

<b>Motor Vehicle Procedure Manual</b>
<b>Title and Lien</b>
Application for Transfer of Certificate of Title Involving Foreclosure Proceedings

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**Legal Authority**

[Section 702.09, Florida Statutes](#), provides that for the purposes of [ss. 702.07](#) and [702.08, Florida Statutes](#), the words "decree of foreclosure" shall include a judgment or order rendered or passed in the foreclosure proceedings in which the decree of foreclosure shall be rescinded, vacated, and set aside; the word "mortgage" shall mean any written instrument securing the payment of money or advances; the word "debt" shall include promissory notes, bonds, and all other written obligations given for the payment of money; the words "foreclosure proceedings" shall embrace every action in the circuit courts of this state wherein it is sought to foreclose a mortgage and sell the property covered by the same; and the word "property" shall mean and include both real and personal property.

[Section 45.031, Florida Statutes](#), provides for any sale of real or personal property under an order or judgment, the following procedure may be followed as an alternative to any other sale procedure if so, ordered by the court.

In the order or final judgement, the court shall direct the Clerk of the Court to sell the property at public sale on a specified day that shall be not less than 20-days or more than 35-days after the date thereof, on terms and conditions specified in the order or judgement. A Notice of Sale shall be published once a week for 2 consecutive weeks in a newspaper of general circulation, as defined in

[Chapter 50](#), in the county where the sale is to be held. The second publication shall be at least 5-days before the sale. The notice shall contain a description of the property to be sold, the time and place of the sale, a statement that the sale will be made pursuant to the order or final judgement, the caption of the action and the name of the clerk making the sale. After the sale of the property to the highest bidder, the clerk shall file a certificate of sale. If no objections to the sale are filed within 10-days after filing the certificate of sale, the clerk shall file and record the "Certificate of Title." The "CERTIFICATE OF TITLE" issued by the Clerk of the Court looks like a court order, has a description of the mobile home and land and states who the property was sold to (See Exhibit B).

### **Description and Use**

This procedure provides information and instructions to assist tax collector employees, license plate agency employees, and the Department of Highway Safety and Motor Vehicles in implementing titling requirements for mobile homes involved in foreclosure.

### **Documentation Required and Special Instructions**

After the "Certificate of Title" has been issued by the Clerk of the Court pursuant to [s. 45.031, Florida Statutes](#), the following documents must be submitted to the tax collector's office to be screened for completeness and accuracy:

When the mobile home is titled in Florida with a Florida or out-of-state lien or there is NO Florida title record:

- A. A form [HSMV 82040](#), Application for Certificate of Title with/without Vehicle Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.
- B. A photocopy of the "CERTIFICATE OF TITLE", issued by the Clerk of the Court, showing a complete description of the mobile home, including the year, make & identification number and the filing/recording information (book/page, etc.).

**NOTE:** A lien satisfaction is not required for any recorded lien(s).

- C. Florida sales tax or specify the sales tax information on an accurately completed form [HSMV 82040](#), Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.
- D. 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.

E. Title fees.

### Miscellaneous

- A. The court order for foreclosure should have the heading "Certificate of Title".
- B. A foreclosure is a judicial procedure (court order), and a repossession is a non-judicial procedure (not a court order).
- C. A checklist is attached to this procedure as Exhibit A.
- D. A sample of a judicial court order "Certificate of Title" is attached to this procedure as Exhibit B.
- E. See Forms Appendix for a sample of the [HSMV forms](#) referred to in this procedure.

### Revision

10/04/10: Replaced the term “certified” with “photocopy” of a certificate of title and revised Exhibit B.

## Exhibit A Check List For Foreclosure

Florida Record or NO Florida Record:

\_\_\_\_\_ HSMV [82040](#) or HSMV 82041

\_\_\_\_\_ A photocopy of the "CERTIFICATE OF TITLE" issued by the Clerk of the Court.

**NOTE:** A lien satisfaction is not required for any recorded lien(s).

\_\_\_\_\_ Florida sales tax or specify sales tax exemption information on form [HSMV 82040](#) or HSMV 82041.

\_\_\_\_\_ A mobile home decal or RP decal.

\_\_\_\_\_ Title fees.

**Exhibit B Judicial Court Order Sample**

(Foreclosure Proceedings)

**Do Re Mi Mortgage Corporation  
Plaintiff,**

**vs. Case No. 10-AU-022419  
Division A**

**Joseph Haines;  
Defendant**

"CERTIFICATE OF TITLE"

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on July 12, 2010, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Leon County, Florida:

**LOT 5, BLOCK A, LEGAL PARK FIRST ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Y, PAGE 31, PUBLIC RECORDS OF LEON COUNTY FLORIDA;**

**TOGETHER WITH A CERTAIN MOBILE HOME LOCATED THEREON, SERIAL NUMBER FHFL234A77411FE21 & FHFL234b77411FE21:**

**A/K/A 111 CUPID AVENUE, TALLAHASSEE, FL 32311**

was sold to: Do Re Mi Mortgage Corporation, whose address is: 1941 Mundane St., Tallahassee, FL, 32311.

WITNESS my hand and the seal of the court on August 3, 2010, as Clerk of the Circuit Court.

(Clerk of the Circuit Court)

By (Deputy Clerk)

**INSTR # 2010122669  
Book 08191, PG 1821, PG(s) 1  
Recorded 09/03/10, 08:11:36 AM  
John Doe, Clerk of Court  
Leon County  
Recorded by G Newman**

Revision Date: 10/04/10  
Effective Date: Immediately