

Motor Vehicle Procedure Manual

Vessel and Title

Application For A Certificate of Title For A Vessel Purchased At A Sheriff’s Sale

Table of Contents

Legal Authority 1

Description and Use..... 1

Documentation Required and Special Instructions 1

Miscellaneous Information 2

Revision(s) to Procedure..... 4

Exhibit A Purchased From A Sheriff's Sale Check List..... 5

Legal Authority

[Section 328.01\(3\) \(b\), Florida Statutes](#), provides for transfer of ownership of a vessel by operation of law.

Description and Use

This procedure provides information and instructions to assist Tax Collector Employees, License Plate Agents and the Florida Department of Highway Safety And Motor Vehicles in properly issuing a certificate of title to owners of vessels purchased at a sheriff's sale.

Documentation Required and Special Instructions

A Writ of Execution is an order or judgement made by a court which directs and authorizes the sheriff to carry out the order or judgement 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 public sale, submit the following documents to the tax collector's office to be screened for completeness and accuracy:

- A. If the vessel is CURRENTLY TITLED IN FLORIDA:
 - 1. A form [HSMV 82040](#), Application for Certificate of Title with/without Registration.

2. The original bill of sale from the sheriff to the purchaser(s) showing the selling price and a complete description of the vessel.
3. A photocopy of the Writ of Execution.
4. Lien satisfaction(s) for any liens, as shown on the motor vehicle records of this or any other state, if applicable, unless the Writ of Execution specifies all prior recorded lien(s) are to be satisfied.

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

5. Florida sales tax or specify sales tax exemption information on an accurately completed form HSMV 82040.
6. The Florida registration number transferred to or issued for the vessel, or a non-use affidavit.
7. Title fees.

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

B. If the vessel was PREVIOUSLY TITLED OUT OF STATE:

1. The out-of-state proof of ownership, if available,
or,
Verification of ownership and lien status information from the vessel division of the state of previous registration. Verification may be one of the following:
 - a. A computer-generated printout from an out-of-state vessel division.
 - b. A letter on original letterhead stationery from an out-of-state vessel division.
 - c. A copy of a teletype printout or a statement which shows the ownership and lien information, the name of the law enforcement agency and the official's name who provided the verification information.
 - d. A photocopy of the out-of-state certificate of title.
2. Documentation as listed under II, A, 1-7 of this procedure, is also required.

Miscellaneous Information

- A. When an individual purchases a vessel from a sheriff's sale through operation of law, a certificate of title must be issued in the individual's name before the vessel can be sold to another individual.

- B. When a lien has been recorded on the Division of Motorist Services database after a Writ of Execution has been issued, a lien satisfaction is NOT required for that lien.
- C. A documentation check list is attached to this procedure as Exhibit A.

Remainder of page intentionally left blank.

Revision(s) to Procedure

Statutory review. Added links to statute and form.

9/14/01 Added information about Writ of Execution, how to carry prior lien forward, sales tax requirements, when lien has been recorded on DMS database after Writ of Execution, lien satisfaction is not required.

Exhibit A Purchased From A Sheriff's Sale Check List

PURCHASED FROM A SHERIFF'S SALE CHECK LIST

FLORIDA RECORD

_____ HSMV 82040

_____ Florida title if available

_____ 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, unless the Writ of Execution specifies all prior recorded lien(s) are to be satisfied.

_____ 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 information on form HSMV 82040.

_____ A Florida registration number or nonuse affidavit.

_____ Title fees.

OUT-OF-STATE RECORD

_____ HSMV 82040

_____ Out-of-state proof of ownership
or,

_____ Verification of title and lien status