

Disclaimer: The forms provided on this website are intended only as GUIDELINES and are provided as examples of the type of form that may be used. The Clerk cannot advise whether a form is appropriate for your circumstance. To ensure that you are using the appropriate form and that it is completed correctly, The Clerk recommends that you seek legal counsel.

2017 Florida Statutes

713.132 Notice of termination.—

(1) An owner may terminate the period of effectiveness of a notice of commencement by executing, swearing to, and recording a notice of termination that contains:

(a) The same information as the notice of commencement;

(b) The recording office document book and page reference numbers and date of the notice of commencement;

(c) A statement of the date as of which the notice of commencement is terminated, which date may not be earlier than 30 days after the notice of termination is recorded;

(d) A statement specifying that the notice applies to all the real property subject to the notice of commencement or specifying the portion of such real property to which it applies;

(e) A statement that all lienors have been paid in full; and

(f) A statement that the owner has, before recording the notice of termination, served a copy of the notice of termination on the contractor and on each lienor who has a direct contract with the owner or who has served a notice to owner. The owner is not required to serve a copy of the notice of termination on any lienor who has executed a waiver and release of lien upon final payment in accordance with s. 713.20.

(2) An owner has the right to rely on a contractor's affidavit given under s. 713.06(3)(d), except with respect to lienors who have already given notice, in connection with the execution, swearing to, and recording of a notice of termination. However, the notice of termination must be accompanied by the contractor's affidavit.

(3) An owner may not record a notice of termination except after completion of construction, or after construction ceases before completion and all lienors have been paid in full or pro rata in accordance with s. 713.06(4). If an owner or a contractor, by fraud or collusion, knowingly makes any fraudulent statement or affidavit in a notice of termination or any accompanying affidavit, the owner and the contractor, or either of them, as the case may be, is liable to any lienor who suffers damages as a result of the filing of the fraudulent notice of termination; and any such lienor has a right of action for damages occasioned thereby.

(4) A notice of termination is effective to terminate the notice of commencement at the later of 30 days after recording of the notice of termination or the date stated in the notice of termination as the date on which the notice of commencement is terminated, if the notice of termination has been served pursuant to paragraph (1)(f) on the contractor and on each lienor who has a direct contract with the owner or who has served a notice to owner.

History.—s. 7, ch. 90-109; s. 5, ch. 92-286; s. 3, ch. 97-219; s. 4, ch. 98-135; s. 7, ch. 2012-211.

Prepared by:

NOTICE OF TERMINATION OF NOTICE OF COMMENCEMENT

State of Florida, County of Indian River,

The undersigned hereby gives notice that the undersigned will **terminate** that certain Notice of Commencement dated _____, recorded in OR BK _____ PG _____ Clerk's File Number (CFN) _____, Indian River County, Florida.

In accordance with Chapter 713.132, Florida Statutes, the following information is provided:

- 1. The date and recording information for the Notice of Commencement being terminated are as described above, and all information contained therein is hereby expressly incorporated into this Notice of Termination).
- 2. The Notice of Commencement shall be terminated as of _____, or 30 days from the recording date of this Notice of Termination, whichever date is later.
- 3. This Notice of Termination applies to:
all the real property subject to the above described Notice of Commencement.
only to the portion of such real property described as *(and complete street address if available)*:

4. Owner: _____
Owner Address: _____
(street address) (complete city name) (state) (zip code)

5. Contractor: _____
Contractor Address: _____
(street address) (complete city name) (state) (zip code)

- 6. All lienors have been paid in full or prorated in accordance with Section 713.06(4), Florida Statutes.
- 7. Prior to the recording of this termination, owner has served a copy of said termination to the contractor and one to each lienor who has given notice, if any.

Owner Signature

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____,

By: (printed name of person signing above) _____
Personally Known OR Produced _____ as identification.

Notary Signature

Notary Printed Name

Seal: