

LEVY REQUIREMENTS

THE FOLLOWING ITEMS ARE REQUIRED TO BE SUBMITTED TO THE SHERIFF'S CIVIL SECTION BEFORE A LEVY CAN PROCEED.

TO LEVY ON REAL PROPERTY, YOU MUST PROVIDE THE FOLLOWING ITEMS TO THE SHERIFF:

- Original **Writ of Execution**
- Original **Instructions for Levy** with complete description and location of the property to be seized
- **Creditor's Affidavit** pursuant to Florida State Statute 56.27(4)(a)(b)(c)
- Names and addresses of all parties required to be notified via mail (**include in Creditor's Affidavit**)
- **Affidavit of same name (include in Creditor's Affidavit)**
- For real property, the **Warranty/Quit Claim Deed** showing ownership of the real property in the name of the judgment debtor(s) named in the Writ of Execution • Copy of **Final Judgment**
- Proper cost deposit.

TO LEVY ON PERSONAL PROPERTY, YOU MUST PROVIDE THE FOLLOWING ITEMS TO THE SHERIFF:

- Original **Writ of Execution**
- Original **Instructions for Levy** with complete description and location of the personal property to be seized. Description of the property must be complete and specific. Titled vehicles must include a copy of the vehicle registration (certified from DHSMV)
- **Creditor's Affidavit** pursuant to Florida Statute 56.27(4)(a)(b)(c)
- Names and addresses of all parties required to be notified via mail (**include in Creditor's Affidavit**)
- **Affidavit of same name (include in Creditor's Affidavit)**
- Certified copy of **Judgment Lien Certificate** (obtained from the Florida Department of State)
- Copy of **Final Judgment**
- Proper cost deposit.

The person requesting the levy is responsible to determine which specific items are being levied upon. The Sheriff CANNOT assist in obtaining the information for the levying creditor. The description of the property seized MUST BE specific and complete in describing the property.

Judgment Lien Certificates are obtained through the Florida Department of State and establish priority of liens. The Sheriff will pay proceeds of the sale in order of lien seniority. A cost deposit is required before any levy can proceed. If the property seized does not sell for enough to cover the statutory fees, cost of storage, and cost of advertisement, the

costs will be deducted from the cost deposit and any remaining deposit will be returned to the creditor/attorney providing the deposit. If the sale produces enough money to cover all fees, the deposit is deducted from the sale proceeds and the deposit is refunded in full.

F.S.S. 56.27 (1) All money received under executions shall be paid, in the order prescribed, to the following: the sheriff, for costs; the levying creditor in the amount of \$500 as liquidated expenses; and the priority lienholder under s. [55.10](#)(1) and (2), s. [55.202](#), s. [55.204](#)(3), or s. [55.208](#)(2), as set forth in an affidavit required by subsection (4), or his or her attorney, in satisfaction of the judgment lien, if the judgment lien has not lapsed at the time of the 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, the money shall be paid to the attorney who originally commenced the action or who made the original defense unless the file shows that another attorney has been substituted.

F.S.S. 56.27 (4) Before the date of the first publication or posting of the notice of sale provided for under s. [56.21](#), at the time of the levy request to the sheriff, the levying creditor shall deliver to the sheriff an affidavit setting forth all of the following as to the judgment debtor:

(a) For a personal property levy, an attestation by the levying creditor or the creditor's attorney of record that he or she has reviewed the database or judgment lien records established in accordance with ss. [55.201-55.209](#) and that the information contained in the affidavit based on that review is true and correct. For a real property levy in accordance with s. [55.10](#)(1) and (2), an attestation by the levying creditor or his or her attorney of record that he or she has reviewed the records of the clerk of the court of the county where the property is situated, or that he or she has performed or reviewed a title search, and that the information contained in the affidavit, including a disclosure of all judgment liens, mortgages, financing statements, tax warrants, and other liens against the real property, based on that review or title search is true and correct.

(b) The information required under s. [55.203](#)(1) and (2) for each judgment lien certificate indexed under the name of the judgment debtor as to each judgment creditor; the file number assigned to the record of the original and, if any, the second judgment lien; and the date of filing for each judgment lien certificate under s. [55.202](#) or s. [55.204](#)(3). For each judgment lien recorded on real property, the information contained in the certified copy of recordation of lien under s. [55.10](#)(1) and (2), and for each other lien recorded on real property, the name and address of the lienholder as shown in the copy of the recorded lien disclosed by the title search.

(c) A statement that the levying creditor either does not have any other levy in process or, if another levy is in process, the levying creditor believes in good faith that the total value of the property under execution does not exceed the amount of outstanding judgments.