

Motor Vehicle Procedure Manual

Title and Lien

**APPLICATION FOR CERTIFICATE OF TITLE FOR A MOTOR VEHICLE PURCHASED FROM
A SHERIFF'S SALE**

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Legal Authority

[Section 319.28, Florida Statutes](#), provides for transfer of ownership of a motor vehicle or mobile home by operation of law.

Description and Use

This procedure provides information and instructions to assist employees of the tax collector, license plate agent, and Florida Highway Safety and Motor Vehicles (FLHSMV) in properly issuing a certificate of title to owners of motor vehicles or mobile homes purchased from sheriff's sales.

As of July 01, 2023, FLHSMV has updated the Form HSMV 82040 Application for Certificate of Title With/Without Registration. HSMV 82040 has been updated into three separate forms:

- HSMV 82040 MV – Application for Certificate of Motor Vehicle Title - [HSMV 82040 MV](#)

HSMV 82040 MV should be used when processing applications for certificate of title for the following vehicle types:

- | | |
|--------------------|-------------------------|
| ○ AU – Auto | ○ TO – Tools |
| ○ BS – Bus | ○ TR – Truck |
| ○ MC – Motorcycle | ○ TT – Travel Trailers |
| ○ OH – Off-Highway | ○ VT – Vehicle Trailers |

- HSMV 82040 VS – Application for Certificate of Vessel Title – [HSMV 82040 VS](#)

HSMV 82040 VS should be used when processing applications for certificate of title for the following vehicle type: VS – Vessel

- HSMV 82040 MH – Application for Certificate of Mobile Home – [HSMV 82040 MH](#)

HSMV 82040 MH should be used when processing applications for certificate of title for the following vehicle type: MH – Mobile Home

Effective July 01, 2023, all certificate of Florida titles issued for Vessels will be required to be processed using Form HSMV 82040 VS – Application for Certificate of Vessel Title. The signed Form HSMV 82041 will no longer be accepted in lieu of Form HSMV 82040 VS.

FLHSMV anticipates accepting the current HSMV 82040 – Application for Certificate of Title With/Without Registration for Motor Vehicles and Mobile Homes until December 31, 2023.

Effective January 01, 2024, all certificate of Florida titles issued for Motor Vehicles and Mobile Homes will be required to be processed using Forms HSMV 82040 MV – Application for Certificate of Motor Vehicle Title and HSMV 82040 MH – Application for Certificate of Mobile Home Title.

Documentation Required and Special Instructions

A Writ of Execution is an order or judgment made by a court which directs and authorizes the sheriff to carry out the order or judgment by seizing the debtor's property to pay a court-decided debt, usually by holding a public sale.

After the property has been seized and sold at a public sale, the documents listed below must be provided to the tax collector's office.

- A. If the motor vehicle or mobile home is CURRENTLY TITLED IN FLORIDA, submit each of the following documents:
 1. Form HSMV 82040, Application for Certificate of Title with/without Registration, to be completed by the customer.
 2. The original bill of sale from the sheriff to the purchaser(s) showing the selling price and a complete description of the vehicle or mobile home.
 3. Form [HSMV 82993, Separate Odometer Disclosure Statement and Acknowledgment](#), accurately completed by the sheriff and the purchaser verifying the odometer reading on vehicles not exempt from the odometer law.
 4. A photocopy of the Writ of Execution.

5. Lien satisfaction(s) for any liens, as shown on the motor vehicle records of this or any other state, if applicable. If a prior lien is to be carried forward or transferred to the new purchaser, submit an affidavit or statement on letterhead stationery from the lienholder verifying that fact.
6. Florida sales tax or specify sales tax exemption information on form HSMV 82040.
7. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to, or purchased for, the mobile home. A non-use affidavit is not acceptable for mobile homes.
8. Title fees.

If the Florida Certificate of Title is available, it should be submitted with the application.

B. If the motor vehicle or mobile home was PREVIOUSLY TITLED OUT OF STATE, submit each of the following documents:

1. Form [HSMV 82042, Vehicle Identification Number and Odometer Verification Affidavit](#), completed by the customer(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form. Form HSMV 82040 may be used in lieu of the above listed form.

OR

An affidavit from the seller(s) and the purchaser(s) verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle.

Verification is not required for any mobile home; nor trailers or semi-trailers with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

2. The out-of-state proof of ownership, if available. OR, Verification of ownership and lien status information from the motor vehicle division of the state of previous registration. Verification may be one of the following:
 - A computer-generated printout from the out-of-state motor vehicle division.
 - A letter on letterhead stationery from the out-of-state motor vehicle division.

- A copy of the teletype printout or statement which shows the ownership information, the name of the law enforcement agency and the official's name who provided the verification information.
 - Photocopy of the out-of-state certificate of title.
3. Documentation as listed under II, A, 1-8, is also required.

Miscellaneous Information

1. When a licensed Florida mobile home or motor vehicle dealer, or individual, purchases a motor vehicle from a sheriff's sale through operation of law, a certificate of title must be issued in the dealer's or individual's name before the motor vehicle or mobile home can be sold to another person.
2. When a lien has been recorded on the FLHSMV - Division of Motorist Services database after a Writ of Execution has been issued, a lien satisfaction is NOT required for that lien.
3. See the documentation check list is attached to this procedure as Exhibit A.
4. See [Forms Appendix](#) for a sample of the HSMV forms referred to in this procedure.

Revision(s) to Procedure

06/26/23 Added instructions for the new Form HSMV 82040s

01/12/23 Added the procedure to the new format.

04/26/2007 – Updated Description and Use. Added requirement of odometer disclosure, which shifted words to new page. This also changed the section required on page 3. Updated Exhibit to show the requirement of odometer disclosure.

Revision(s) to this procedure: Statutory review conducted. Added Historical Revisions section and links to statutes, forms, and Exhibit A. Removed all “note” references and changed “applicant” to “customer”.

Exhibit A

PURCHASED FROM A SHERIFF'S SALE CHECK LIST

FORMS

FLORIDA RECORD

_____ HSMV 82040

_____ HSMV 82993

OUT-OF-STATE RECORD

_____ HSMV 82040

_____ HSMV 82042, or the VIN Verification
section on form HSMV 82040.

_____ HSMV 82993

_____ Out-of-state proof of ownership

or,

_____ Verification of title/lien status

_____ A photocopy of the Writ of Execution.

_____ The original bill of sale from the sheriff to the purchase(s).

_____ Lien satisfaction(s) for any liens, as shown on the motor vehicle records of this or any
other state, if applicable.

If a prior lien is to be carried forward or transferred to the new purchaser, submit an
affidavit or statement on letterhead stationery from the lienholder verifying that fact.

_____ Florida sales tax or specify the sales tax exemption information on form HSMV 82040.

_____ Florida license plate number, a non-use affidavit or the mobile home or RP decal.

_____ Title fees.