

Homestead Affidavit

State of _____
County of _____

Before me, the undersigned authority, personally appeared

("Affiants"), who being first by me duly sworn, on oath, depose and say:

1. Affiants are the owners of the following property (the "Property"):

2. Affiants acquired title to the Property on _____(date) by
_____ recorded in O.R. Book _____ Page _____,
Public Records of _____ County, Florida.
3. Affiants have been in sole possession of the Property, and have resided on the Property as their permanent residence continuously and without interruption since the date they acquired title, and have not leased all or any portion of it.
4. The Property has had Homestead Tax Exemption every year since acquiring title to the Property, beginning with the year _____.
5. Since Affiants acquired title to the Property, their Florida Drivers License has never shown an address other than the address of the Property, which address is:
_____.
6. Affiants are registered voters in _____ County, and their voter registration has never shown an address other than the address of the Property.
7. That their Federal income tax returns for all years subsequent to the date they acquired title to the Property have never shown an address other than the address of the Property.
8. That this Affidavit is made for the purpose of inducing
_____ and _____
to insure title to the Property.
9. Affiants further state that they are each familiar with the nature of an oath, and with the penalties as provided by the laws of the State aforesaid for falsely swearing to statements made in an instrument of this nature.

[Signatures are on the following page]

Signature of Affiant

Printed Name

Signature of Affiant

Printed Name

State of _____)

County of _____)

Sworn to and subscribed before me this _____ day of _____, ____ by _____ who was personally known to me or produced _____ as identification.

Signature of Notary: _____

Print, type or stamp name of Notary:

Commission Expiration Date:

The conditions for the use of the Homestead Affidavit are as follows:

1. The affidavit must be made under oath, must be recorded as part of the current transaction, and must contain sufficient facts to establish the homestead nature of the property.
2. The use of the affidavit is limited to situations where the current owners are selling or mortgaging the property to a bona fide purchaser/lender for value.
3. The current owners must have continuously and uninterruptedly occupied the premises as homestead since the date they acquired title; title must have been acquired at least two (2) years prior to the current transaction and the Agent must verify that the property has had homestead tax exemption for every year that the owners have been assessed.
4. If the property is located within a municipality, then it is limited to one-half acre. If the property is located outside a municipality, then it is limited to the extent of 160 acres of contiguous land and improvements.
5. The use of the affidavit is limited to judgments, except judgments in favor of the United States or any of its agencies or administrations.
6. The affidavit may not be used to avoid a child support certificate of delinquency filed pursuant to Section 61.14, F.S.
7. The judgment(s), including interest to the date of the new policy to be issued, cannot exceed in the aggregate the sum of 25% of the face amount of the new policy or \$100,000.00, whichever is less (please note that these same monetary limits apply to Section 222.01, F.S. proceedings).
8. No notice of any proceeding to levy or collect the judgment(s) appear(s) of record.
9. Neither the Agent nor the debtors have contacted the creditor for a pay-off letter.

If the Agent has any knowledge of facts that would challenge the credibility of the affidavit, then the affidavit should not be relied upon, and a judicial determination of the homestead status of the property should be required, or the judgment(s) should be partially released or satisfied.