

The following information may help you to collect your judgment

1. **RECORD YOUR JUDGMENT.** We suggest you first obtain a certified copy of the judgment from the originating Clerk of Courts office and record it in any county in which the debtor owns real estate. The judgment then becomes a lien on any real estate the debtor owns in that county. The lien acts as a defect on the title to the real estate and normally must be paid off if that property is ever sold. It will also reflect on the debtor's credit history. We can assist you in recording your judgment in all 67 Florida counties.
2. **FILE A WRIT OF EXECUTION.** Writs of Executions are issued by the Clerk's office but are enforced by the Sheriff's office. It is for this reason that we recommend that you first contact the Sheriff directly for pertinent details including fees and procedures. Ten (10) days after the judgment has been entered by the Court, the Clerk will issue a document called a Writ of Execution upon your request. Take this document to the Sheriff's office located in the county where the debtor has personal property or moveable goods. When the Writ of Execution is filed with the Sheriff, the Sheriff will then have authority to seize and sell the property of the debtor to pay off your judgment. At the time of the sale of the property, the Sheriff will pay the judgments in the order in which the Writs of Execution were filed so it is important to file your writ with the Sheriff as soon as possible in the event there are many creditors.
3. **LEVY AND EXECUTION.** If you can locate personal property of the debtor and have an exact location of that property, you can then give the Sheriff written instructions to seize specifically identified personal property of the debtor. The form used is called, instructions for Levy and varying fees are required. You should contact the Sheriff's Civil Executions department to obtain proper fees. After the Sheriff has seized the property, he will publish a notice announcing the date of a public sale of the seized goods. At that sale, people will bid on the property. Any money received at the sale after payment of the Sheriff's expenses will be given to you to pay or partially pay your judgment. If the monies received do not pay the entire judgment amount awarded, you may repeat the process. Writs will be paid off according to the order in which they were filed.
4. **LOCATING THE DEBTORS PROPERTY.** There are many ways to find out what property the debtor owns (we provide this service for a fee). The County Tax Collector's office can tell you if he owns a vehicle registered in the state. You may also write to the Department of Highway Safety & Motor Vehicles, Division of Motor Vehicles, at The Neil Kirkman Building, Tallahassee, FL 32399-0500 to see what vehicles he/she owns.

The office records of the county may also reflect real estate a debtor owns in the county, however, searching these records can be complicated and you may choose to have an experienced person assist you.

If you do not find any property of the debtor through research of the records, you may wish to file a motion available through the court called "Ex-Parte Motion for Hearing in Aid of Execution" together with an "Order for Hearing in Aid of Execution". Upon the presiding Judge's consideration of the motion, he or she will order a judgment debtor to appear at a hearing for the purpose of inquiring of the debtor under oath as to earnings, financial status, and any assets available in excess of exemptions to be used towards the satisfying of a judgment. A certified copy and true copy of the order must be obtained by the Plaintiff for the purpose of service on the Defendant as required.

Another way to obtain information regarding a debtor's property is with a Deposition in Aid of Execution. A deposition is a method in which the debtor is subpoenaed to appear before a court reporter or notary public and made to answer similar questions under oath. It is mandatory that you have an attorney for this procedure.

5. **GARNISHMENTS.** Your debtor may also be owed money by a third party, such as an employer or bank where they have an account. In this case, you may wish to enforce your Judgment using Garnishment proceedings. To obtain a Writ of Garnishment, you must file a motion (request) for one with the Clerk of the Court and pay a filing fee. We

- would then serve the Writ on the Garnishee (eg: the employer or bank of the debtor) who would then be required to submit a written report producing information regarding any monies owed to the debtor and the revelation of any property of the debtor in the process or control of the garnishee. Then, unless the debtor is entitled to an exemption, (see below), the garnishee would have to pay the money to you or give the property to the Sheriff for execution to satisfy your judgment. This procedure can be complicated and you may wish to consult an attorney.
6. **RECORD OF UNSATISFIED JUDGMENTS.** If you had filed an action for damages resulting from an automobile accident and have received a judgment, you may effectively suspend the defendant's drivers license after 30 days from the date of the judgment, providing there are no appeals filed. You must obtain the form "Record of Unsatisfied Judgment" from the Drivers License Bureau, have the clerk from the County Courts issue the forms and then forward it to the Bureau of Financial Responsibility at PO Box 5775 Tallahassee, FL 32314.
 7. **EXEMPTIONS.** The Florida Constitution provides that certain property of a debtor may be exempt from forced sale and execution. These include the real estate which is the residence of a person or his family as well as \$1,000.00 of personal property. A debtor who is the head of a household may also be entitled to claim an exemption on wages. There are also certain federal exemptions which limit the amount of wages permitted to be garnished. The debtor must show that he is entitled to these exemptions by claiming and meeting certain requirements.

This form is meant only to give you a basic and general explanation about what your judgment means and options on collecting or enforcing it. It is only a brief statement and does not explain all your rights and obligations upon obtaining a judgment.