

## Florida Department of Highway Safety and Motor Vehicles Division of Motorist Services

PROCEDURE:  TL-22	SUBJECT:  APPLICATION FOR CERTIFICATE OF TITLE FOR A MOTOR VEHICLE PURCHASED FROM A SHERIFF'S SALE	
<p><b>DESCRIPTION AND USE:</b> THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST EMPLOYEES OF THE TAX COLLECTOR, LICENSE PLATE AGENT, AND THE FLORIDA DEPARTMENT OF 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</p>		
<p>I. PROVISIONS OF LAW:</p> <p><a href="#">Section 319.28, Florida Statutes</a>, provides for transfer of ownership of a motor vehicle or mobile home by operation of law.</p> <p>II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:</p> <p>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.</p> <p>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.</p> <p>A. If the motor vehicle or mobile home is CURRENTLY TITLED IN FLORIDA, submit each of the following documents:</p> <ol style="list-style-type: none"> <li>1. Form <a href="#">HSMV 82040, Application for Certificate of Title with/without Registration</a>, to be completed by the <u>customer</u>.</li> <li>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.</li> <li>3. Form <a href="#">HSMV 82993, Separate Odometer Disclosure Statement and Acknowledgment</a>, accurately completed by the sheriff and the purchaser verifying the odometer reading on vehicles not exempt from the odometer law.</li> <li>4. A photocopy of the Writ of Execution.</li> </ol>		
<p><b><i>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".</i></b></p>		
EFFECTIVE DATE:  Immediately	REVISION DATE:  04/28/20	PAGE:  TL-22-01

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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. A computer-generated printout from the out-of-state motor vehicle division.

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- b. A letter on letterhead stationery from the out-of-state motor vehicle division.
  - c. 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.
  - d. Photocopy of the out-of-state certificate of title.
3. Documentation as listed under II, A, 1-8, is also required.

### III. 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.

#### Historical Revisions:

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.

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 purchaser(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.