



JOSEPH E. SMITH
CLERK OF THE CIRCUIT COURT
ST. LUCIE COUNTY, FLORIDA
COUNTY CIVIL DIVISION
250 N.W. COUNTRY CLUB DRIVE
PORT SAINT LUCIE, FLORIDA 34986
(772) 785-5880

HOW TO COLLECT YOUR JUDGMENT

Having received a final judgment, your County Court can do just as much, but no more than any other Court can do to help you collect your judgment.

YOU CAN:

1. Record a certified copy of the final judgment with the Clerk of the Court. The charge for recording is \$10.00 for the first page and \$8.50 for each additional page, plus \$.75 for postage. The recording of the certified copy creates a lien of record against any real estate in the county where recorded then or thereafter owned by the Defendant in his name. Additional copies are \$1.00 per page plus \$2.00 for certification.

2. Judgment liens: You can obtain a Judgment lien against all of the defendant's personal property located anywhere in the State of Florida by filing a Judgment Lien Certificate with the Department of State. A judgment lien lapses after 5 years. If there are liens ahead of yours, as those liens lapse, yours will move to the top. After 5 years, you can file again and obtain another judgment lien but if others have filed after your first filing, those liens will now be ahead of yours. To get the proper form, you can either download the form from the Department of State's website: www.sunbiz.org or call the Department of State, Division of Corporation, Judgment Liens Section, at 850-656-7463.

3. Writs of Execution: Ten days after entry of a final judgment, you may obtain a Writ of Execution from the Clerk's Office. Deliver this Writ to the Sheriff of the county in which the Defendant lives or where any of his property (real or personal) is located. You must also give the sheriff written instructions, called Instructions for Levy, which describe the property to be levied on and its location. In order to get the sheriff to levy upon the defendant's property, you must first locate it. The sheriff will require you to pay a cost deposit. Before the property can be levied upon, you must check the Department of State's website at www.sunbiz.org to see if there are any judgment liens filed under the name of the defendant. You must also check for creditors who have filed UCC security interests in the name of the Defendant at www.floridaucc.com. You must notify all of these people of the time and date of the sale. You will then give the sheriff a signed affidavit, on which you must provide the information contained in the judgment lien certificates filed against the defendant. Once the notices have been sent, the sale must be properly advertised in a local newspaper. The sheriff can then sell the property at public auction to the highest bidder. Money received from the sale will be paid out first to the sheriff to pay costs (if the sale price covers costs, your deposit will be returned to you); second the sheriff pays you \$500; and third, if anyone obtained a Judgment Lien before you did, the sheriff pays that person before paying you. If any funds are left after paying any Judgment Liens recorded with the State ahead of your, those funds will be paid to you. **IMPORTANT:** If you previously docketed a Writ of Execution with the sheriff, you must file a judgment lien certificate with the state before October 1, 2003 in order to hold that place in line.

4. If you know of any third person, such as an employer, mortgagor or bank (where the Defendant has money deposited), who may owe the Defendant any money, you may secure from the Clerk a Writ of Garnishment against such third party. If the Court finds that your judgment is still in effect and unsatisfied, the Court will order such third person holding the money or property due the Defendant to pay the same to you. The charge for the Writ of Garnishment is \$188.00. This amount may be added to the amount of your final judgment. **FORMS: (for bank account) MOTION FOR WRIT OF GARNISHMENT; WRIT OF GARNISHMENT (for wage garnishment) MOTION FOR CONTINUING WRIT OF GARNISHMENT FOR WAGES; CONTINUING WRIT OF GARNISHMENT AGAINST SALARY OR WAGES.**

You must remember that under the Constitution and law of this State, if the Defendant is the "head of a family" (generally a spouse who is living with one or more members of his family who are dependant upon him for support) such "head of household" has certain exempt property which cannot be successfully levied upon, sold, attached or garnished. For example:

1. Up to 160 acres of land in the county or up to a half acre within a city limit on which he lives with his family;
2. All of this personal property, including money, of a value of not more than \$1,000.00;
3. All salary, wages and commissions earned by his labor

FORMS: CLAIM OF EXEMPTION AND REQUEST FOR HEARING

4. Thirty days after the date of a judgment, an individual (businesses are exempt) may file a Motion for Hearing in Aid of Execution. The Defendant must appear in Court and disclose all assets. The cost is \$40.00 per Defendant for sheriff's service and a reopen fee of \$25.00 for cases less than \$500.00 and \$50.00 for cases in excess of \$500.00. **FORMS: EX PARTE MOTION FOR HEARING IN AID OF EXECUTION; ORDER FOR HEARING IN AID OF EXECUTION; FACT INFORMATION SHEET**

5. Collection of Judgments on Automobile Accidents: In addition to the aforementioned procedures, thirty days after the date of judgment, you can request a Record of Unsatisfied Judgment be issued and mailed to the Department of Highway Safety and Motor Vehicles. Upon receipt, the Defendant's registration and driving privilege will be suspended until the judgment is satisfied. **FORMS: RECORD OF UNSATISFIED JUDGMENT**

Joseph E. Smith, Clerk of the Circuit Court
Small Claims and County Civil
250 NW Country Club Drive
Port St. Lucie, Florida, 34986

Department of Highway Safety and Motor Vehicles
Bureau of Financial Responsibility
2900 Apalachee Pky, Room A-208
Tallahassee, FL 32399-0585

Revised 2/8/10