

LEVY PACKET REQUIREMENTS

- ORIGINAL WRIT OF EXECUTION
- INSTRUCTIONS FOR LEVY
- ATTORNEYS AFFIDAVIT – PER F.S. 56.27(4)
- JUDGEMENT LIEN CERTIFICATE(S)
- LEVY DEPOSIT

LEVY ON BUSINESS EQUIPMENT / FURNITURE REQUIRES:

- THE NAME, LICENSE NUMBER, AND PHYSICAL ADDRESS OF WHERE THE PROPERTY WILL BE STORED MUST BE PROVIDED IN THE LEVY INSTRUCTIONS.
- THE PLAINTIFF WILL BE RESPONSIBLE TO CONTRACT DIRECTLY WITH THE MOVING COMPANY AND PAY MOVING, STORAGE AND ANY RELATED FEES TO THE MOVING COMPANY

LEVY ON REAL PROPERTY REQUIRES:

- COPY OF DEED
- TITLE REPORT OR PROPERTY APPRAISER PRINT OUT

****AFFIDAVIT OF SAME NAME IS REQUIRED IF THE NAME VARIES IN ANY WAY****



Judicial Process Fee Schedule

The fees charged by the Judicial Process Unit are in accordance with Florida law.
F.S.S. 30.231.
These fees are non-refundable.

Type of Process	Cost of Individualized Service
Summons (per person being served)/Garnishments	\$40.00
Subpoenas/Orders, Notices, Evictions	\$40.00
Writ of Assistance	\$40.00 Service \$90.00 Execution
Order of Bodily Attachment	\$90.00
Distress Writ	\$40.00 Service \$90.00 Execution
Writ of Attachment	\$90.00
Writ of Replevin	\$90.00
Writ of Possession	\$90.00
Out-of-State Non-Enforceable Process	\$55.00
Child Custody Orders (any form)	\$90.00
Mental Health Ex-parte Order	\$0

**NOTE: The above fees apply to *Alias* or *Pluries* Documents as of July 1, 2009.
All papers received with insufficient fees attached will be returned to the sender.**

Levy Deposits:

\$2,500.00	Minimum Cost Deposit for Business Equipment/Furniture
\$2,200.00	Minimum Cost Deposit for any vehicle, single craft, single/double wide mobile home, travel trailer and each additional craft
\$650.00	Minimum Cost Deposit for Stocks, Bonds, Jewelry, Real Estate, Depositions
	Minimum Cost Deposit for Locksmith (Break Order is necessary)
\$150.00	

Personal Property (i.e. Household Furnishings): Deposit varies depending on quantity of items being levied. An inventory list will need to be seen by the Sales Coordinator, Corporal, or the Sergeant of the Enforceable Writs Section before an amount is determined.

Sheriff's Fees for Levying on Executions:

Docketing and Indexing	\$40.00
Prepare Advertisement	\$40.00
Bill of Sale/Deed	\$40.00
Levy Fee	\$50.00
Satisfaction of Judgement	\$40.00
Holding Sale	\$40.00
In-House Storage Fee	\$50.00

***There will be an additional fee of \$40.00 per hour (or any portion thereof) for each Deputy Sheriff required to standby on the scene after the first hour. The hourly fee also applies to any special services. The actual costs may be more or less. Levy deposits are refundable after all costs are paid.

Please make checks out to the Orange County Sheriff's Office.

Check and documents can be mailed to:

Orange County Sheriff's Office

Attn: Judicial Process Unit

P.O. Box 1440

Orlando, FL 32802

Please make sure to include your name, address, telephone number, email address, and any other pertinent contact information with your correspondence or request for process services.

You can conduct your business at the Judicial Process Unit

Monday - Friday between 8am - 5pm

425 North Orange Ave., Suite 240

(Orange County Courthouse)

Orlando, FL 32801

Telephone: 407.836.4570

In The Court, County, Florida

Case No.:

Plaintiff

vs.

Defendant(s) _____ /

INSTRUCTIONS FOR LEVY
(for vehicles and real property)

TO THE SHERIFF OF ORANGE COUNTY, FLORIDA

In the matter of an execution for money, issued out of the above styled Court, in the above styled case, you are hereby instructed to reduce the balance of the writ of execution by post judgment payments totaling \$ _____ after which you are to levy upon the following described property of the Defendant:

DESCRIPTION OF PROPERTY

Location of property:

Description of property:

Defendant's last known mailing address:

Defendant's attorney of record:

It is understood and agreed that you, as Sheriff of Orange County, Florida, pursuant to F.S.S. 30.30, shall be held blameless in making a wrongful levy, when acting upon these instructions. It is further understood and agreed that I shall pay all costs incident to this levy should the levied property not produce sufficient money to pay said costs upon the sale, unless said costs are to be paid by the Defendant or the levied property is not sold for any reason.

Dated this _____ day of _____, 20__.

By _____
Signature of Plaintiff, his Agent
or Attorney

Name:
Address:

Phone#:
Contact Person:

In The Court, County, Florida

Case No.:

Plaintiff

vs.

Defendant(s) _____ /

INSTRUCTIONS FOR LEVY
(for business equipment/furniture)

TO THE SHERIFF OF ORANGE COUNTY, FLORIDA

In the matter of an execution for money, issued out of the above styled Court, in the above styled case, you are hereby instructed to reduce the balance of the writ of execution by post judgment payments totaling \$ _____ after which you are to levy upon the following described property of the Defendant:

DESCRIPTION OF PROPERTY

Location of property:

Description of property:

Defendant's last known mailing address:

Defendant's attorney of record:

Moving company, business license, & Storage facility location:

It is understood and agreed that you, as Sheriff of Orange County, Florida, pursuant to F.S.S. 30.30, shall be held blameless in making a wrongful levy, when acting upon these instructions. It is further understood and agreed that I shall pay all costs incident to this levy should the levied property not produce sufficient money to pay said costs upon the sale, unless said costs are to be paid by the Defendant or the levied property is not sold for any reason. I will be responsible to select and contract directly with the moving company subject to the criteria established by the Orange County Sheriff's Office and will pay all moving, storage, and any related fees to the moving company directly.

Dated this _____ day of _____, 20__.

By _____
Signature of Plaintiff, his Agent
or Attorney

Name:
Address:

Phone#:
Contact Person:|

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How to Collect a Judgment in Florida

JUDGMENT LIENS

Definitions

- › **Judgment Debtor:** The losing party (the party that is ordered to pay a monetary amount by the court).
- › **Judgment Creditor:** The winning party (the party that is awarded a monetary amount by the court).
- › **Levy:** The process of seizing a judgment debtor's property to pay the judgment debt.
 - › In Florida, the sheriff's department levies the property.
 - › The sheriff's department sells the levied property in order to pay the creditor.
- › **Execution:** The process of selling the seized property and paying the creditor.

I was awarded a court ordered judgment. Can I file a judgment lien with the Department of State?

- › Yes, Florida law allows a creditor to file a Judgment Lien Certificate (</sunbiz/forms/judgment-lien/>) with the Department of State.
- › The filing is not required, but it can be an important factor in recovering your debt.
 - › Florida law requires the sheriff's department to pay all judgment creditors based on the order their judgment liens were filed.
 - › If someone else filed their judgment before you filed yours, the sheriff's department must pay them before they pay you.

What types of property can and cannot be levied by the sheriff?

- › The sheriff's department **can** seize:
 - › **Personal property:** movable things (e.g., cars, horses, boats, furniture, jewelry) owned by the debtor.
 - › **Real property:** land and buildings owned by the debtor.
 - › **Exemptions:** An individual may choose to exempt one motor vehicle worth \$1,000 or less; and one additional personal property item worth \$1,000 or less. Corporations and partnerships do not have any exemptions.
- › The sheriff's department **cannot** seize:
 - › An individual's home or homestead.
 - › Any property that is leased or rented by the judgment debtor.

How do I get the sheriff to levy personal property?

1. Locate the property.
 - › The property must be located in Florida.
 - › The sheriff's department will not locate the property for you.
2. Return to the Clerk of the Court that originally issued your judgment and ask for a *Writ of Execution*.
3. Deliver the *Writ* to the sheriff's department for the county where the debtor's property is located.
4. Provide the sheriff's department with:
 - › A deposit to cover their fees and costs.
 - › Your written *Instructions for Levy*:
 - › Describing the property; and
 - › Telling the sheriff's office where the property is located.

What happens once the personal property is levied?

- > The sheriff's department will sell the property at a public auction.
 - > The property will be sold to the highest bidder for *cash in hand*.
 - > You may bid on the property.
- > For the sheriff's department to sell the property, you must:
 - > Search our records by the judgment debtor's name (<http://www.sunbiz.org/jlilist.html>) for other judgment liens filed under that name.
 - > Search our UCC records by the judgment debtor's name (<https://www.floridaucc.com/uccweb/>) for creditors that have filed UCC security interests under that name.
 - > Notify all creditors found (if any) of the date, time and place of the sale.
 - > Provide the sheriff's department with a signed affidavit containing the information you found in your search for any judgment lien certificates against the debtor.
 - > Advertise the sale in a local newspaper once all notices have been sent.

If the levied personal property is sold, how is the money distributed?

The sheriff's department will distribute the money in the following order:

1. The sheriff's department will deduct their costs.
 - > If the property sale covers those costs, you will get your deposit back.
2. The sheriff pays you \$500 for your costs, regardless of the amount you actually spent.
3. If anyone else obtained a judgment lien against the debtor, the sheriff's office will pay all of the creditors in the order their judgment liens were filed.
 - > If the sheriff's department disburses all of the money before getting to you, you will not receive any payment.
 - > If there are no other judgment liens against the debtor, you will be paid first.
 - > Remaining funds will be returned to the debtor.

How long is a judgment lien valid?

- > A judgment lien is valid for 5 years.

- › Florida law allows you to file a second judgment lien to extend the lien for an additional 5 years.

How do I get a judgment lien on the debtor's real property?

File a certified copy of your judgment in the real estate records of the county in which the property is located.

- › The lien is in effect for 10 years, and it can be renewed for an additional ten years.
- › This type of lien is not filed with the Department of State.

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Ron DeSantis, Governor

Laurel M. Lee, Secretary of State

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Florida Department of State

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