

SAMPLE

Project Name: _____

OWNER'S AFFIDAVIT, NON-FOREIGN CERTIFICATE, TAXPAYER IDENTIFICATION & REPRESENTATIVE CAPACITY DISCLOSURE

A. OWNER'S AFFIDAVIT

ON THIS [day] day of [month], [year], before me personally appeared [name of owner or company's designated spokesperson], [title of person giving affidavit for the company] of [name of company], (hereinafter referred to as the "Owner") to me personally known, whose current business address and telephone number is [insert owner's complete mailing address and telephone number] (hereinafter "Affiant"), who, being duly sworn on [his or her] oath, does say:

1. I am over 21 years of age and have personal knowledge of the facts contained herein.

2. I am the Owner of the property located in _____ County, Florida that is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter referred to as the "Property").

3. There is no outstanding contract for the sale of the Property to any person or persons whomsoever, nor any unrecorded deed, mortgage or other conveyances affecting the title to the Property.

4. There are no liens, encumbrances, mortgages, claims, boundary line or other disputes, demands or security interests in, on or against the Property or any goods, furnishings, appliances, fixtures or equipment now installed in or which are to be affixed to the Property; (except mortgages described in the deed given by the undersigned); that there are no unpaid taxes, levies, assessments, paving liens or utility liens against the Property (other than real estate taxes for the current year).

5. All of the persons, firms, and corporations, including the general contractor and all subcontractors, who have furnished services, labor, or materials according to plans and specifications, or extra items, used in the construction or repair of [identify type of utility facility by inserting water, wastewater, reclaim or combination of same] utility facilities on the Property, have been paid in full and that such work has been fully completed and accepted by the Owner.

6. No claims have been made to the Owner by, nor is any suit now pending on behalf of, any contractor, subcontractor, laborer, or materialman, and further no chattel mortgages or conditional bills of sale have been given or are now outstanding as to the subject utility facilities placed upon or installed in the aforesaid Property.

7. The utility facilities described herein are not included in, encumbered by, or subject to any real property mortgage, chattel mortgage, security agreement, Uniform Commercial Code financing statement, or any other encumbrance.

8. The Owner is in sole constructive or actual possession of the Property and no other person has any right to possession of the Property, or asserts any claim of title or other interests in it.

9. Affiant represents there are no violations of governmental laws, regulations or ordinances pertaining to the use of the Property.

10. Affiant, as and on behalf of the Owner of the subject utility facilities, does for valuable consideration hereby agree and guarantee, to hold the Florida Governmental Utility Authority, a legal entity and public body created by interlocal agreement pursuant to Section 163.01(7), Florida Statutes, its officers and officials harmless against any lien, claim or suit by any general contractor, subcontractor, mechanic or materialman, and against chattel mortgages, security interests or repair of the subject utility facilities. Affiant is used as singular or plural, as the context requires.

B. NON-FOREIGN CERTIFICATE AND REQUEST FOR TAXPAYER IDENTIFICATION NUMBER

(This section B is only required if Developer is conveying a fee interest in the Property to the FGUA.)

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax at a rate of 10% of the amount realized on the disposition if the transferor is a foreign person. To inform the transferee that withholding of tax is not required upon the disposition of an U.S. real property interest by the transferor, the undersigned hereby swears, affirms and certifies the following as or on behalf of the Owner:

Owner's Legal name is: **[Fill in the name exactly as registered with the Florida Secretary of State if applicable.]**

1. Owner's Home Address or Office Address if Corporation, Partnership or Trust:

2. Owner is not a non-resident alien (if individual) or a foreign corporation, foreign trust or foreign corporation, foreign partnership, foreign trust or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations).

In connection with the sale or exchange of the Property you are required by law to provide the Florida Governmental Utility Authority with your correct tax payer identification number (TIN). If you do not so provide your TIN, you may be subject to civil or criminal penalties imposed by law.

3. Owner's Taxpayer Identification Number: **[Fill in TIN if applicable.]** **[affiant's initials here]**

or: **[Fill in SSN if no TIN has been issued.]** **[affiant's initials here]**

(TIN or SSN for individuals)

4. For purposes of reporting this transaction to the Internal Revenue Service on Form 1099-B, the Property is Owner's **(check one)**: _____ Principal Residence

_____ Other Real Estate

This taxpayer identification number is being provided in connection with a real and/or personal property transaction.

The undersigned understand that this Certificate may be disclosed to the Internal Revenue Service by the Florida Governmental Utility Authority and that any false statement contained herein could be punished by fine, imprisonment or both.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete, and I further declare that I have authority to sign this document as or behalf of the Owner, and that the number shown on this document as or on behalf of the Owner, and that the number shown on this statement is Owner's correct TIN or SSN.

Owner states that this instrument is given for the express purpose of inducing the Florida Governmental Utility Authority, to accept the interest in the Property as described in Exhibit "A."

C. SECTION 286.23 REPRESENTATIVE CAPACITY DISCLOSURE

(This section C is only required if Developer is conveying a fee interest in the Property to the FGUA.)

In 1974 the Florida State Legislature enacted legislation, Section 286.23, providing that persons or entities, with few exceptions, holding real property in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity shall make a written public disclosure under oath of the name and address of every person having a beneficial interest in the real property before the property held in such capacity is conveyed to the FGUA.

Please furnish the names and addresses of each person holding a beneficial interest in the Property or proof that the Owner is exempt from the reporting requirements of section 286.23 of the Florida Statutes and attach the pertinent data specified hereto as Exhibit "B." As this disclosure should be made under oath subject to the penalties prescribed for perjury and returned to the FGUA at least ten (10) days prior to the date of conveyance of the Property, if Exhibit "B" is attached it shall be considered part of this affidavit and incorporated herein with equal status as all other parts of this affidavit.

[Remainder of page intentionally left blank.]

Further Affiant sayeth naught.

This Affidavit is made under the full understanding of the law regarding liability for any misrepresentation herein.

Dated this [day] day of [month], [year].

Print name

Title

STATE OF FLORIDA
COUNTY OF _____

The foregoing affidavit, including Exhibit(s) [fill in "A" or "A and B" as applicable], was sworn and subscribed before me this [day] day of [month], [year], by [affiant's name]. Who is personally known to me or has produced _____ as identification and did take an oath.

By: _____
Notary Public, State of Florida

Print Name: _____

My Commission Expires: _____

EXHIBIT A

INSERT LEGAL DESCRIPTION OF LAND CONTAINING UTILITY FACILITIES

EXHIBIT B

INSERT NAMES AND ADDRESSES OF ALL PERSONS HAVING A BENEFICIAL INTEREST IN THE PROPERTY OR REASON OWNER IS EXEMPT FROM THE DISCLOSURE REQUIREMENTS OF SECTION 286.23 OF THE FLORIDA STATUTES.