

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE TL-33	SUBJECT: LIEN SATISFACTIONS AND ALTERNATE METHODS OF REMOVAL OF RECORDED LIENS	
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 FOR ESTABLISHING REQUIREMENTS FOR LIEN SATISFACTIONS AND ALTERNATE METHODS OF REMOVING RECORDED LIENS.		
<p>I. PROVISIONS OF LAW:</p> <p>Section 319.17(1), Florida Statutes, authorizes the department to adopt rules for administration of this chapter including rules that allow alternative methods of proof of satisfaction of liens.</p> <p>Sections 319.24(5) (a) (b) (c) and (d), Florida Statutes, provide the procedures to satisfy liens or encumbrances recorded at the department.</p> <p>Sections 319.24(8) and 328.16(4), Florida Statutes, provide for the electronic transmission of lien satisfactions. If there are one or more liens or encumbrances on the motor vehicle, mobile home, or vessel, the department shall electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions shall be electronically transmitted to the department and must include the name and address of the person or entity satisfying the lien. When electronic transmission of liens and lien satisfactions is used, the issuance of a certificate of title may be waived until the last lien is satisfied and a clear certificate of title is issued to the owner of the vehicle or vessel.</p> <p>Visit the link below for the department’s Electronic Lien and Titling (ELT) system website for provider information, ELT lienholder application, ELT bond, and more. http://flhsmv.gov/html/emt.htm</p> <p>Section 319.241, Florida Statutes, states that liens may be removed from departmental records when the lien has been filed with the department for a period of 5 years.</p> <p>Section 319.32(1), Florida Statutes, authorizes the department to charge a fee for noting a lien on a title certificate, which fee shall include the services for the subsequent issuance of a corrected certificate or cancellation of lien when that lien is satisfied. A service fee to be deposited into the Highway Safety Operating Trust Fund, shall be charged for shipping and handling for each paper title mailed by the department.</p> <p>Section 328.15, Florida Statutes, provide the procedures to satisfy liens or encumbrances recorded at the department.</p> <p>Section 328.15(5), Florida Statutes, authorizes the department to adopt rules for administration of this chapter including rules that allow alternative methods of proof of satisfaction of liens.</p> <p>Section 328.16(5), Florida Statutes, states that liens may be removed from departmental records when the lien has been filed with the department for a period of 5 years.</p>		
Revisions to this procedure: Added information concerning electronic liens on pages 4, 5 & 6.		
EFFECTIVE DATE	REVISION DATE	PAGE #
Immediately	04/11/14	TL-33-01

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<p>II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:</p> <p>A. Statutory Requirements:</p> <p>Upon satisfaction of any first lien recorded at the department, the owner of the motor vehicle, mobile home, or vessel as shown on the certificate of title or the person satisfying the lien shall be entitled to demand and receive from the lienholder a satisfaction of the lien. Following satisfaction of a lien, the lienholder shall enter a satisfaction in the space provided on the front of the certificate of title. If there are no subsequent liens shown, the certificate of title must be delivered by the lienholder to the person satisfying the lien. A properly completed lien satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days of satisfaction of the lien.</p> <p>NOTE: If the lienholder requests the title when satisfying an electronic lien, the title will be printed and the applicable fee collected. If the lienholder does not request the title when satisfying an electronic lien, the title will remain electronic until the registered owner requests to have it printed. The registered owner's address (in or out of state) has no bearing on whether a title is printed or held electronically. Additionally, the applicable fee for printing and mailing the title applies to residents with out of state "mail to" addresses.</p> <p>NOTE: When a customer submits a certificate of title to a tax collector's office or license plate agency indicating that the lien(s) was satisfied on the face of the title, a new certificate of title showing no liens will be issued as long as FRVIS reflects no subsequent lien(s) on the title. The applicable fee is charged for shipping and mailing this title. The applicable fee is charged if the owner requests a fast title.</p> <p>In FRVIS, process this as a Lien Add/Delete/Reassign for liens on file or a Title Correction for no liens on file.</p> <p>NOTE: When the lien shown on the face of the title is satisfied by an entity other than the one shown on the title, a copy of the merger papers or the corporate charter must be submitted unless the tax collector's office or license plate agency can determine that the entities are the same.</p> <p>B. Methods for Removal of Recorded Liens (paper and electronic).</p> <p>1. To remove a recorded lien, complete the lien satisfaction section on the front of the certificate of title or form HSMV 82260, Lien Satisfaction.</p> <p>If the certificate of title shows a subsequent lien, the first lienholder should provide a properly completed lien satisfaction for the first lien to the person satisfying the lien. The lienholder must forward the certificate of title to the department within 10 days of satisfaction of the lien.</p> <p>NOTE: When satisfying or updating an existing non-ELT that does not have an ELT Exception on file, you must select the applicable ELT Exception in order to continue with the transaction. See TL-69 for the ELT notification letter. See ELT modifications and exception reasons at the link below. http://flhsmv.gov/dmv/bulletins/2013/FRVIS%20Release%20-%20ELT%20Modifications.pdf</p>	
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2. None of the following scenarios require completion of the certificate of title or form HSMV 82260:
- a. When a lien is secured through the ELT (Electronic Lien Title) program, the lienholder is responsible for electronically releasing the lien. If the lienholder has difficulty trying to release a lien through the ELT program, the lienholder should contact its third party vendor.

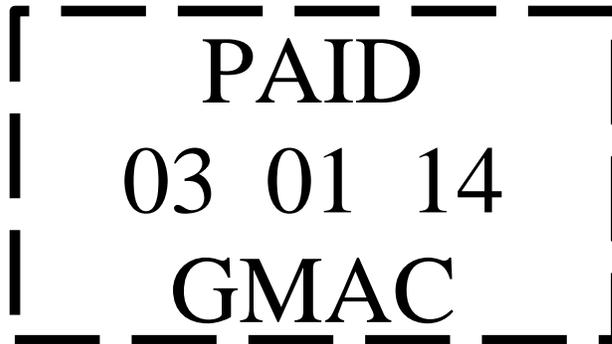
The Division of Motorist Services (DMS) cannot release a lien that is secured through the ELT program even when it has a paper lien satisfaction. So, if an applicant submits form HSMV 82260, Lien Satisfaction, or a letter showing a "satisfaction of lien," it should be rejected.

NOTE: Some financial branches may not know that their company participates in the ELT program. Tax collector offices or license plate agencies should encourage these branches to contact their headquarters for guidance and direction.

For a list of ELT third party service providers, visit the website below.

<http://www.flhsmv.gov/html/dmv/ELTcontacts.html>

- b. If the lienholder has been issued a permit to use a perforation, the title or form HSMV 82260 may be perforated. This perforation must show (1) the name of the lienholder, (2) the word "Paid," and (3) the date of satisfaction.



- c. If the lienholder has been assigned a permit number to use a stamp, the title or form HSMV 82260 may be stamped. This stamp must show (1) the name of the lienholder, (2) the word "Paid," (3) the date of satisfaction, and (4) the permit number issued by the department.

ANYWHERE BANK AND TRUST
SOMEWHERE USA



NUMBER 000

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- d. If the lienholder has not been assigned a permit number but uses a stamp for satisfying a lien on the title or form HSMV 82260, the stamp must show (1) the name of the lienholder, (2) the word "Paid," (3) the date of satisfaction, and (4) the complete signature of the authorized representative of the lienholder.



The lienholder's PAID stamp may not look exactly like the ones shown (above and previous page). Regardless, the stamp must contain the name of the lienholder and the date the lien was paid in full.

If a lienholder holds more than one lien recorded on the certificate of title and intends to remove one of the liens, the lienholder should not use a paid stamp or perforation because it will remove all liens. The lienholder should show the satisfaction of lien on the certificate of title or complete a separate lien satisfaction.

NOTE: A lienholder must apply to the Division of Motorist Services for authorization to use a perforated stamp or an assigned permit number stamp. The mailing address is:

Department of Highway Safety and Motor Vehicles
ATTN: Lienholder Authorization, MS# 68
Neil Kirkman Building,
2900 Apalachee Parkway
Tallahassee, Florida 32399.

If an out of state lien is recorded on a Florida Certificate of Title, a satisfaction of lien on letterhead stationery from the out of state lienholder is acceptable. The signature does not have to be notarized. The lien satisfaction must contain a complete description of the motor vehicle, mobile home, or vessel to include year, make, identification/HULL number, and the owner's and lienholders name as it appears in FRVIS.

NOTE: If an application is received with an out of state certificate of title showing no outstanding liens and FRVIS reflects a previous Florida "**paper**" title record with an outstanding lien, the title application may be accepted without a lien satisfaction. **The Florida title should be issued without a lien. However, if the previous Florida title record is displaying a current/active (not satisfied) "electronic lien" status instead of paper, do not process the title application. Contact the Field Support Center for assistance.**

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III. ALTERNATE METHODS OF REMOVAL OF RECORDED LIENS (**FOR PAPER TITLES**):

When a lien over 5 years old has been paid in full and the lienholder CAN or CANNOT be located to properly satisfy the recorded lien, the owner of the motor vehicle, mobile home, or vessel must submit the following to the local tax collector's office or license plate agency in order to have the lien removed from FRVIS:

NOTE: When a lien is electronic, it is required to be satisfied electronically. Therefore, when an electronic lien has not been satisfied electronically, do not clear the lien by using the process below. Contact the Field Support Center for assistance.

A. **THE LIEN IS 5 YEARS OLD OR OLDER**

1. The Florida Certificate of title, if available,
or,
Form HSMV 82101, Application for Duplicate or Lost in Transit /Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed,
and,
2. The returned, undelivered, unopened, certified letter addressed to the lienholder of record that was mailed to the lienholder and returned by the postal authorities with the envelope showing the reason the letter was undelivered. Tax Collector personnel are responsible for opening the letter to ensure that the applicant actually wrote to the lienholder asking for a lien satisfaction. The initials of the person who opened the envelope and the date it was opened must be on the envelope,
or,
The post office returned receipt card for the certified mail, signed by the lienholder, along with the paid receipt for the certified mail and a photocopy of the letter that was sent.
The letter must be mailed not less than 20 days prior to the date of application,
3. Title fees.

NOTE: If the lien is on a mobile home or recreational vehicle (travel trailer, motor home, etc.), the owner must submit a copy of the lien contract showing the scheduled payoff date in addition to the documentation required above. The lien must be at least 5 years old and the date of application must be after the scheduled payoff date indicated in the contract.

If a copy of the lien contract is NOT available, a court order advising the department to remove the lien must be submitted.

NOTE: If the lienholder accepts delivery of the certified mail and does not send a written statement protesting the removal of the lien within 10 days after the certificate of title application is received by DMS, the lien will be removed.

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If for any reason the lienholder submits a written statement within the 10-day period that the lien is still outstanding, the lien will not be removed until the department receives an original lien satisfaction. If the department receives notification from the lienholder disputing the removal of the lien, an administrative stop will be placed on the record. Comments will be placed in the "Comment Desc." field indicating the lien cannot be removed without an original lien satisfaction.

B. THE LIEN IS LESS THAN 5 YEARS OLD

When a lien on a motor vehicle, vessel, or mobile home is less than 5 years old and the registered owner cannot locate the recorded lienholder to secure a proper lien satisfaction, the owner should submit the following to the local tax collector's office or license plate agency:

NOTE: When a lien is electronic, it is required to be satisfied electronically. Therefore, when an electronic lien has not been satisfied electronically, do not clear the lien by using the process below. Contact the Field Support Center for assistance.

1. Form HSMV 82040, Application for Certificate of Title with/without Vehicle Registration, accurately completed by the applicant along with the Florida certificate of title, if available,
or,
Form HSMV 82101, Application for Duplicate or Lost in Transit /Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed, if the certificate of title is not available,
and,
2. The returned, undelivered, unopened, certified letter addressed to the lienholder of record that was mailed to the lienholder and returned by the postal authorities with the envelope marked showing the reason the letter was undelivered. The letter must be mailed not less than 20 days prior to the date of application. Tax Collector/license plate agency personnel are responsible for opening the letter to ensure that the applicant actually wrote to the lienholder asking for a lien satisfaction. The initials of the person who opened the envelope and the date it was opened must be on the envelope.
3. The original or a photocopy of the sales contract stamped "Paid in Full" by the lienholder and countersigned by an authorized representative of the lienholder; or canceled checks, or photo static copies of the canceled checks made payable to the lienholder; or signed receipts from the lienholder showing the total amount of lien was paid in full. These must be accompanied by the owner's copy of the sales contract, which reflects the total amount and the date of the lien.

If there was no sales contract at the time of purchase and no record of the amount of lien, the owner must wait for the lien to be over 5 years old, then comply with instructions provided in Section III, A, 1-3 of this procedure, or submit a court order satisfying the lien.
4. Title fees.

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IV. MISCELLANEOUS INFORMATION:

- A. There may be a situation where one lienholder sells a lien to another lienholder and the new lienholder doesn't submit the certificate of title (along with an accurately completed form HSMV 82139) to a license plate agency in order to process the assignment of lien transaction. When this happens and the customer pays the new lienholder off, a satisfaction of lien is acceptable from the new lienholder (in lieu of a satisfaction from the lienholder on the title) if it is submitted along with a copy of an "assignment of mortgage/lien" contract OR an accurately completed form HSMV 82139, which would provide proof of the lien assignment.
- B. The original form HSMV 82260, Lien Satisfaction, or a certified copy is acceptable. A photocopy or faxed copy is NOT acceptable.
- C. If the lienholder is deceased, refer to DMS Procedure TL-18 for instructions.
- D. A "Definitions" page is attached to this procedure as Exhibit A.

EXHIBIT A

DEFINITIONS

ELT (ELECTRONIC LIEN TITLE):	An e-title with an electronic lien on the vehicle. The designation of ELT only applies while there is an active electronic lien on an e-title.
ELT LIENHOLDER:	One who has the titles to their vehicles held electronically by the Department.
ELT PROVIDER:	An entity that has entered into a written agreement with the Department to provide electronic title and lien services for ELT lienholders.
LIEN/MORTGAGE:	Money borrowed using a motor vehicle or property as collateral.
LIEN SATISFACTION:	A document showing that a mortgage against a motor vehicle has been paid.
LIENHOLDER:	A person or entity loaning money against a motor vehicle.
SALES CONTRACT:	A written agreement between buyer and seller, showing the full description of motor vehicle, amount owed and payment schedule.
SUBSEQUENT LIEN:	Money borrowed, usually based upon the value of a motor vehicle and when the first lien is still outstanding.