

How to fill out MV-349.1 — Affidavit for Transfer of Motor Vehicle

New York · written against MV-349.1 (4/25), issued under New York Estates, Powers and Trusts Law section 5-3.1

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/forms/new-york/mv-349-1-affidavit-for-transfer-of-motor-vehicle/

The affidavit a surviving spouse - or the guardian of a surviving child under twenty-one - uses to move one vehicle out of a dead owner's name without going near a court. It is sworn before a notary, it is capped at \$25,000, and it is the form to use when there is a surviving spouse. When there is not, New York sends you to a different one.

This sheet is not the form. Download the blank MV-349.1 from the New York State Department of Motor Vehicles at <https://dmv.ny.gov/forms/mv3491.pdf> — always take the current revision from the agency rather than a copy. Print this and keep it beside you while you complete theirs.

Every line, in the order you meet it

1	YOU	The deponent	Your name on the line before "being duly sworn, deposes and says", with the county of the oath above it. Watch out: The county here is where the affidavit is sworn, not where the deceased lived or where the car is. It is the notary's jurisdiction.
2	YOU	Paragraph 1, which limb	Surviving spouse of the deceased, or duly appointed guardian of the surviving minor children. Watch out: Complete one and leave the other alone. Filling in both makes the affidavit internally inconsistent, and it is sworn.
3	YOU	Paragraphs 2 and 3, the death and the vehicle	The date of death, then year, make, model, type and the vehicle identification or serial number. Watch out: Take the identification number from the certificate rather than the car, because the certificate is what accompanies this affidavit to the counter.
4	YOU	Paragraph 4, who it goes to	The name and address of the person the vehicle is being transferred to. Watch out: It does not have to be you. The form allows a transfer to another party for the benefit of the surviving spouse or the children, which is how a car gets sold straight out of an estate.
5	YOU	Paragraph 5, the value	Tick the box for not more than twenty-five thousand dollars, or the second box and pay the estate the excess. Watch out: Be able to say where the figure came from. A trade valuation printed on the day is a better answer than a number that felt about right.
6	YOU	The jurat	Sign in full, then a notary public or commissioner of deeds completes the sworn-to block and the commission expiry. Watch out: Sign in front of the notary, not before you get there. A signature already on the page is the commonest reason a notary refuses to complete the block.

What gets this one rejected

- An unsworn affidavit. The DMV's own page says it in four words - the form must be notarized - and a jurat is the whole difference between an affidavit and a statement.
- More than one vehicle. Paragraph 6 certifies this is the only motor vehicle belonging to the decedent being transferred under section 5-3.1.
- An out-of-state certificate. The DMV states that neither this affidavit nor its next-of-kin sibling can be used to transfer ownership of an out-of-state title in a deceased owner's name - that needs an executor or an administrator.
- Anything that is not a motor vehicle. Manufactured homes, snowmobiles, boats, trailers and all-terrain vehicles pass only through an estate set up by order of a Surrogate's Court.
- No death certificate. A copy of the death certificate or a certification of death has to be provided, and the DMV accepts a photocopy.

☒ Amber is what you write ☐ Grey is a block somebody else completes The completed example follows overleaf.

Read off MV-349.1 (4/25) and the New York State Department of Motor Vehicles's own pages, current as of 2026-08-23. Plain-language help with a form, not legal advice — where this and the agency differ, the agency governs. sellmycarhub.com



Department of
Motor Vehicles

AFFIDAVIT FOR TRANSFER OF MOTOR VEHICLE
(Authorized by Section 5-3.1 of the Estates, Powers and Trusts Law)

INSTRUCTIONS: This form, along with the title or transferable registration properly completed, may be used to transfer a motor vehicle having a value of **twenty-five thousand dollars (\$25,000) or less**, owned by a person at the time of the person's death, to a surviving spouse or child or children under the age of twenty-one years. It may also be used to transfer such a motor vehicle to another party for the benefit of a surviving spouse or child or children under the age of twenty-one years. **A COPY OF THE DEATH CERTIFICATE (CERTIFICATE OF DEATH OR CERTIFICATION OF DEATH) MUST BE PROVIDED.**

State of New York)
County of Ulster) ss.:

Gerald P. Havemeyer, being duly sworn, deposes and says:

1. (a) I am the surviving spouse of Marion E. Havemeyer
(OR)

(b) I am the duly appointed guardian of _____,
the surviving minor child or children of _____.

2. The said Marion E. Havemeyer died on the 12 day of March, in the year of 2026.

3. At the time of the person's death, the said Marion E. Havemeyer was the owner of a
2012 Honda CR-V 4-Door
(Year) (Make) (Model) (Type)

Vehicle identification or serial number 5J6RM4H53CL034918

4. The name of the person to whom the vehicle is being transferred is Rosalind T. Havemeyer
Address: 318 Wurts St, Kingston, NY 12401

5. Check one of the following:

- ☒ The above mentioned motor vehicle has a value of not more than **twenty-five thousand dollars (\$25,000)**.
☐ The above mentioned motor vehicle has a value which exceeds \$25,000, but pursuant to Estates, Powers and Trusts Law §5-3.1(a)(4), I have paid to the estate the sum of \$ _____, the amount by which the value of such motor vehicle exceeds \$25,000.

6. The above mentioned motor vehicle is the only motor vehicle belonging to the decedent that is being transferred under Section 5-3.1 of the Estates, Powers and Trusts Law.

7. The deponent is a person qualified to take said motor vehicle under Section 5-3.1 of the Estates, Powers and Trusts Law, and hereby makes claim to said motor vehicle.

8. The deponent is *not* a disqualified spouse under Section 5-1.2 of the Estates, Powers and Trusts Law, and hereby makes claim to said motor vehicle. (See page 2.)

9. This affidavit is made for the purpose of securing a transfer of the above mentioned motor vehicle under the provisions of Section 5-3.1 of the Estates, Powers and Trusts Law.

CERTIFICATION:

I certify that the information I have provided on this form is true and complete to the best of my knowledge.

WARNING: Intentionally making a false statement or providing false or misleading information in connection with this application is a criminal offense that may subject you to criminal prosecution and/or administrative action under the Law.

X _____
Signature (Sign name in full)

Sworn to before me this 02 day of April, in the year of 2026.

Imelda F. Corbeau, Notary Public

My Commission expires 11/30/2028

Notary Public or Commissioner of Deeds

(Date)