

Collier County Sheriff's Office

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

Plaintiff(s)

Issuing Court/County

vs

Defendants(s)

Case No.

AFFIDAVIT PURSUANT TO F.S. 56.27(4)(a)(b)(c) AND (5) FOR REAL PROPERTY

Before me, the undersigned authority, personally appeared, (Plaintiff or Plaintiff's attorney's name), who being duly sworn and deposed states the following:

1. I, _____ (name), as Attorney of Record for the Levying Creditor, or as the Levying Creditor (choose the one that applies), am responsible for the preparation of the Instructions for Levy and have set forth all of the following as to the Judgment Debtor; _____ (name).

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 the Sheriff's Instructions for Levy, and 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.

3. 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 F.S. 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.

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

- Case Style
- Case Number
- Assigned reference number (OR Book and Page number)
- Recordation date
- Judgment date
- Judgment amount
- Interest rate
- If the review or title search of the court records revealed no other liens except the lien for this action, a statement attesting to that must be included in the affidavit.

Note: Your judgment lien must also be listed in the affidavit with all of the required information.

4. A statement that the levying creditor does not have any other levy in process **OR** the levying creditor does have another levy in process and believes in good faith that the total value of the property under execution does not exceed the amount of outstanding judgments. (Choose the one that applies)

5. I understand it is the responsibility of the Sheriff to furnish certified mailing of NOTICE to all judgment creditors and other lienholders who have acquired a lien as provided in F.S. 55.10(1) and (2), and F.S. 695.01, and I have provided to the Sheriff said names and addresses required by F.S. 56.21, including:

- Attorney of Record of Judgment Debtor, and if debtor has no attorney, then a statement attesting to that effect.
- Judgment Debtor's name and address
- Attorney of Record for all Judgment Creditors and other lienholders as listed in the judgment lien, or other recorded liens, or in any amendment thereto;
- All Judgment Creditors and other lienholders who do not have an attorney of record, as listed in the judgment lien or other recorded liens, or in any amendment thereto;
- Property Owner of Record;
- 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 exempting the described real property from forced sale pursuant to F.S. 222.01.

7. It is my understanding, unless a directed court order to the Sheriff is received prior to the day of Sheriff's sale, all monies received through levy or sale will be paid as prescribed in F.S. 56.27(1); to the sheriff, for costs; the levying creditor in the amount of \$500 as liquidated expenses; and the PRIORITY LIENHOLDER(S) under F.S. 55.10(1) and (2), as set forth in this Affidavit required by F.S. 56.27 (4), submitted by the levying creditor or the levying creditor's attorney, in satisfaction of the judgment lien(s), provided that the judgment lien(s) have not lapsed at the 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 address of either the attorney who originally commenced the action or who made the original defense, unless the file shows another attorney has been substituted.

8. In accordance with F.S. 56.27(2)(b), if 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 creditor's judgment lien, any surplus from the sale of the property shall be paid over to the registry of the court from 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. I further understand pursuant to F.S. 56.27(5), a Sheriff paying money received under Execution in accordance with the information contained in the AFFIDAVIT under 56.27(4), is not liable to anyone for damages arising from a wrongful levy or wrongful distribution of funds.

Further your affiant sayeth not.

By: _____

Levying Creditor's Name, address & phone no.

OR

Full signature block for attorney

Name and Florida Bar Number

Address

Phone number / email

STATE OF FLORIDA

COUNTY OF _____

Before me, the undersigned authority, personally appeared _____ (Affiant's Name) known to me personally OR produced identification, _____ (type of identification), this _____ day of _____, _____, and who took an oath.

Notary Public

My Commission Expires: _____

Note: Affidavit will not be accepted by the Sheriff unless signed by the Attorney of Record for the Levying Creditor or Levying Creditor and notarized. The affidavit SHALL be delivered to the sheriff at the time of the levy request.