

SAMPLE

Project Name: [Development name and phase]

ATTORNEY'S AFFIDAVIT

STATE OF [name of State]

COUNTY OF [name of County]

ON THIS [day] day of [month], [year], before me personally appeared [name of attorney], a licensed attorney authorized to practice in the State of Florida, to me personally known, whose current business address and telephone number is [insert attorney's complete mailing address and telephone number] (hereinafter "Affiant"), who, being duly sworn on [his or her] oath, does say:

1. This Affidavit is given as an inducement to the Florida Governmental Utility Authority, a legal entity and public body created by interlocal agreement pursuant to Section 163.01(7), Florida Statutes to accept the dedication or conveyance of [identify type of utility facility by inserting water, wastewater, reclaim or combination of same] utility facilities located within or upon the real property described in the attached Exhibit "A", which is incorporated herein by reference, said land being located in _____ County, Florida.

2. The Affiant has examined record title information to both the real and personal property referenced in this affidavit, including but not limited to, information requested from the Office of the Secretary of State for the State of Florida relative to any Uniform Commercial Code financing statements.

3. The record owner of the real and personal property described herein is [give full legal name of owner as it appears in title information; if owner is an entity, make reference to the laws of the state or jurisdiction under which entity was created and presently operates] (hereinafter "Owner"). The Owner acquired record title to the subject real property by instrument recorded at Official Records Book _____, at Page _____ [insert official record book and first page of instrument where owner acquired title], Public Records, _____ County, Florida. A copy of the deed is attached hereto as Exhibit "B" and made a part hereof.

[If the record owner is an entity, the Affiant must indicate that he/she has examined corporate or partnership information obtained from the jurisdiction under which the entity was created and presently operates, that the entity is current and active within said State or jurisdiction, that the entity is currently authorized to do business in the State of Florida, and identify the exact name and title of the persons authorized to execute the instruments on behalf of the entity in conjunction with the conveyance of the subject real and personal property.]

[If the record owner is a trustee, pursuant to Section 689.071, Florida Statutes, the Affiant shall state that the Trustee has full power and authority to execute instruments of conveyance on behalf of the Trust and, if applicable, incorporate by reference and attach supporting documentation.]

[If the record owner is an individual, the Affiant must state the marital status of the individual as represented to the Affiant by the individual and, if married, state whether or not the individual has represented that the subject real property is homestead property.]

4. As of [date], the subject real and personal property was not encumbered of record, and is not the subject of any financing statements filed in the Public Records of _____ County, Florida or the Office of the Secretary of State.

[If the subject real or personal property is encumbered, the Affiant shall specifically describe each lien, encumbrance or financing statement, citing appropriate recording information and the Affiant shall attach as Exhibit "C" and incorporate by reference a copy of each lien, encumbrance, or financing statement.]

5. Affiant further states that the information contained in this Affidavit is true, correct and current as of the date this Affidavit is given.

[INFORMATIONAL NOTE: The date of this Affidavit must not be signed and dated more than sixty (60) days prior to the meeting at which of the FGUA Board considers the acceptance of the subject utility facility documents.]

Further Affiant sayeth naught.

(Signature)

(Print Name)

State of _____
County of _____

Sworn and subscribed before me this _____ day of _____, _____ by _____ who is personally known to me and who did take an oath.

Name typed: _____
Notary Public Commission _____
My Commission Expires: _____

EXHIBIT A

INSERT LEGAL DESCRIPTION OF LAND CONTAINING UTILITY FACILITIES

EXHIBIT B

**INSERT CERTIFIED, RECORDED COPY OF DEED ILLUSTRATING OWNERSHIP OF LAND CONTAINING
UTILITY FACILITIES TO BE CONVEYED**

EXHIBIT C

LIST OF KNOWN ENCUMBRANCES, IF ANY