

DISCLAIMER: THE SHERIFF'S OFFICE CANNOT GIVE ANY LEGAL ADVICE. THIS INFORMATION IS NOT TO BE CONSIDERED LEGAL ADVICE. YOU NEED TO CONTACT AN ATTORNEY FOR ANY LEGAL ADVICE YOU NEED IN PREPARATION OF DOCUMENTS FOR SHERIFF'S LEVY AND SALE OF PERSONAL OR REAL PROPERTY.

PERSONAL PROPERTY LEVY AND SALE INFORMATION

AFFIDAVIT with ATTESTATION by the Levying Creditor (Plaintiff), or the Attorney of record for Levying Creditor (Plaintiff), is **REQUIRED**.

OUTLINE of all elements required by statutes, and the Sheriff, to be contained in the Affidavit pursuant to Florida Statutes (56.27 (4)(a)(b)(c).

That I, as Attorney of Record for Levying Creditor (Plaintiff), or as the Levying Creditor (Plaintiff), have herein set forth all of the following as to the Judgment Debtor (Defendant)(s):

1. That I have reviewed the database or judgment lien records established in accordance with Florida Statutes 55.201-55.209 and that the information contained in this affidavit based on that review is true and correct.

2. That I have provided to the Sheriff the information required under Florida Statutes 55.203(1) and (2), for each judgment lien certificate found indexed under the name of the Judgment Debtor (Defendant)(s) as to each judgment creditor, including the lien for this action, the following:

- a. the file number assigned to the record of the original and, if any, the second judgment lien;
- b. and the date of filing for each judgment lien certificate under Florida Statutes 55.202 or Florida Statutes 55.204(3).

3. **List all Judgment Lien Certificates found indexed in their order of "Priority" by:**

- a. Case Style;
- b. Case Number;
- c. File Number assigned to the record of the original and second judgment lien, if any;
- d. Date of filing of each judgment lien;
- e. Judgment Date;
- f. Judgment Amount;
- g. Interest Rate; AND,
- h. If the search of the state database done in preparation of this Affidavit revealed no other liens found filed except **yours**, have made a statement to this effect.

******Remember that your judgment lien must also be listed.**

4. That I either do or do not have any other levy in process, OR, if another levy is in process, I believe in good faith that the total value of the property under execution does not exceed the amount of outstanding judgments.

5. That I have reviewed the financing statements as provided in Part V of Florida Statutes 679 in the name of the Judgment Debtor (Defendant)(s) reflecting a security interest in property of the kind to be sold at the execution sale, and if any found filed, I have provided to Sheriff, the names and addresses of all Secured Creditor(s), as listed in the financing statement, or any amendment to said statements; AND, if the search revealed no secured creditor liens (UCC) found, have made a statement to this effect.

6. That I understand it is the responsibility of the Sheriff to furnish certified mailing NOTICE to all judgment creditors who have acquired a lien as provided in Florida Statutes 55.202 and Florida Statutes 55.204(3), all secured creditors who filed financing statements as provided in part V of Chapter 679, Florida Statutes, and I have provided to the Sheriff, said names and addresses required by Florida Statute 56.21, including:

- a. **(Attorney of Record)** of Judgment Debtor (Defendant)(s), and if debtor has no attorney, I have made a statement to this effect;
- b. **(Judgment Debtor (Defendant)(s))**, last known address;
- c. **(Attorney of Record)** of all Judgment Creditors, as listed in the judgment lien certificate, or any amendment to said certificate;
- d. **(All Judgment Creditors)** who do not have any attorney of record, as listed in the judgment lien certificate, or any amendment to said certificate;
- e. **(All Secured Creditors)** (UCC) as listed in the financing statement, or any amendment to said statement.

7. That I understand unless a directed Court Order to the Sheriff is received prior to the Sheriff's Sale, all monies received through levy or sale will be paid as prescribed in Florida Statutes 56.27; to the Sheriff for COSTS; the Levying Creditor in the amount of \$500.00 as LIQUIDATED EXPENSES; and the PRIORITY LIENHOLDER(S) under Florida Statutes 55.202, Florida Statutes 55.204(3); or Florida Statutes 55.208(2), as set forth in this Affidavit required by subsection (4), or his or her attorney, in satisfaction of the judgment lien(s), if the judgment lien(s) have not lapsed at time of levy. The receipt of the attorney shall be a release of the officer paying the money to him or her. If the name of more than one attorney appears in the court file, I have provided to the Sheriff, the name and the address of either the attorney who originally commenced the action or who made the original defense, unless the file show another attorney has been substituted.

8. That I further understand pursuant to **Florida Statutes 56.27(5)**, a Sheriff paying money received under an Execution in accordance with the information contained in the AFFIDAVIT under subsection(4), is not liable to anyone for damages arising from a wrongful levy.

*****Bold items in parentheses must list name(s). If none, it must state so.**

*****NOTE: Affidavit will not be accepted by Sheriff unless signed by the Attorney of Record for Levying Creditor (Plaintiff), or Levying Creditor (Plaintiff). The levying creditor SHALL deliver to the Sheriff this affidavit at the time of the levy request.**