

Execution of Sheriff's Levy
F.S. §§ 30, 55 & 56

A Writ of Execution is a court order to command a Sheriff to enforce a judgment by levying on real or personal property of the judgment debtor/defendant to obtain funds to satisfy the judgment amount awarded to the judgment creditor/plaintiff.

Writs of Execution issued from the Clerk of Court on judgments entered October 1, 2001 and after must follow the procedure set out in F.S. § 55.203 and file the Judgment Lien with the Department of State (see www.sunbiz.org).

When instructing the Sheriff to levy on real or personal property, we require:

Personal Property

- Original Writ of Execution
- Original Levy Instructions – **use of our form is required**
- Judgment Lien Certificate – **must include the cover sheet**
- Affidavit of Levying Creditor's Review of the Department of State's Database pursuant to F.S. § 56.27(4) – **use of our form is required**
- Final Judgment – Copy
- Same Name Affidavit – when applicable
- Include the correct vehicle identification number in the description of any vehicle. If the vehicle is registered / titled differently in name, a same name affidavit must be included in your levy package.
- Applicable levy deposit – Check made payable to Pinellas County Sheriff's Office

The moving/levying creditor is obligated to determine what item(s) are to be levied on and should review the applicable statutes to determine whether levy may be made as to certain personal property.

To instruct the Sheriff to levy, you must submit the levy instructions describing specific property and the address where the property is located.

Please note that a separate deposit is required to cover expenses such as wrecker service, storage, packing and hauling, advertisement, and other Sheriff's costs.

Real Property

- Original Writ of Execution
- Original Levy Instructions – **use of our form is required**
- Description of property must include the correct parcel number, legal description and address. The Property Appraiser will advise if debtor owns any Real Estate and how the property is assessed.
- Affidavit for Real Property Pursuant to F.S. § 56.27(4)(A), (B) & (C) – **use of our form is required**
- Certified Copy of Deed
- Final Judgment – Copy
- A certified copy of the filing of the judgment lien pursuant to F.S. § 55.10
- Same Name Affidavit – when applicable
- Applicable levy deposit – Check made payable to Pinellas County Sheriff's Office

Below are estimated **MINIMUM** levy deposits required for the cost of levying property through sale:

Automobile \$1600.00	Business Levy \$10,000.00	Household Goods 10,000.00
Stock Certificate \$500.00	Real Estate \$600.00	Mobile Home \$500.00

These expenses are charged as costs and, when possible, are reimbursable from the proceeds of the sale of levied merchandise, or in the event the defendant should satisfy the amount of judgment, the above levy deposit will be refunded.

In consideration of the unknown expenses which could be incurred in connection with a business levy or household items levy, any deposit deficiency will be due on day of the levy or next business day.

There may be instances where the property sold does not bring sufficient money to cover costs, in which event the levy deposit will be used. Also, the moving/levying creditor should determine whether there are any liens recorded against the property to be levied on. The Sheriff is ONLY selling the debtor's right, title, and interest to the levied property, subject to ALL liens, taxes, encumbrances, and judgments. In the event the levy is cancelled – e.g., the judgment debtor/defendant files bankruptcy -- the costs incurred are the responsibility of the levying creditor.

After levy, the property is held by the Sheriff, advertised, and then sold at public auction to the highest bidder.

The Sheriff's Office will schedule and handle the Notice of Sheriff's Sale in the newspaper specified on the Instructions for Levy and will be responsible for the "certified mailing" of the Sheriff's sale to the judgment debtor/attorney and when levying on personal property the Sheriff shall provide the Notice of Levy and Execution Sale and a copy of the Levying Creditor's § 56.27(4) Affidavit to all other judgment creditor(s) or their attorneys of record and all secured creditors (see UCC security interest; www.FloridaUCC.com). Such notice will be made by certified mail pursuant to § 56.21.

Pursuant to § 56.27 the proceeds from the Sheriff's Sale will be paid as follows: (1) Sheriff's cost for levy and sale; (2) first \$500.00 for liquidation costs to the moving/levying creditor, (3) if levy is on real property, the first priority lien holder under § 55.10, and if a levy is on personal property, the first priority lien holder under §§ 55.202, 55.204, or 55.208.

Please understand that the SHERIFF'S OFFICE EMPLOYEES CANNOT PRACTICE LAW OR GIVE YOU LEGAL ADVICE. They can only point out the existence of certain procedures and how to follow them. The Sheriff's Office does not make demands for money or satisfaction from the judgment debtor/defendant.

The Florida Constitution and/or statutes provide that certain property of a debtor may be exempted from forced sale. These exemptions include real estate that is the residence of a debtor and \$1000.00 of personal property.

PINELLAS COUNTY SHERIFF'S OFFICE
P.O. Drawer 2500
Largo, FL 33779-2500
Ph. (727) 582-6240

Form #691-066-0174
(Rev. 1-09-13)

INSTRUCTION FOR LEVY

_____ COURT

_____ COUNTY, FLORIDA

Plaintiff,

-vs-

CASE NO.

Defendant.

TO THE SHERIFF OF PINELLAS COUNTY, FLORIDA:

Dear Sir:

In the matter of an execution for money, issued out of the _____ Court, _____ County, Florida, in the above styled case, you are hereby instructed to levy on the following described property of the Defendant:

DESCRIPTION OF PROPERTY

Name of party on which levy is to be made: _____

Amount due, Rate of Interest & Interest Date on the Writ of Execution: _____, _____, _____

and, Pursuant to F.S. § 55.03 _____ %, from January 1, 2012

Publish immediately after levy. Name of Newspaper: **Business Observer**

Current or last known address of Defendant: _____

Defendant's Attorney of Record and Address _____

Are back taxes owed (pertains only to real property): _____.

It is expressly understood that you, as Sheriff of Pinellas County, Florida, pursuant to Florida Statute § 30.30, in attempting to execute any writ or when acting on the above instructions, be held harmless for making a wrongful levy, and further be held harmless against any liability for loss or damage that might be sustained by anyone whosoever by reason of levying upon the above described property and further, indemnify the Sheriff for any cost, or other expenses, including reasonable attorney's fees, and should the property for any reason not be sold, or if on sale should not produce sufficient money to pay said costs and fees.

Name of Law Firm (please print)

Name of Attorney Furnishing Instructions

Date

Signature of Plaintiff, his Agent or Attorney

Phone Number & Extension

NOTE: Section 30.30, Florida Statutes, provides that the Sheriff must levy on property specifically described in the writ. It further provides that, if the Sheriff attempts to levy on property other than that specifically described in the writ, he may require the plaintiff to furnish a bond for his protection.

**AFFIDAVIT OF LEVYING CREDITOR'S REVIEW OF THE
DEPARTMENT OF STATE'S DATABASE (PERSONAL PROPERTY)
§ 56.27(4)**

STATE OF FLORIDA)
)ss.
COUNTY OF PINELLAS)

BEFORE ME this day personally appeared _____ (“Affiant”), who, being duly sworn, deposes and says:

1. Under penalty of perjury, Affiant certifies that on the ____ day of _____, 20___, Affiant reviewed the Department of State’s database and the information contained in this Affidavit is true and correct based on the information contained therein.

2. Affiant’s review of the Department of State’s database revealed that other than the judgment lien certificate(s) which is/are the subject of this pending action, there are ____ judgment lien certificate(s) indexed under the name of the Judgment Debtor _____, (including any second judgment liens, if any).

3. Affiant has attached a copy of each judgment lien certificate to this Affidavit which contains the file number assigned by the Department of State and the date of filing.

4. Affiant has reviewed the required statements, including financing statements as provided in Part V of F.S. § 679 in the name of the Judgment Debtor, and any aliases known to Affiant, and there are ____ active UCC filing(s) against the above mentioned Judgment Debtor. Affiant has attached a copy of each active UCC filings.

5. Affiant, as the levying creditor:

 Does not have any other levy in process.
 Does have another levy in process but believes in good faith that the total value of the property under execution does not exceed the amount of outstanding judgment.

6. The foregoing statements truthful and accurate based on Affiant’s personal knowledge and belief.

FURTHER AFFIANT SAITH NAUGHT.

Subscribed and sworn to before me this ____ day of _____, 20___, who is personally known to me or who has produced _____ as identification.

Signature

Notary Public

Title

Type, Print, Stamp Name

Commission No.

My commission expires:

**AFFIDAVIT FOR REAL PROPERTY PURSUANT TO
F.S. § 56.27(4)(A), (B) & (C)**

Plaintiff(s) Creditor(s)

Court/County

vs.

Defendant(s) Debtor(s)

Case No.

I, _____ as Attorney of Record for the Levying Creditor or as the Levying Creditor, hereby affirm under oath the following:

A. That in accordance with F.S. § 55.10(1)(2), I have reviewed the Official Records of the _____ County Clerk of Court, Recording Department, or I have performed or reviewed a title search on the real property described in the Sheriff's instructions for levy, and that all the information contained in this Affidavit including a disclosure of all judgment liens, mortgages, financing statements, tax warrants, and other liens against the described real property, based on my review or title search is true and correct.

B. That I have provided to the Sheriff for each judgment lien found recorded on the real property, the information contained in the certified copy of recordation of lien under F.S. § 5510(1)(2), and for each other lien found recorded on the real property the name and address or the lienholder(s), as shown in the copy of the recorded lien(s) disclosed by the title search

C. List all Judgment Lien(s) and OTHER LIENS(S) found recorded in their order of "Priority" by: (including the judgment lien subject of this action)

Case Style, Case Number, Assigned reference number (OR Book/Page number), Recordation date, Judgment date, Judgment amount, Interest rate.

D. Your Affiant's review of the court records or title search revealed that other than the judgment lien which is the subject of this pending action, there are _____ judgment lien(s) indexed under the name of the Judgment Debtor _____.

E. Your Affiant, as the levying creditor:

- Does not have any other levy in process.
- Does have another levy in process but believes in good faith that the total value of the property under execution does not exceed the amount of outstanding judgment.

5. The foregoing statements are based on my personal knowledge and belief.

FURTHER AFFIANT SAITH NAUGHT.

Subscribed and sworn to before me this _____ day of _____, 20____, who is personally known to me or who has produced _____ as identification.

Signature

Notary Public _____

Title

Type, Print, Stamp Name

Commission No.

My commission expires: