

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.

REAL 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 in accordance with Florida Statutes 55.10 (1) and (2), I have reviewed the Official Records of the _____ County Clerk of Court, Recording Department, or, I have performed or reviewed a title search on the real property described in Sheriff's Instructions for Levy, and that all the information contained in this Affidavit including a disclosure of all judgment liens, mortgages, financing statements, tax warrants, and other liens against the described real property, based on my review or title search is true and correct.

2. That I have provided to the Sheriff for each judgment lien found recorded on the real property, the information contained in the certified copy of recordation of lien under Florida Statutes 55.10(1) and (2), and for each other lien found recorded on the real property, the name and address of the lienholder(s), as shown in the copy of the recorded lien(s) disclosed by the title search.

3. **List all Judgment Lien(s) and OTHER LIEN(S)** found recorded in their **order of "Priority"** by:

- a. Case Style;
- b. Case Number;
- c. Assigned reference number (OR BOOK/PAGE NUMBER);
- d. Recordation Date;
- e. Judgment Date;
- f. Judgment Amount;
- g. Interest Rate; AND,
- h. If the review or title search of the court records revealed no other liens found filed except **yours**, have made a statement to this effect.

*****Remember that your judgment lien must also be listed. List all required information in the Affidavit. Attaching copies is NOT acceptable.**

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 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 55.10(1) and (2), or Florida Statutes 695.01, 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 and Other Lienholders)**, as listed in the judgment lien, or other recorded liens, or any amendment thereto;
- d. **(All Judgment Creditors and Other Lienholders)** who do not have any attorney of record, as listed in the judgment or other recorded liens, or any amendment thereto;
- e. **(Property Owner of Record)**; AND,
- f. **(EACH OTHER PERSON holding a Mortgage or Other Lien against the real property)** as disclosed by this Affidavit.

6. That on levy of Real Property, Mobile or Modular Home or any other residence, I have made an inquiry of the Public Records of the Clerk of the Circuit Court of _____ County, Florida, and found no claim filed by the named Judgment Debtor (Defendant)(s) exempting the described real property from forced sale pursuant to Florida Statutes 222.01.

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(1); to the Sheriff for COSTS; the Levying Creditor in the amount of \$500.00 as LIQUIDATED EXPENSES; and the PRIORITY LEINHOLDER(S) under Florida Statutes 55.10(1) and (2), Florida Statutes 55.202, 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. And, that 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 pursuant to Florida Statute 56.27(2)(b), if the affidavit required by subsection (4) discloses that the property is also subject to any recorded mortgage, financing statement, tax warrant, or other lien, other than a judgment lien, which is junior in priority to the levying creditors judgment lien, any surplus from the sale of the property shall be paid over to the registry of the court which the execution issued for further proceedings to determine the priority in which such surplus shall be distributed among judgment lienholders, other lienholders, and the owner of the property sold.

9. 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.**