

## 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 PERSONAL 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 database or judgment lien records established in accordance with F.S. 55.201-55.209 and that the information contained in this affidavit based on my review is true and correct.

3. I have provided to the sheriff the information required under F.S. 55.203(1) and (2) for each judgment lien certificate found indexed under the name of the Judgment Debtor (name of debtor), as to each judgment creditor, the file number assigned to the record of the original and, if any, the second judgment lien; and the date of filing for each judgment lien certificate under F.S. 55.202 and F.S. 55.204(3) to wit:

List all Judgment Lien Certificates found indexed in their **order of Priority**:

- Case Style
- Case Number
- File Number assigned
- Recordation date
- Judgment date
- Judgment amount
- Interest rate
- If the search of the state database 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, it cannot be both)

5. I have reviewed the financing statements as provided in Part V of F.S. 679 in the name of the Judgment Debtor \_\_\_\_\_ (name), reflecting a security interest in the property to be sold at the execution sale and, if any found filed, I have provided to the Sheriff the names and addresses of all Secured Creditor(s), as listed in the financing statement, or any amendment to said statement; List the names and addresses **OR** if the search revealed no secured creditor liens (UCC) were found state **None found**.

6. I understand it is the responsibility of the Sheriff to furnish certified mailing of NOTICE to all judgment creditors who have acquired a lien as provided in F.S. 55.202 and F.S. 55.204(3), all secured creditors who filed financing statements as provided in part V of Chapter 679, F.S., 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 as listed in the judgment lien certificate, or any amendment to said certificate: Name and address
- All Judgment Creditors who do not have an attorney of record, as listed in the judgment lien certificate or any amendment to said certificate; if there is no attorney of record state NONE
- All Secured Creditors (UCC) as listed in the financing statement or any amendment to said statement; if there are none state NONE or provide the name and addresses of the ones found.
- All co-owners of the personal property being levied upon; if there are none state NONE.

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; to the sheriff, for costs; the levying creditor in the amount of \$500 as liquidated expenses; and the PRIORITY LIENHOLDER(S) under F.S. 55.202, F.S. 55.204(3), or F.S. 55.208(2), as set forth in the Affidavit required by F.S. 56.27 (4), 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.

9. 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.

8. 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.