

LEVY PROCEDURE

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:

1. Original Writ of Execution
2. Original Instructions for Levy with complete description and location of the property to be seized
3. Creditor's Affidavit pursuant to Florida State Statute 56.27(4)(a)(b)(c)
4. Names and addresses of all parties required to be notified (can be in Creditor's Affidavit)
5. For real property, the Warranty Deed showing ownership of the real property in the name of the judgment debtor(s) named in the Writ of Execution
6. Affidavit of same name
7. Copy of Final Judgment
8. Proper cost deposit.

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

1. Original Writ of Execution
2. 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
3. Creditor's Affidavit pursuant to Florida Statute 56.27(4)(a)(b)(c)
4. Names and addresses of all parties required to be notified (can be in Creditor's Affidavit)
5. Certified copy of Judgment Lien Certificate (obtained from the Florida Department of State)
6. Affidavit of same name
7. Copy of Final Judgment
8. 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.

FOR ALL LEVIES

When the Sheriff has levied on the property, the Sheriff will advertise the property four consecutive weeks in a newspaper of the county and sell it at Sheriff's Sale on the date and time specified in the advertisement. After the sale the Sheriff will pay all costs and statutory Sheriff's fees first. If sufficient proceeds are received from the sale, the Sheriff will pay a \$500.00 liquidation fee to the levying judgment creditor. All remaining proceeds will be paid to lien holders in order of seniority established by the Judgment Lien Certificates.

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.