

HOW TO COLLECT ON FINAL JUDGMENTS IN WASHINGTON COUNTY

What is a judgment?

A judgment must be a final order from a Florida State Court or from a United States District Court in Florida. To be

“final,” the judgment must contain conclusive and customary language establishing that judicial labor is at an end and

the order is truly dispositive and final. Because execution is not permitted on judgments that do not determine with

finality the rights and liabilities of the parties, the “Final Judgment” must not leave questions open for judicial

determination.

Below lists basic steps to collect your judgment assuming you obtained it in Washington County Small Claims Court

against a person who lives in this county. The procedures, laws and rules on collecting judgments are complicated

and they are easy to mistake. If in doubt, consult your attorney.

IMPORTANT: YOU MUST FOLLOW STEPS 1 THROUGH 3 BELOW TO PROTECT YOUR JUDGMENT RIGHTS. FLORIDA AND

FEDERAL LAW MAY PROTECT MANY OF THE DEFENDANTS ASSETS (INCLUDING WAGES) FROM YOUR COLLECTION

EFFORTS. FAILURE TO COMPLY WITH THESE LAWS COULD RESULT IN PROBLEMS FOR YOU IN COLLECTING YOUR

JUDGMENT. YOU MAY CHOOSE TO CONSULT WITH AN ATTORNEY TO AVOID THESE PROBLEMS. PLEASE REMEMBER

CLERKS, SHERIFF’S OFFICE, LAW LIBRARIANS, JUDGES AND JUDICIAL ASSISTANTS CANNOT GIVE YOU LEGAL ADVICE.

STEP 1: CERTIFY YOUR JUDGMENT. You can purchase a certified copy of your judgment from the Clerk of

Courts copy center. You will need to have your case number available for the clerk in order to obtain the copies. The

Clerk’s office charges \$1.00 per page and \$2.00 for certification. For more information please see section 55.10 (1),

Florida Statutes.

STEP 2: RECORD YOUR JUDGMENT. Call or visit the Recording department (850-638-6285) in the Washington

County Courthouse, room 209, and have your judgment recorded in the official records of the county as a lien (a claim

or charge on property for the payment of debt) against any real property owned by the defendant. For more

information see 55.10(1), Florida Statutes. The charge for recording your judgment is \$10.00 for the first page and

\$8.50 for each additional page. Please note the following:

A. Your judgment is NOT a lien against real property unless a certified copy is recorded.

B. A judgment lien is valid for 10 years, but can be renewed twice by recording it within 90 days of the end of

the 10 year period.

C. From the time a judgment is signed it bears interest, even if the defendant owns no property now, he or she may acquire property at a later date.

D. In order to be a valid lien the judgment must have the defendant's address on it. For more information, see section 55.10(1), Florida Statutes.

STEP 3: WRIT OF EXECUTION. A writ can be obtained 10 days after the date your judgment is entered by the court. A writ of execution will command the Sheriff to take the property of the defendant in order to satisfy the

judgment debt. The Clerk's office charges \$7.00 for the issuance of the writ. After the clerk issues your writ and returns

it to you, you will contact the Washington County Sheriff's Office for more information on your next step. They can be reached

at (850) 638-6285. Before having your writ issued please consider the following:

A. Before obtaining the Writ of Execution, you should find out from the Sheriff's office if there are any other

judgments "docketed" against the defendant prior to yours. If there are other judgments entered prior to yours,

then money from property seized will first be used to pay prior judgments.

B. If there are numerous prior judgments it may not be worth your while to start seizing assets that would be used to pay others.

C. If the amounts of prior judgments are not excessive you should request your judgment be docketed.

D. For more information, see section 56.021, Florida Statutes and section 56.041, Florida Statutes.

STEP 4: WRITE A DEMAND LETTER. Write a demand letter to the defendant reminding him/her that a judgment

has been entered in your favor and request payment of the judgment amount. If the defendant pays in full, then you

MUST file a "Satisfaction of judgment" with the recording department at the Clerk's office and provide the defendant

with a copy. The charge for recording the Satisfaction of Judgment is \$10.00 for the first page and \$8.50 for each

additional page.

STEP 5: IDENTIFY AND LOCATE THE DEFENDANT'S ADDRESS. Pursuant to section 56.061, Florida

Statutes the defendant's bank accounts, motor vehicles, boats, stocks and bonds, real estate and business are subject to

execution. If you do not know about any of the defendant's assets, or if the defendant has attempted to hide them,

follow step six and look in the following places:

A. County property appraiser's office (850) 638-6205, for real estate.

B. Clerk of Court's Official Records (850) 638-6285, for more information on real estate bought or sold.

C. Division of Corporations (850)488-9000, for information on business' in which the defendant is involved.

D. Division of Motor Vehicles for information on vehicles owned by the defendant, located on 107 Gaines

Street, Tallahassee, Florida 32304

E. County Tax Collector (850) 638-6275 for information on any boats the defendant owns

STEP 6: SCHEDULE A "HEARING IN AID OF EXECUTION" This can be done 30 days after the date of your

judgment and forces the person you have a judgment against to bring all of his or her financial records for you and the judge to see.

A. File a written motion known as an "Ex parte motion for hearing in aid of execution" with the judge you

received your judgment from. At the end of this packet, there is an example motion to assist you. Be sure to

include the "Fact information sheet" as well

B. The Court will set a hearing and send you and the defendant a notice of the date and time.

C. At the hearing you can ask the defendant questions about his/her financial condition and assets and look at

the documents that the defendant has brought to court. Important information to get at this hearing includes

the defendant's bank account numbers, any lands or tenements that the defendant owns, vehicle serial numbers and any other goods or chattels (movable things or money).

D. Exempt property- Florida law exempts much of the defendant's property from seizure. The following property may not be taken to satisfy a judgment:

1. A person's homestead, which may be one-half acre in municipality or 160 acres of contiguous land outside of a municipality. See section 222.01, Florida Statutes.

2. Wages of the head or household. See section 222.11, Florida Statutes.

3. Personal Property up to \$1,000. Article 10, Section 4 of the Florida Constitution.

4. Life insurance proceeds. Section 222.14, Florida Statutes

5. Disability benefits. Section 222.18, Florida Statutes.

STEP 7: LEVY OR GARNISHMENT: Both of these methods are expensive and very complicated.

We strongly

recommend that you consult with an attorney to employ these methods. However, if you want to do it yourself, go to

the courthouse library and ask for information on creditor's rights, collection of judgments, sheriff's levy's and

garnishments.

A. **Levy**- after securing an execution, this document will be transferred upon the payment of the fee to the

sheriff's office. The Sheriff's office will then levy upon the property of the defendant. Contact the Sheriff's

office a list of fees.

1. If you want the Sheriff to seize the property and hold a public sale of it, please contact WSO. They can be reached at (850)-638-6110 or 1293 Jackson Ave., Building 200, Chipley FL 32428

2. Fill out instructions for levy. There is a large fee connected to this service so the property will need to have value for this procedure to be worthwhile.

3. Make sure that before you seize a car or other motor vehicle you should find out from the Department of Motor Vehicles if there is a lien on the vehicle. If there is, the lien will have a priority over your claim. For more information see sections 30.15, 30.17 and 30.231 and 30.30, Florida Statutes.

B. Garnishment- You can file a claim, called a garnishment, against a bank, employer or anyone else who is holding money that belongs to the defendant.

1. First, file a "Motion for Writ of Garnishment" or Motion for Continuing Garnishment (if against an employer).

You should seek an attorney if you would like to file a Continuing Garnishment as we do not offer any forms.

3. You must file the motion with the County Court division. The Clerk charges \$188.00 to file this motion. The

clerk will then ask the Garnishee (the bank, etc.) if it is holding any property or assets of the defendant and if

anyone else is making claims on it.

4. The bank, etc. Must answer the Court or it may be responsible to pay the debt itself. For more information

see section 77.06, Florida Statutes.

5. Within 5 days of receiving an answer from the bank, etc., or other third party you must send a notice to the

defendant along with copies of the Writ of Garnishee's answer to the defendant and anyone listed in the answer which might have an interest in the property.

6. You must file a copy of this notice with the Court certifying that it has been sent. For more information see

section 77.055, Florida Statutes.

7. After the notice to the defendant has been sent, the defendant has 20 days to object or assert exemptions.

If there is any objection to a garnishment a trial will need to be held and you will probably need the services of

an attorney. Section 77.07, Florida Statutes.

8. If the garnishee files an answer admitting it holds property and there are no issues to resolve, you can file an

"Acceptance of Garnishee's Answer" and motion for final judgment approving garnishment.

9. Remember, there are very specific time requirements involved in this procedure. See chapters 77 and 222,

Florida Statutes.