

LEVY ON PERSONAL PROPERTY:

1. ORIGINAL SIGNED EXECUTION in compliance with F.S.S. and Fla. R. Civ. P. 1.914.
2. ORIGINAL OR COURT CERTIFIED COPY of the Final Judgment recorded in Monroe County.
3. JUDGMENT LIEN CERTIFICATE and the certification page issued by the State of Florida. You may go to www.sunbiz.org for further information on obtaining these pages.
4. INSTRUCTIONS FOR LEVY specifically describing the personal property to be levied upon. If a specific description is unknown or impossible to obtain prior to the levy, we will REQUIRE the plaintiff, attorney, or agent to accompany the officer to the levy and to point out the inventory specific property and have the inventory signed, dated and made a part of the Instructions for Levy as Exhibit "A". Instructions for Levy shall state the balance due on the writ and whether any payments have been made on the judgment.

INFORMATION NEEDED:

VEHICLE: Year, Make, Model, VIN Number, Color, Tag Number, Unique Markings, Etc.

BOAT: Year, Make, Model, Hull Number, Color(s), FL Number, Unique Markings, Etc. **(Do not forget to include any equipment on the boat, ie. Motor, Depth Finder, etc.)** We must have the make and horsepower of the motor.

5. SUFFICIENT COST DEPOSIT to cover all costs and fees from levy upon property through sale and conclusion of the levy. This amount varies depending upon the property levied – **please call for the cost deposit required for your particular case.**
6. ADDRESS OF ALL PARTIES, including plaintiff(s), counsel for the plaintiff(s), defendant (s), and counsel for the defendant(s).
7. Assignment of Judgment – Affidavit of Assignment of Judgment, must include all assignees in the chain from plaintiff to present assignee.
8. Affidavit as required by F.S.S. 56.27 (4)(A)(B)(C).
9. Proof of ownership.
10. Affidavit of Identity, in the event of variance in names on the various documents. The identity of the defendant must be verified by information such as date of birth, social security number, etc.
11. Information concerning the judgment and property levy must be consistent through all documents. Variations must be corrected.

After the sale, the plaintiff/plaintiff's attorney will be given a full accounting of all expenditures.

For more information applicable to your specific case, contact the Civil Division at 305-809-3041.

_____ Court _____ County, Florida

Case: _____

Plaintiff

Vs.

Defendant

INSTRUCTIONS FOR LEVY
PERSONAL PROPERTY

The Sheriff of Monroe County
5525 College Rd.,
Key West, Fl 33040

Date:

Dear Sir,

In the matter of Writ of Execution issued by _____ Court, _____ County, Florida in the above styled case, you are instructed to levy upon the following described real or personal property of the Defendant. Disclosure of the balance due on the writ as follows: \$ _____, plus interest from (DATE) _____. (F.S. 30.30 as amended).

SPECIFIC DESCRIPTION OF PROPERTY

LOCATION OF PROPERTY:

It is understood that you as Sheriff of Monroe County, Florida, are hereby held harmless by the undersigned against liability for any loss or damage whatsoever that might be sustained by anyone whomsoever by reason of your leaving upon the above described property, and that you shall be indemnified or held blameless by the undersigned for any expense incurred by reason of claim made against 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 levied upon, for any reason be not sold, including bankruptcy procedures, or if upon sale should not produce sufficient money to paid said costs, unless the costs shall have been paid by the Defendant.

Signature of Plaintiff, or
Plaintiff Attorney or Agent

NOTE: Section 30.30 (3) of the Florida Statues provides that if the Sheriff is requested to levy on property not specifically described in a writ or 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 conditioned to hold the Sheriff harmless against liability for any loss or damage that might be sustained by anyone reason of the levy and indemnifying him for any expense incurred.

DISCLAIMER: THE SHERIFF'S OFFICE CANNOT GIVE ANY LEGAL ADVICE. THIS INFORMATION IS NOT TO BE CONSIDERED LEGAL ADVICE. YOU NEED TO CONTACT AN ATTORNEY FOR ANY LEGAL ADVICE YOU NEED IN THE PREPARATION OF DOCUMENTS FOR SHERIFF'S LEVY AND SALE OF REAL OR PERSONAL PROPERTY.

Plaintiff(s)/Creditor(s)
vs.
Defendant(s)/Debtor(s)

Court/County
Case No.

AFFIDAVIT PURSUANT TO F.S.S. 56.27 (4)(A)(B) AND (C) FOR PERSONAL PROPERTY

I, as Attorney of Record for the Levying Creditor (Plaintiff), or as the Levying Creditor (Plaintiff), have herein set forth all of the following as to the Judgment Debtor (Defendant/s):

- (A) That I have reviewed the database or judgment lien records established in accordance with F.S.S. 55.201-55.209 and that the information contained in this affidavit based on my review is true and correct.
- (B) That I have provided to the sheriff the information required under F.S.S. 55.203(1) and (2) for each judgment lien certificate found indexed under the name of the Judgment Debtor (Defendant/s) as to each judgment creditor, including the lien for this action, the following:
 - a. the file number assigned to the record of the original and the second judgment lien, if any;
 - b. date of filing for each judgment lien certificate under F.S.S. 55.202 or F.S.S. 55.204(3)
- (C) **List all Judgment Lien Certificates** found indexed in their **order of "Priority"** by:
 - a. Case Style
 - b. Case Number
 - c. File Number assigned to the record of the original and second Judgment Lien, if any
 - d. Date of filing for each judgment lien
 - e. Judgment Date
 - f. Judgment amount
 - g. Interest rate
 - h. If the search of the state database conducted in preparation of the affidavit revealed no other liens except the lien for this action, a statement attesting to that effect must be included in the affidavit.

***** Remember that your judgment lien must also be listed. List all required information in the affidavit.**

- (D) A statement that the levying creditor either does not have any other levy in process, or if another levy is in process, they levying creditor believes in good faith that the total of the property under execution does not exceed the amount of outstanding judgments.
- (E) That I have reviewed the financing statements as provided in Part V of the F.S.S. 679 in the name of the Judgment Debtor (Defendant/s) reflecting a security interest in the property to be sold at the execution sale and, if any found filed, I have provided to Sheriff the names and addresses of all Secured Creditor(s), as listed in the financing statement, or any amendment to said statement;

- (F) If the search revealed no secured creditor liens (UCC) found, a statement attesting to that effect is included in the affidavit.
- (G) That I understand it is the responsibility of the sheriff to furnish certified mailing of NOTICE to all judgment creditors who have acquired a lien as provided in F.S.S. 55.502 and F.S.S. 55.204(3), all secured creditors who filed financing statements as provided in part V of Chapter 679, F.S.S., and I have provided to the sheriff said names and addresses required by F.S.S. 56.21, including:
- a. Attorney of Record of Judgment Debtor (Defendant/s), and if debtor has no attorney, then a statement attesting to that effect is included in the affidavit;
 - b. Judgment Debtor (Defendant/s) last known address;
 - c. Attorney of Record for all Judgment Creditors as listed in the judgment lien certificate, or any amendment to said certificate;
 - d. All Judgment Creditors who do not have an attorney of record, as listed in the judgment lien certificate or any amendment to said certificate;
 - e. All Secured Creditors (UCC) as listed in the financing statement or any amendment to said statement.

It is my understanding, unless a directed court order to the sheriff is received prior to the day of sheriff's sale, all monies received through levy or sale will be paid as prescribed in F.S.S. 56.27; to the sheriff, for costs; the levying creditor in the amount of \$500.00 as liquidated expenses; and the PRIORITY LIENHOLDER(S) under F.S.S. 55.202, F.S.S. 55.204(3), or F.S.S. 55.208(2), as set forth in this Affidavit required by subsection (4), by the plaintiff/creditor or his or her attorney, in satisfaction of the judgment lien(s), provided that the judgment lien(s) has (have) not lapsed at the time of levy. The receipt of the attorney shall be a release of the officer paying the money to him or her. If the name of more than one attorney appears in the court file, I have provided to the sheriff, the name and address of either the attorney who originally commenced the action or who made the original defense, unless the file shows another attorney has been substituted.

I further understand pursuant to F.S.S. 56.27(5), a sheriff paying money received under an Execution in accordance with the information contained in the AFFIDAVIT under subsection (4), is not liable to anyone for damages arising from a wrongful levy.

Date: _____

Affiant's Signature
Name and Address

Notary Information and name of document preparer.

***** NOTE: Affidavit will not be accepted by Sheriff unless signed by the Attorney of Record for the Levying Creditor (Plaintiff), or Levying Creditor (Plaintiff) and duly notarized. The levying creditor or Attorney for levying creditor SHALL deliver to the sheriff this affidavit at the time of the levy request.*