



COLLECTING ON A JUDGMENT

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MIAMI-DADE COUNTY

CONSUMER ADVOCATE

Final Judgments



- The final judgment is the Judge's decision in the case as recorded in the files stored in the Office of the Clerk of Courts.
- It contains the address, and the social security number, if known to the prevailing party, of each person against whom judgment is rendered.
- It must include the address of the plaintiff.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA
 IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

DIVISION

- CIVIL
 OTHER

**FINAL JUDGMENT
AGAINST DEFENDANT(S)**

PLAINTIFF(S)

VS. DEFENDANT(S)

CASE NUMBER:

IT IS ADJUDGED that the Plaintiff(s): _____

recover from the Defendant(s): _____

the sum of \$ _____ on principal
pre-judgment interest of \$ _____
attorney's fees \$ _____
with costs of \$ _____
making a total of \$ _____

All of which shall bear interest at the rate of _____% for the current year and thereafter at the prevailing rate per year as provided for by Florida Statute, for all of which let execution issue.

OPTIONAL

- It is further ordered and adjudged that the defendant(s) shall complete Florida Small Claims Rules Form 7.343 (Fact Information Sheet) and return it to the plaintiff's attorney, or to the plaintiff if the plaintiff is not represented by an attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or a motion for new trial or notice of appeal is filed.

Jurisdiction of this case is retained to enter further orders that are proper to compel the defendant(s) to complete form 7.343 and return it to the plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney.

ORDERED in Miami-Dade County, Florida, this _____ day of _____, 20____.

County Court Judge

COPIES FURNISHED TO PLAINTIFF(S)

Plaintiff(s)'s Address _____

Plaintiff(s)'s Address _____

COPIES FURNISHED TO DEFENDANT(S)

Defendant(s)'s Address _____

Social Security # (if known) _____

Defendant(s)'s Address _____

Social Security # (if known) _____

CLOCK IN

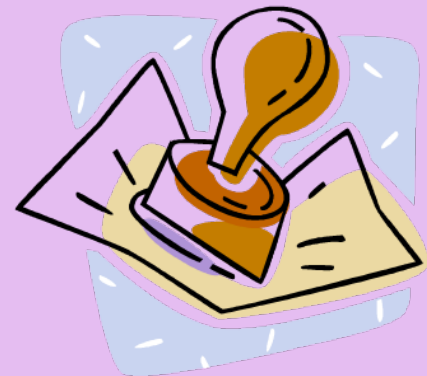


Interest Rates

- All writs, judgments, and decrees must indicate the rate of interest at the time of the judgment.
- The interest rate for the year 2010 is 6.0% per annum or .0001644 per day.
- The interest rate for the year 2009 was 8% per annum or .0002192 per day.
- The interest rate for the year 2008 was 11 % per annum or .0003014 per day.
- Interest rate is established at the time a judgment is obtained and shall remain until it is paid.

Obtain a Certified Copy

- Obtain a certified copy of your final judgment at the location where your case was heard.
- Costs for obtaining a certified copy are:
 - \$1.00 per page for reproduction plus
 - \$2.00 for the certification



Why Record Your Certified Copy?

- You need to record your certified copy to receive a judgment lien on real property.
- A valid Judgment lien gives the judgment creditor the right to proceed against the property of the debtor through writ of execution, garnishment, or other judicial process.



How to Record..

- Take the certified copy of your judgment to the Clerk's Office of the Circuit Court, Recording Section,
 - 22 NW 1st Street, Miami, FL,
 - 11805 SW 26 Street, Suite 207, Miami, FL
 - 15555 Biscayne Blvd., Miami FL
 - 10710 S.W. 211 Street, First floor
- and have it recorded, together with an affidavit containing the creditor's address, if not on the final judgment.

A judgment, order, or decree becomes a lien on real property in any county when a certified copy of it is recorded in the official records or judgment lien record of the county, whichever is maintained at the time of recordation, provided that the judgment, order, or decree contains the address of the person who has a lien as a result of such judgment, order or decree or a separate affidavit is recorded simultaneously with the judgment, order, or decree stating the address of the person who has a lien as a result of such judgment, order or decree.



Recording Judgments...

- The Cost is \$10.00 for the first page, and \$8.50 for each additional page.
- By recording your judgment, you will have a lien against any non-exempt real property in Miami-Dade County owned now or in the future by the debtor.
- You may also record your judgment in any other county in which the debtor owns real property.

Does it affect their credit ?

- Yes, credit bureaus take this information and report it as negative history on an individual's credit report.
- This will make it difficult to obtain a loan or mortgage.
- Some credit bureaus even report this information on business credit reports.



Judgment Liens...

- All judgment liens must be docketed with the Department of State in order to obtain their priority.
- A judgment lien is acquired by filing a judgment lien certificate with the Department of State after the judgment has become final and if no stay of the judgment or its enforcement is then in effect.

Where to find a Judgment Lien Certificate ?

- The judgment lien certificate can be found on the Department of State's Internet Website at www.sunbiz.org
- You have the option to either
 - 1. fill out the information on-line OR
 - 2. mail the certificate in.
 - Mail to Department of State, Division of Corporations, Judgment Liens, P.O. Box 6250, Tallahassee, FL 32314, (850) 245-6039
 - Make sure to include appropriate fees



Costs for a Judgment Lien Certificate

- Judgment Lien Certificate \$20.00
 - Add for each additional debtor \$5.00
 - Add for each additional page \$5.00
- Second Judgment Lien Certificate \$20.00
- Judgment Lien Amendment Statement \$20.00
- Judgment Lien Correction Statement \$20.00
- Certified Copy \$10.00
- Copies of documents produced by Secretary of State. \$1.00

Judgment Liens...

- The priority of a judgment lien is determined by date (including the time of day) of filing of the certificate.
- The recorded judgment is good for an initial period of 10 years from the date of the recording within the County (for real property).
- The lien may be extended for an additional 10 years by re-recording prior to the expiration of the lien.



Locating Assets

- Hearing in Aid of Execution
- Fact Information Sheet
- Interrogatories in Aid of Execution
- Deposition in Aid of Execution

Hearings in Aid of Execution

This procedure is available to you in a small claims action and this rule shall only apply to a judgment creditor who is a natural person and was NOT represented by an attorney prior to judgment.

How do you obtain the hearing?

- File a motion with the Clerk's Office
- The motion must be filed thirty (30) days after the date of your judgment.
- Once the Order for the hearing is signed by the Judge, you must serve the defendant(s) with the Order and the Fact Information Sheet.

Fact Information Sheet

- The debtor must complete the Fact Information Sheet within 45 days.
- The Fact Information Sheet details the debtor's assets, earnings, and financial status.



IN THE _____ COURT FOR THE
_____ JUDICIAL CIRCUIT IN AND FOR
_____ COUNTY, FLORIDA

Plaintiff,
vs.

:
:
: CASE NO.

: FACT INFORMATION SHEET
: (Individual)
:
:
:

Defendant,

PURSUANT TO THE TERMS OF THE DEFAULT FINAL JUDGMENT FOR THE PLAINTIFF ENTERED IN THIS MATTER AND/OR RULE 1.560 OF THE FLORIDA RULES OF CIVIL PROCEDURE, THE DEFENDANT IS REQUIRED TO PROVIDE, UNDER OATH THE FOLLOWING INFORMATION TO THE PLAINTIFF'S ATTORNEY WITHIN 45 DAYS:

Full Legal Name: _____

Nicknames or Aliases: _____

Residence Address: _____

Mailing Address (if different): _____

Telephone Numbers: (Home) _____ (Business) _____

Name of Employer: _____

Address of Employer: _____

Position or Job Description: _____

Rate of Pay: \$ _____ per _____. Average Paycheck: \$ _____ per _____

Average Commissions or Bonuses: \$ _____ per _____. Commissions or bonuses are based on _____

Other Personal Income: \$ _____ from _____

(Explain details on the back of this sheet or an additional sheet if necessary.)

Social Security Number: _____ Birthdate: _____

Driver's License Number: _____

Marital Status: _____ Spouse's Name: _____

Spouse Related Portion

Spouse's Address (if different): _____

Spouse's Social Security Number: _____ Birthdate: _____

Spouse's Employer: _____

Spouse's Average Paycheck or Income: \$ _____ per _____

Other Family Income: \$ _____ per _____. (Explain details on back of this sheet or an additional sheet if necessary.)

IN THE _____ COURT FOR THE
_____ JUDICIAL CIRCUIT IN AND FOR
_____ COUNTY, FLORIDA

Plaintiff,
vs.

CASE NO.

Defendant,

FACT INFORMATION SHEET
(Corporation or other business entity)

**PURSUANT TO RULE 1.560 OF THE FLORIDA RULES OF CIVIL PROCEDURE, DEFENDANT
REQUIRED TO PROVIDE, UNDER OATH THE FOLLOWING INFORMATION TO THE
PLAINTIFF'S ATTORNEY WITHIN 45 DAYS**

Name of entity: _____

Name and title of person filling out this form: _____

Telephone number: _____

Place of business: _____

Mailing address (if different): _____

Gross/taxable income reported for federal income tax purposes last three years:

Gross: \$ _____ Taxable: _____

Gross: \$ _____ Taxable: _____

Gross: \$ _____ Taxable: _____

Taxpayer identification number: _____

Is this entity an S corporation for federal income tax purposes? _____ Yes _____ No

Average number of employees per month _____

Name of each shareholder, member, or partner owning 5% or more of the entity's common stock, preferred stock,
or other equity interest:

Names of officers, directors, members, or partners:

Checking account at: _____ Account # _____

Savings account at: _____ Account # _____

Hearing in Aid of Execution

- The Judge will ask the debtor under oath as to earnings, financial status, and any assets available in excess of exemptions to be applied toward the satisfaction of the judgment.



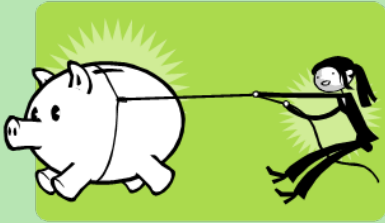
What happens if the debtor fails to appear?

- Can be found in contempt of court
- You can file a Motion to Compel (the answers)
- The Judge can Order them to answer.
- If they fail to answer, you can file a Rule to Show Cause (Sheriff fee is \$20 to serve).
- If they do not appear for the Rule, then you can file a Writ of Bodily Attachment.

Writ of Bodily Attachment

- You must fill out the form provided by the Sheriff
- The writ must be served by the Sheriff (for a fee of \$70 per warrant)
- The Sheriff will go and pick up the debtor and bring them to court to answer to the Judge.





Interrogatories in Aid of Execution

After the entry of the Final Judgment, the creditor may pose to the judgment debtor a series of questions, which must be answered under oath, seeking to identify and locate assets of the judgment debtor against which to enforce the Final Judgment.

Rules on Interrogatories



- The judgment debtor has thirty (30) days, plus five (5) additional days if mailed, to respond to the interrogatories.
- The interrogatories shall not exceed 30, including all subparts, unless the court permits a larger number on motion and notice and for good cause.



What happens if they don't respond?

- You can file a motion to compel.
- The Judge can sign an Order compelling them to answer.
- They can be found in contempt of Court.
- A rule to show cause can be issued.
- A Writ of bodily attachment can be issued.

Deposition in Aid of Execution



- In lieu of interrogatories in aid of execution, the creditor can seek to depose the judgment debtor or its representative, if a corporation, in aid of execution.
- Customarily, such a deposition is scheduled no less than thirty-five (35) days from the date of the notice so as to not violate time requirements of a Request for Production.

Depositions in Aid of Execution

- A subpoena must be served on the debtor, showing the time, date, and place of deposition.
- The subpoena may also require that the debtor bring financial statements, deeds, titles, leases, mortgages, and records of checking or savings accounts.
- You will have to hire a court reporter for the deposition.



Generally, a Subpoena Duces Tecum for deposition in aid of execution is served upon a representative of the judgment debtor, requiring them to appear for the taking of their deposition at a date and time certain and to bring with them certain corporate books, records and other documentation that the creditor may deem appropriate.

Improper Transfer of Assets

If the deposition reveals improper transfers of assets for less than adequate consideration, especially to insiders, the creditor may bring an action against the recipients of those assets to recover those assets or their value for the benefit of the creditors.



Driver's License Suspensions

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 judgment providing there are no appeals filed.

Doesn't cost you anything.



How to Suspend the DL

- Wait 30 days after the date of the judgment and verify that an appeal has not been filed.
- Send a copy of the certified judgment along with a letter and a copy of the accident report to: Department of Highway Safety & Motor Vehicles, Bureau of Financial Responsibility, Neil Kirkman Building, Tallahassee, FL 32301, 852-455-2117



Writ of Execution



- The writ of execution tells the sheriff to seize property of the judgment debtor to satisfy the judgment.
- Ten days after the court has entered the judgment, the Clerk will issue a writ of execution **upon your request**.
- You then deliver the writ to the Sheriff's office in the county where the property is located.



Writ of Execution...

- The writ of execution is only effective if you obtain an “Instruction for Levy” form from the Sheriff’s Office and complete it, giving a description and location of personal property owned by the debtor.
- The Sheriff will require you to deposit money to pay Sheriff’s fees and costs. You will get your deposit back if the execution is successful or if levy is not made.

IN THE _____ COURT FOR THE
_____ JUDICIAL CIRCUIT IN AND FOR
_____ COUNTY, FLORIDA

Plaintiff,
vs.

Defendant,

: _____ DIVISION
:
: CASE NO.
:
: INSTRUCTIONS FOR LEVY
:
:
:
:

TO: Sheriff, _____ County, Florida

DATE:

In the matter of a Writ Of Execution issued by the _____ Court, County, Florida, in the above styled case, you are hereby instructed to levy upon the following described property of the Defendant:

DESCRIPTION OF PROPERTY AND INSTRUCTIONS

Any and all of the Defendant(s) property located at:

including but not limited to:

_____ and any and all tangible belongings of the
Defendant(s).

It is understood and agreed that you as the sheriff of _____ County, Florida are hereby held harmless by the undersigned against liability for any loss or damage that might be sustained by anyone whomsoever by reason of your levying upon the above described property and that you shall be indemnified by the undersigned for any expended incurred by reason of any claim made upon you while acting in accordance with these instructions.

It is further understood and agreed that I shall pay all costs incident to this levy should the property be levied upon, for any reason not sold, or if upon sale should not produce sufficient monies to pay said costs, unless the costs shall have been paid by the Defendant.

Filed By:

Name:
Address:
City, State and Zip Code
Telephone:

BY: _____
Signature

Note: Section 3030 of the Florida Statutes, provides that if the Sheriff is requested to levy on property not specifically described in a writ of if a third party claims an interest in specified property, he may require the Plaintiff to furnish a bond payable to the Sheriff. The bond is conditions to hold the Sheriff harmless against liability for any loss or damage that might be sustained by anyone by reason of the levy and indemnifying him for any expenses incurred.

Writ of Execution...

- Since the Sheriff's office generally anticipates that a forced sale of assets brings approximately ten percent of their value, the Sheriff's office will customarily levy upon assets having a value of approximately ten times the amount of the outstanding writ of execution, if such assets are available.



What is protected ?

All liens on real property are subject to the exemptions granted by Florida Statutes and the Florida Constitution, such as the residence of the debtor who is the head of household, and \$1000 of personal property.



Conflicting Liens...

- Before a property can be sold, you have to check the Department of State's Internet website.
- Go to www.sunbiz.org to see if there are any judgment liens filed under the name of the judgment debtor.
- Check if creditors who have filed UCC security interests in the name of judgment debtors.

Conflicting Liens...

- Give the Sheriff a signed affidavit, on which you list the names, addresses, and filing dates of everyone who has filed a judgment lien or UCC security interest.
- You must notify all of these people of the time and place of the sale.



Sheriff's Requirements Before Levy is attempted

1. Creditor's Affidavit/ Sheriff's Certification for any writs
2. An original Writ of Execution
3. The Levy Instructions specifically describing the property to be levied by the Sheriff.
4. Cost Deposit



Cost Deposit



- For Real and Personal Properties :
 - \$500 levy deposit bond
 - \$110 Sheriff's Fee
 - Other fees may be required by Sheriff's Office for large levies
 - Moving Expenses
 - Additional Officer staffing

AFTER ASSETS LEVIED...



- One the assets are levied upon, they are removed by a trucking company of the Sheriff's choosing and placed in a bonded warehouse, for a period of approximately thirty days, during which time the Sheriff's sale is scheduled and appropriate notice is given.

Notice to Debtor

- Plaintiff / Plaintiff's attorney is now responsible for the certified mailing with notice to defendant/debtor, or defendant / debtor's attorney, of the Sheriff's levy, notice of the Sheriff's sale, and affidavit of prior judgment liens prior to the FIRST day of Advertisement of Notice of Sheriff's sale.



Notice

- Once the notices have been sent, notice of an execution sale is to be given by advertisement once each week for four successive weeks in a newspaper published in the county in which the sale is to take place.



Auction



- At the designated time and place (140 West Flagler Street, 8th Floor, Miami, FL), the sheriff will sell the property at public auction.
- The highest bidder for cash in hand pays the price to the sheriff and becomes the owner of the property.

Payment Schedule



- The Sheriff will pay out the money received from the sale in this order:
 1. Sheriff's costs, and your deposit
 2. Plaintiff receives \$500 for your costs
 3. Holder of Judgment lien with the earliest filed effective date.

If the Sheriff runs out of money before getting to you, you get nothing more.

Writ of Garnishment

If you find that there is no real or personal property which the sheriff may seize through a writ of execution, but you know of a third person who may owe the debtor money or a bank account in the debtor's name or any other person who has in his/her possession any of the defendant's personal property, you may secure one of two types of Writs of Garnishment from the Clerk of Courts.

How does it happen ?

- Ten days after the entry of the Final Judgment, the judgment creditor may file a Motion for Writ of Garnishment.
- The clerk shall also give a copy of the “Notice to Plaintiff/Plaintiff’s Counsel” when the writ is filed.
- It creates a lien as of the time of service of the writ or at any time between service and the garnishee’s answer, in any property of the debtor in garnishee’s possession or control.

Garnishment Fees

- To secure the writ of garnishment, deposit \$188.00 with the Clerk of Court. This represents \$100.00 (for the garnishee's attorney); \$85.00 (one time garnishment writ fee); and \$3.00 (for the court registry fee). Add \$103.00 for each additional garnishment writ fee.



- IN THE CIRCUIT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA
- IN THE COUNTY COURT IN AND FOR DADE COUNTY, FLORIDA

DIVISION <input type="checkbox"/> CIVIL <input type="checkbox"/> OTHER	MOTION FOR GARNISHMENT AFTER JUDGMENT	CASE NUMBER
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PLAINTIFF(S)	VS. DEFENDANT(S)	CLOCK IN
	GARNISHEE(S)	

THE PLAINTIFF(S), _____
 by and through the undersigned attorney(s) and state(s) that Judgment has been entered herein against the
 Defendant(s) _____ in the amount of \$ _____,
 and for the costs in the amount of \$ _____, making a total of \$ _____.

Plaintiff(s) suggest(s) that _____

is (are) indebted to, or has (have) tangible or intangible personal property of the Defendant(s) _____

in their hands, possession or control, and moves(s) that the Clerk of the above Court issue a WRIT OF
 GARNISHMENT, commanding the Garnishee(s) named above to answer according to law in such cases provided.

Plaintiff/Plaintiff(s) Attorney(s)/Agent	Attorney Address _____ _____ _____
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Writ of Garnishment

- The regular writ of garnishment, which is best used for bank accounts, creates a lien, as of the time of the service of the writ through the date of the garnishee's answer, in any property of the judgment debtor, including money, in the garnishee's possession.

- IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA.
 IN THE COUNTY COURT IN AND FOR DADE COUNTY, FLORIDA.

DIVISION <input type="checkbox"/> CIVIL <input type="checkbox"/> OTHER		WRIT OF GARNISHMENT	CASE NUMBER
PLAINTIFF	VS. DEFENDANT	CLOCK IN	

TO EACH SHERIFF OF THE STATE OF FLORIDA

YOU ARE COMMANDED to summon the garnishee _____
 _____ to serve an answer to this writ on plaintiff, or plaintiff's
 attorney, whose name is _____, address
 _____, within 20 days after service on the garnishee, exclusive of
 the day of service and to file the original with the Clerk of this Court either before service on the plaintiff or plaintiff's
 attorney or immediately thereafter, stating whether the garnishee is indebted to defendant _____
 _____ at the time of the answer or was indebted at the time of service of the writ, or at any time between
 such times, and in what sum and what tangible and intangible personal property of the defendant the garnishee is in
 possession or control of at the time of the answer or had at the time of service of this writ, or at any time between
 such times, and whether the garnishee knows of any other person indebted to the defendant or who may be in
 possession or control of any of the property of the defendant. The amount set in plaintiff's motion is
 \$ _____.

HARVEY RUVIN CLERK OF COURTS	BY: _____ DEPUTY CLERK	DATE
---------------------------------	---------------------------	------

In order that you may obtain legal advice, if desired, plaintiff has deposited \$ _____ to apply toward
 your attorney's fee under the provisions of Chapter 77.28 of the Florida Statutes.

Chapter 77.06 Florida: "Service of the writ shall make garnishee liable for all debts due by him to defendant, and for
 any tangible or intangible personal property of defendant in his possession or control at the time of the service of the
 writ or at any time between the service and the time of his answer."

NOTICE TO THE DEFENDANT: Pursuant to Chapter 77.07 of the Florida Statutes you may by motion, obtain the
 dissolution of a writ of garnishment, unless the petitioner proves the grounds upon which the writ was issued and
 unless, in the case of a prejudgment writ, there is a reasonable probability that the final judgment in the underlying
 action will be rendered in his favor.

IMPORTANT : SEE REVERSE

Continuing Writ of Garnishment

- The continuing writ of garnishment is used when you know the name and address of the judgment debtor's employer and directs the garnishee to deduct that portion of the judgment debtor's salary permitted by Federal and State Law, and remit it, on a weekly, bi-weekly, or monthly basis to the judgment creditor.



- IN THE CIRCUIT COURT OF THE ELEVENTH JUD. CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.
 IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.

DIVISION

- CIVIL
 CRIMINAL
 OTHER

**CONTINUING WRIT OF
 GARNISHMENT AGAINST
 SALARY OR WAGES**

PLAINTIFF(S)

VS. DEFENDANT(S)

CASE NUMBER:

TO EACH SHERIFF OF THE STATE OF FLORIDA

YOU ARE COMMANDED to summon the garnishee, _____,
 whose address is _____,
 who is required to serve an answer to this writ on _____,
 plaintiff's attorney, whose address is _____
 within 20 days after service of this writ, exclusive of the day of service, and to file
 the original with the clerk of court either before service on the attorney or immediately
 thereafter. The answer shall state whether the garnishee is the employer of the
 defendant _____, and whether the garnishee is
 indebted to the defendant by reason of salary or wages. The garnishee's answer
 shall specify the periods of payment, (for example, weekly, bi-weekly or monthly), and
 amount of salary or wages and be based on the defendant's earnings for the pay
 period during which this writ is served on the garnishee.

CLOCK IN

During each pay period, a portion of the defendant's salary or wages as it becomes due shall be held and not disposed of or transferred until further order of this court. The amount of salary or wages to be withheld for each pay period shall be made in accordance with the following paragraph. This writ shall continue until the plaintiff's judgment is paid in full or until otherwise provided by court order.

Federal law (15 U.S.C. SS1671-1673) limits the amount to be withheld from salary or wages to no more than 25% of any individual defendant's disposable earnings (the part of earnings remaining after the deduction of any amounts required by law to be deducted) for any pay period or to no more than the amount by which the individual's disposable earnings for the pay period exceed 30 times the federal minimum hourly wage, whichever is less.

For administrative costs, the garnishee may collect \$ _____ against the salary or wages of the defendant for the first deduction and \$ _____ for each deduction thereafter.

The total amount of the final judgment outstanding as set out in the plaintiff's motion is \$ _____.

continued on reverse

- The Sheriff will then serve the writ of garnishment on the third person requiring the disclosure of money owed to the debtor's property in the possession or control of the third person.
- Sheriff Fee for Serving the writ is \$20.00 each service.



What do you give the Sheriff?



- You must provide the Sheriff with an Original or Certified Copy, one conformed copy and attachments/complaints for each party or entity to be served.
- \$20.00 each service
- A self addressed stamped envelope.

Notice to Judgment Debtor

- Plaintiff/ Plaintiff's attorney must provide notice to defendant within five business days after writ is issued or three business days after writ is served, whichever is later.



Notice to Judgment Debtor

- Notice must provide a copy of the writ of garnishment, motion for writ of garnishment, as well as the notice of exceptions to which the judgment debtor may be entitled.
- Failure to give the appropriate notice will render the Garnishment void.



Exemptions

- Defendant has twenty days from the receipt of the notice to file the “Claim of Exemption and Request for Hearing” form with the clerk. The defendant must also mail or hand-deliver a copy of the claim form to the plaintiff and the garnishee.



HEAD OF HOUSEHOLD EXEMPTION



- Florida law exempts the wages of a head of household from garnishment. To qualify for this exemption, the money garnished must be for the labor or services of the head of household.
- Head of Household means a person who provides more than one half of the support for a child or other dependant.

Consumer Credit Protection Act

- The act does not prohibit the garnishment of wages, but it does set a minimum amount of wages that must be left for the wage earner after garnishment.
- The act requires that the wage earner must be left thirty times the federal minimum wage per week after the garnishment.

Second Notices...

Within five days after service of the garnishee's answer on the plaintiff or after the twentieth day time period for the garnishee's answer has expired, the plaintiff shall serve, by mail, the following documents: a copy of the garnishee's answer, and a notice advising the receipt that he or she must move to dissolve the writ of garnishment within 20 days after the date indicated on the certificate of service in the notice if any allegation in the plaintiff's motion for writ of garnishment is true.

If the judgment debtor claims an exemption...

- The plaintiff has two business days from receipt by hand-delivery, or seven business days from the receipt by mail delivery to file an objection to the claim of exemption.
- If an objection is filed, the plaintiff must also request a hearing.



Failure to Answer by Garnishee

- If the garnishee fails to answer as required, a default shall be entered against him or her.
- On entry of the judgment for the plaintiff, a final judgment shall be entered against the garnishee for the amount of plaintiff's claim with interest and costs.



Other Proceedings...

- Bankruptcy
- Probate



Good Luck !

Leonard Elias, Esq.
Consumer Advocate
(305) 375-4199

