



TORII LEGAL ASSISTANCE

OFFICE OF THE STAFF JUDGE ADVOCATE



DO YOU NEED TO SELL YOUR CAR?

BY: RUDY WARTELLA

Will you be selling a car on Okinawa? Most Soldiers will be selling a car every two or three years before they change duty stations. This article is about doing it in a way to protect you both legally and financially. Frequently, a “friend” backs out of a car deal. It doesn’t have to be a friend; it can be a neighbor, another Soldier, an acquaintance, or someone you just met. Most of us are trusting people and still believe in a handshake to close a deal.

It is not that handshake deals are not enforceable (sometimes they are), but handshake deals are hard to prove. As a practical matter, on Okinawa, a handshake will not transfer ownership of your vehicle and will not be enough for you to “clear” the Joint Vehicle Registration Office on Camp Foster when you leave Okinawa. Although we should trust our friends, it is better to have a contract, or at least a promissory note, if your “friend” is not going to pay cash, or wants to delay the transfer of title. What sometimes happens is a friend agrees to buy another friend’s car and then backs out at the last minute (for a variety of reasons). This can be really frustrating and sometimes leads to selling a car well below market value in order to sell it before a PCS. A last minute decision not to buy may force you to impose on someone to sell it after a PCS (remember, you must sell your vehicle before you PCS unless there is an emergency and you get written permission from your commander and the joint vehicle registration office.) See the link below for more information.

<http://www.mcbbutler.marines.mil/BaseInformation/VehicleRegistration.aspx>.

Whether you are selling your car to a friend or to a stranger, if you are going to extend credit to the person, stop by the Torii legal office and have the buyer sign a Promissory Note. This will only take 10 or 15 minutes. This does not mean that you will get your money if the buyer fails to pay; it only means it will be easier to prove, and that may be all you need. Finally, **be sure to receive a non-refundable deposit if you are going to hold a car for someone to come up with the sales price by an agreed date.**

The legal assistance office is located in Room 220, of Building 218 (across the street from the post office). A promissory note can be done on a walk-in basis. If you would like an appointment, please call 644-4332. June 2016.