



Office of the Sheriff - Henry County

MEMORANUM OF INSTRUCTIONS FOR THE AFFIDAVIT IN SUPPORT OF CLAIM FOR EXCESS FUNDS

The purpose of this memorandum is to provide a list of documents that will be required to the disbursement of the excess funds generated from the Sheriff's sale taking cognizance of the various applicable laws and the recent decision of the Supreme Court.

Owner of the Property:

1. Notarized Affidavit in Support of Claim for excess funds.
2. Notarized Indemnification and Hold Harmless Agreement.
3. If property has been redeemed, a copy of the record Quick Claim Deed.
4. A fifty-year Title Examination going back from the date of sale.
5. Verifiable phone number and address.
6. Photo identification.

Lien Holder:

1. Notarized Affidavit in Support of Claim for Excess Funds.
2. Notarized Indemnification and Hold Harmless Agreement.
3. If property has been redeemed, a copy of the record Quick Claim Deed.
4. A fifty-year Title Examination going back from the date of sale.
5. Affidavit showing how much was owed at the time of the Sheriff's sale.
6. Copy of the deed or instrument creating the contract or indebtedness.

Third Party agent for:

A. Lien Holder:

1. Notarized Affidavit in Support of Claim for Excess Funds.
2. Notarized Indemnification and Hold Harmless Agreement.
3. If property has been redeemed, a copy of the record Quick Claim Deed.
4. A fifty-year Title Examination going back from the date of sale.
5. Affidavit showing how much was owed at the time of the Sheriff's sale.
6. Letter on the lien holder company's letter head requesting that the surplus be paid out to the agent.
7. Copy of the deed or instrument creating the contract or indebtedness.
8. Title and verifiable phone number of the lien holder's officer granting the Power of Attorney.
9. Notarized Power of Attorney.

B. Property Owner:

1. Notarized Affidavit in Support of Claim for Excess Funds.
2. Notarized Indemnification and Hold Harmless Agreement.
3. If property has been redeemed, a copy of the record Quick Claim Deed.
4. A fifty-year Title Examination going back from the date of sale.
5. Verifiable phone number and address of the owner of the property.
6. Notarized Power of Attorney.
7. Notarized letter from the owner of the property requesting surplus paid out to the agent.
8. Photo identification of the owner.



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Fi-Fa Holder:

1. Notarized Affidavit attesting that the applicant is the owner of the Fi-Fa, and the Fi-Fa is valid and enforceable.
2. The original Fi-Fa must be submitted.
3. A pay off calculation sheet showing how much the Fi-Fa holder is owed.
4. A copy of the Sheriff's Fi-Fa transfer provided to the Fi-Fa holder by the Sheriff's Office.

****Please submit one additional copy with your application – Required****



Office of the Sheriff - Henry County

AFFIDAVIT IN SUPPORT OF CLAIM FOR EXCESS FUNDS

STATE OF GEORGIA

Sheriff's Sale No: _____

COUNTY OF HENRY

Date of Sale: _____

AFFIDAVIT IN SUPPORT OF CLAIM FOR EXCESS FUNDS

Before me, the undersigned officer (Notary Public), duly authorized to administer oaths,

Appeared _____ who, after being sworn, deposes and states under oath
(print name of person making Claim)

as follows:

1. I give this oath of my own free will, and I understand that I am sworn to state the truth. I am over the age of 21, years, and I am authorized to swear to the matters stated herein.

2. This Affidavit is being given for presentation to the Sheriff of Henry County, Georgia in support of my Claim for Excess Funds received by the Sheriff as a result of the above-referenced Sheriff's sale. The real property, which was sold, and which is the subject of this Claim is described as follows: (hereinafter referred to as "Property")

Property Address: _____

_____, Georgia _____

Tax Parcel ID No.: _____

3. The Claimant is the Owner or Lien holder identified below.

Complete either 4 or 5 (do not complete both).

4.

a. With respect to the Property, I am the _____ (insert "Owner" or "Owner's Representative") against whom the Sale was conducted. I may be reached as follows:

Name: _____

Address: _____

Phone: _____ (Home)
_____ (Work)

b. In support of this claim I have included photo identification as the owner; or as the



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owner's Representative I have included the owner's photo identification, a Power of Attorney, a valid telephone number of the owner and letter stating that I have the authority to claim the on behalf of the Owner.

5.

a. With respect to the Property, I am the _____
(insert "Lien Holder or "Lien Holder's Representative"). I may be reached as follows:

Name: _____

Address: _____

Phone: _____

b. The Lien Holder is owed _____ as of the time of the sale and Included in support of this claim is the deed creating the debt. As the Lien Holder's Representative, I have included a Power of Attorney from the Lien Holder which contains the title of the officer granting it, valid telephone number and a letter on the company's letter head giving the authority to collect the excess on behalf of the Lien Holder.

6. The Claimant _____ (insert "has" or "has not") redeemed the Property from the Purchaser at the Sheriff's Sale.

7. The Claimant is the Owner or Lien Holder authorized to receive the Excess Funds from the Sale pursuant to O.C.G.A. 48-4-5.

8. There is no unsatisfied and outstanding lien, Tax lien mortgage, deed to secure debt, promise, pledge, security, encumbrance, obligation, or other claim or entitlement of any type kind or description whatsoever against the Property or the Excess Funds which is senior to or of greater legal priority than the Claimant's right to receive the Excess Funds.

9. The Claimant has not transferred, conveyed, assigned, sold, or otherwise obligate or Encumbered the Claimant's interest in the Excess Funds.

10. There is no lawsuit, garnishment, bankruptcy, or other judicial or quasi-judicial proceeding pending either against the Claimant or on the Claimant's behalf regarding this Claim in the Excess Funds.

11. If requested to do so (and I understand that I may be requested to do so), in further Support of this claim, I will provide the Sheriff of Henry County, or the Sheriff's Designee, a current Certificate of Title for the Property.

12. The Owner/Lien Holder understands that the Excess Funds being held by the Sheriff are Equal to the total amount tendered at the Sheriff's Sale, less Fi-Fa owed, reimbursements owed to the Sheriff Office, reimbursements owed to the Holder of the interest against the Property being executed. The interest against the Property being executed, the Sheriff's commission, interest, penalties, as well as applicable costs, all other verifiable liens. The Claimant also



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understands that the Excess Funds will first be applied to any ad valorem taxes past due and owing by the Claimant at the time of the disbursement.

13. The Claimant understands that false swearing is punishable as a felony under the laws of the State of Georgia, and that this Affidavit is a sworn statement.

14. The Claimant understands that no legal advice is being provided by any representative of the Sheriff of Henry County. The Claimant has the right to seek legal advice from private counsel.

This Affidavit is made this _____ day of _____, 20_____.

By: _____
Claimant

Sworn to and subscribed before
Me, this _____ day of
_____ 20_____.

Notary Public
My Commission Expires:



Office of the Sheriff - Henry County

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

STATE OF GEORGIA

Sheriff's Sale No: _____

COUNTY OF HENRY

Date of Sale: _____

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

Before me, the undersigned officer (Notary Public), duly authorized to administer oaths, appeared _____ who, after being sworn, deposes (print name of person making claim) and states under oath as follows:

1. I give these assurances of my own free will, and I understand that I am binding the Claimant and that the Claimant is so bound. I am over the age of 21 years, and I am authorized to swear to the matters stated herein, and to grant the assurances herein given.

2. This Indemnification is being given for presentation to the Sheriff of Henry County, Georgia in support of my Claim for Excess Funds received by the Sheriff as a result of the above-referenced Sheriff's Sale. The real property, which was sold, and which is the subject of this Claim is described as follows: (hereinafter referred to as "Property")

Property Address: _____

_____, Georgia _____

Tax Parcel ID No. _____

3. The Claimant is the Owner or Lien Holder identified in the Affidavit in Support of Claim for Excess Funds, which Affidavit has been submitted to the Sheriff of Henry County contemporaneously with the submission of this Indemnification.

4. As further inducement for the disbursement of the Excess Funds, the Claimant will Indemnify and Hold Harmless the Sheriff of Henry County, Henry County, as well as their Officers, Officials, Employees, Agents, Representatives, Successors, and Assigns, from any and all claims, whether in law, equity or otherwise, of whatever description, which may arise from the disbursement of the Excess of Funds to the Claimant.

This _____ day of _____, 20__.

BY: _____
Claimant

Sworn to and subscribed before
Me, this _____ day of
_____, 20__.

Notary Public
My Commission Expires: