIS LETTER IS TO BE DELIVERED VIA CERTIFIED MAIL TO THE LAST REGISTERED OWNER (S) AND LIENHOLDER ACCORDING TO THE OFFICIAL RECORDS OF THE STATE OF REGISTRATION AT LEAST 30 DAYS PRIOR TO APPLICATION FOR TITLE AND REGISTRATION.**

Date: \_\_\_\_\_

Owner's Name and Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_ :

According to the records of the Commonwealth/State of \_\_\_\_\_, you  
(State of Registration)  
are the last registered owner for a \_\_\_\_\_ with hull  
(Model year) (Make of vessel)  
identification number \_\_\_\_\_ and registration number \_\_\_\_\_  
(Hull Identification Number) (Registration Number).  
which has washed up on my property or is drifting in the \_\_\_\_\_  
(List body of water that boat is drifting on)

If this vessel is not claimed within 30 days of the receipt of this letter, I/we will make application for Watercraft Registration/Title to the Virginia Department of Game and Inland Fisheries as is provided for in §55-202 of the Code of Virginia.

If you wish to claim ownership of this vessel, please contact either me/us and/or the Virginia Department of Game and Inland Fisheries by certified letter as soon as possible at the addresses given below:

Department of Game and Inland Fisheries  
Boat Section  
P.O. Box 9930  
Henrico, VA 23228

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Your name and Mailing Address)

Sincerely,

(Your Signature)