2022
BENCH AND
BAR
CONVENTION

FRIDAY, MAY 13

SHOW ME THE MONEY

Taking the next steps after obtaining a judgment in Florida

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The information contained in this presentation is to provide a broad overview of the ways to collect a judgment in Florida. It is not intended to provide legal advice on a specific matter or to cover the process in its entirety

THERE'S A NEEDLE IN HERE. WE HAVE TO FIND IT.

SHOW ME THE MONEY

Exemptions in Florida

Wages from the Head of Household

Homestead Property

Property held in the Entireties when the judgment is only against one spouse

SHOW ME THE MONEY

Before You File

Do Your Due Diligence

Make sure you have the proper documentation

Credit applications

Contracts

Personal Guarantees

Financial Information

SHOW ME THE MONEY

Before You File

Do Your Due Diligence

Make sure you verify the correct individual or corporation

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Now that you have your judgment

Make sure to include a Fact Information Sheet with the Final Judgment

Form 1.977 of the Fla Rules of Civil Procedure

Case Caption

FINAL JUDGMENT FOR PLAINTIFF

The Court, after consideration of Plaintiff's Motion for Final Judgment, orders that:

1. Plaintiff, ABC Corporation (insert Plaintiff's address), recover from Defendants, 123 Corporation (insert Defendant's address and social security number, if known, but only the last 4 digits-see §55.01(2)),

Principal	$50,000.00
Costs	$ 750.00
Prejudgment Interest	$ 3,456.78
Attorneys' Fees	$ 5,000.00
TOTAL	$59,206.78

all of which shall bear interest at the statutory rate, for which let execution issue forthwith.

2. Defendant shall complete, under oath, FRCP Form 1.977 (Fact Information Sheet), including required attachments and the Spouse Related Portion (if appropriate), and serve it on (insert attorney's name and address) within 45 days of the date of this judgment, unless it is satisfied or post-judgment discovery is stayed.

3. Pursuant to Florida Rule of Judicial Administration 2.516(h)(1), Plaintiff shall serve a copy of this Order on any self-represented party and file with the clerk of court a certificate of service certifying the self-represented party was served with this Order

4. Jurisdiction of this case is retained to enter further orders proper to compel Defendants to complete Form 1.977 including all required attachments, and serve it on (insert attorney's name and address)

Ordered on _____, in _____ County, Florida.

_____
Judge

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This is a sample final judgment used for illustration purposes only. The final judgment in your case may differ as to the court's findings and holdings.

FACT INFORMATION SHEET – INDIVIDUAL

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.)
Describe all other accounts or investments you may have, including stocks, mutual funds, savings bonds, or annuities, on the back of this sheet or on an additional sheet if necessary.
****

Names and Ages of All Your Children (and addresses if not living with you): _____
Child Support or Alimony Paid: $_____ per _____
Names of Others You Live With: _____
Who is Head of Your Household? _____You ___Spouse _Other Person
Checking Account at: _____ Account #_____
Savings Account at: _____ Account #_____

For Real Estate (land) You Own or Are Buying:
Address: _____
All Names on Title: _____
Mortgage Owed to: _____
Balance Owed: _____
Monthly Payment: $_____
(Attach a copy of the deed or mortgage, or list the legal description of the property on the back of this sheet or an additional sheet if necessary. Also provide the same information on any other property you own or are buying.)

For All Motor Vehicles You Own or Are Buying:
Year/Make/Model: Color: _____
Vehicle ID #: _____ Tag No: _____ Mileage: _____
Names on Title: _____ Present Value: $_____
Loan Owed to: _____
Balance on Loan: $_____

Monthly Payment: $_____
(List all other automobiles, as well as other vehicles, such as boats, motorcycles, bicycles, or aircraft, on the back of this sheet or an additional sheet if necessary.)

Have you given, sold, loaned, or transferred any real or personal property worth more than $100 to any person in the last year? If your answer is "yes," describe the property, market value, and sale price, and give the name and address of the person who received the property.

Please attach copies of the following:

a. Your last pay stub.
b. Your last 3 statements for each bank, savings, credit union, or other financial account.
c. Your motor vehicle registrations and titles.
d. Any deeds or titles to any real or personal property you own or are buying, or leases to property you are renting.
e. Your financial statements, loan applications, or lists of assets and liabilities submitted to any person or entity within the last 3 years.
f. Your last 2 income tax returns filed.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

_____
Judgment Debtor

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____, who is personally known to me or has produced _____ as identification and who ____did / did not____ take an oath.

WITNESS my hand and official seal, this _____ day of _____, 20_____.

_____
My Commission expires: _____ Notary Public, State of Florida

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This is a sample for illustration purposes only and should be modified to the specifics of your case.

FACT INFORMATION SHEET - CORPORATION
(use additional paper if needed)

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:
$_____/$ _____$ _____/$ _____$ _____/$
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 # _____
Does the entity own any vehicles? Yes_____ No_____
For each vehicle please state:
Year/Make/Model: _____ Color: _____
Vehicle ID No: _____ Tag No: _____ Mileage: _____
Names on Title: _____ Present Value: $ _____
Loan Owed to: _____
Balance on Loan: $ _____
Monthly Payment: $ _____
Does the entity own any real property? Yes _____ No _____
If yes, please state the address(es): _____
Please check if the entity owns the following

_____	Boat	_____	Camper
_____	Stocks/bonds	_____	Other real property
_____	Other personal property		

Please attach copies of the following:

1. Copies of state and federal income tax returns for the past 3 years.
2. All bank, savings and loan, and other account books and statements for accounts in institutions in which the entity had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the service date of this Fact Information Sheet for accounts in which the entity held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date this lawsuit was filed.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the entity within the 12 months immediately preceding the date this lawsuit was filed.
6. Motor vehicle or vessel documents, including titles and registrations relating to any motor vehicles or vessels owned by the entity alone or with others.
7. Financial statements as to the entity's assets, liabilities, and owner's equity prepared within the 12 months immediately preceding the service date of this Fact Information Sheet.
8. Minutes of all meetings of the entity's members, partners, shareholders, or board of directors held within 2 years of the service date of this Fact Information Sheet.
9. Resolutions of the entity's members, partners, shareholders, or board of directors passed within 2 years of the service date of this Fact Information Sheet.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

_____
Judgment Debtor's Designated
Representative/Title

STATE OF FLORIDA COUNTY OF .....

Sworn to (or affirmed) and subscribed before me this _____ day of _____ (year) by (name of person making statement).

Personally known ____ OR Produced identification _____
Type of identification produced _____

YOU MUST MAIL OR DELIVER THIS COMPLETED FORM, WITH ALL ATTACHMENTS, TO THE PLAINTIFF'S JUDGMENT CREDITOR OR THE PLAINTIFF'S JUDGMENT CREDITOR'S ATTORNEY, BUT DO NOT FILE THIS FORM WITH THE CLERK OF THE COURT.

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Now that you have your judgment

Protect your Judgment

Make Sure that the Judgment is Recorded

In the county where the judgment debtor resides
and any other county where the judgment debtor may own property

The judgment must include the address of the judgment creditor
(not judgment creditor's attorney) in order to be a valid lien Fla. Stat. §55.10(1)
(can record an affidavit with the address simultaneously with the judgment as an alternative)

Lien is good for 10 years from the date of recording and can be extended
for an additional 10-year period

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JUDGMENT LIEN CERTIFICATE

Liens on personal property in Florida

Filed with the Secretary of State

Serves as public notice that the judgment creditor
has a monetary judgment against the judgment debtor

Judgment liens are valid for five years from the original filing date
and can be extended for an additional five years

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How to Collect

GARNISHMENT

Bank Garnishment

Wage Garnishment

Florida Statute Chapter 77

Garnishment statutes are strictly construed. Make sure to comply with notice requirements §77.041 and §77.055

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GARNISHMENT

Where do you get wage and bank information from?

Fact Information Sheet

Credit Application

Payments made by the Defendant prior to obtaining the judgment

Deposition

Subpoena records from third parties

Investigators

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OTHER WAYS TO COLLECT

Written Discovery

Fact Information Sheet

Per FL Rule of Civil Procedure 1.560(b), failure to obey the order may be considered contempt of court

Per FL Rule of Civil Procedure 1.560(d), a Spouse Related Portion of the fact information sheet can be included upon a showing that a proper predicate exists for discovery of separate income and assets of the judgment debtor's spouse

Request for Production of Documents

Interrogatories

FL Rule of Civil Procedure 1.340

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OTHER WAYS TO COLLECT

Deposition in Aid of Execution

FL Rule of Civil Procedure 1.560(a)

The deposition should be *duces tecum*
"you shall bring with you"

Do your homework before the deposition

Can depose a non-party who may provide information about the judgment debtor

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OTHER WAYS TO COLLECT

Subpoena Documents from Third Parties

FL Rule of Civil Procedure 1.351

Notice of the intent to serve a subpoena along with a copy of the subpoena must be given to every other party at least 10 days before the subpoena is issued

A party can serve an objection to the production within 10 days of service of the notice. The objection shall be heard before the production is produced

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OTHER WAYS TO COLLECT
Seize Property

The sheriff in the county where the property is located is directed to seize the specific item. The item(s) must be identified, and a break order may be issued by the court if needed.

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OTHER WAYS TO COLLECT

Proceeding Supplementary

Florida Statute §56.29

Statute amended effective July 1, 2016 to clarify the procedure under this statute

Judgment creditor files a motion an affidavit stating it holds an unsatisfied judgment or judgment lien and describe any property of the judgment debtor in the hands of any person.

The court then issues a “Notice to Appear” directing that person to file an affidavit (as provided in §56.16) stating why the obligation should not be applied to satisfy the judgment. This must be served

Initiated by a supplemental complaint that the clerk dockets as a supplemental proceeding under the same case number assigned to the original complaint and assigns a separate supplemental

proceeding number under the original case

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