

Guidelines for Personal Property Levy:

1. Plaintiff must record the final judgment with the Department of State by going online at www.sunbiz.org or call the Department of State, Division of Corporations, Judgment Liens Section at 850-245-6039. Once done the levying party will send the Sheriff's Office the following:
2. Writ of Execution (Original/Certified Copy issued by Clerk)
3. Instructions for Levy
 - Vehicle levy include
 - A. Vehicle Identification Number (VIN)
 - B. Make and model of vehicle
 - C. Color (if known)
 - D. Where vehicle can be located
4. Cost Deposit – Check made payable to the Collier County Sheriff's Office
 - A. Car/truck/motorcycle - \$2,000.00 (per vehicle)
 - B. Boat – cost varies as to how it will be moved.
 - C. Heavy equipment – cost varies as to how it will be moved.
 - D. Contents of residence or business - \$10,000.00 and up – involves moving company, the plaintiff's representative must go with us at the time of levy and point out items to be levied on plus do an inventory of items.

Disclaimer: The Sheriff's Office CANNOT GIVE ANY LEGAL ADVICE. THIS INFORMATION IS NOT TO BE CONSIDERED LEGAL ADVICE. YOU MUST CONTACT AN ATTORNEY FOR ANY LEGAL ADVICE YOU NEED IN THE PREPARATION OF DOCUMENTS FOR SHERIFF'S LEVY.

5. Creditor's Affidavit
Affidavit with Attestation by the Levying Creditor, or the Attorney of Record for Levying Creditor, is REQUIRED. Outline of ALL ELEMENTS required by STATUTES, and the Sheriff, to be contained in the AFFIDAVIT pursuant to FLORIDA STATUTES 56.27 (4)(a)(b)(c)

That I, as Attorney of Record for Levying Creditor, or as the Levying Creditor, have herein set forth all of the following as to the Judgment Debtor:

- (a) That I have reviewed the database or judgment lien records established in accordance with Florida Statutes 55.201-55.209 and that the information contained in this affidavit is true and correct.

- (b) That I have provided to the Sheriff the information required under Florida Statutes 55.203 (1) and (2), for each judgment lien certificate found 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 F.S. 55.202 or F.S. 55.204(3). List all Judgment Lien Certificates found indexed in their order of "Priority" by: **case number, case style, judgment date, amount of judgment, interest rate, file number assigned to the record of the original, and if any, the Second Judgment Lien AND, if the search of the state database done in preparation of this Affidavit revealed no other liens found filed except yours, make a statement to this effect. **Remember that your judgment lien must also be listed. List all required information in the Affidavit.****
- (c) That I either do **or** do not have any other levy in process or, if another levy is in process, I believe in good faith that the total value of the property under execution does not exceed the amount of outstanding judgments.
- That I have reviewed the financing statements as provided in Part V of Florida Statutes 679 in the name of the Judgment Debtor reflecting a security interest in property of the kind to be sold at the execution sale, and, if any found filed, I have provided to the Sheriff, the names and addresses of all Secured Creditor(s), as listed in the financing statement, or any amendment to said statement; AND, if the search revealed no secured creditor liens (UCC) found, have made a statement to this effect.
 - 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 Florida Statutes 55.502 and Florida Statutes 55.204 (3), all secured creditors who filed financing statements as provided in part V of Chapter 679, Florida Statutes, and I have provided to the Sheriff, said names and addresses required by F.S. 56.21: ***Attorney of Record** of Judgment Debtor, and if debtor has no attorney, I have made a statement to this effect; ***Attorney of Record** of all Judgment Creditors, as listed in the judgment lien certificate, or any amendment to said certificate; ***All Judgment Creditors** who do not have an attorney of record, as listed in the judgment lien certificate, or any amendment to said certificate; **All Secured Creditors (UCC)**, as listed in the financing statement, or any amendment to said statement.
 - That I understand unless a directed Court Order to the Sheriff is received prior to the Sheriff's Sale, all monies received through levy or sale will be paid as prescribed in F.S. 56.27(1); 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. 55.10 (1) and (2), F.S. 55.202, Florida Statutes 55.204(3), or Florida Statutes 55.208(2), as set forth in this Affidavit required by subsection (4), or his or her attorney, in satisfaction of the judgment lien(s), if the judgment lien(s) have not lapsed at 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.

- That pursuant to F.S. 56.27 (2)(b), if the affidavit required by subsection (4) discloses that the property is also subject to any recorded mortgage, financing statement, tax warrant, or other lien, other than a judgment lien, which is junior in priority to the levying creditors judgment lien, any surplus from the sale of the property shall be paid over to the registry of the court from which the execution issued for further proceeding to determine the priority in which such surplus shall be distributed among judgment lienholders, other lienholders, and the owner of the property sold.

- That I further understand, pursuant to F.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.

****NOTE: Affidavit will NOT be accepted by the Sheriff unless signed by the Attorney of Record for Levying Creditor, or Levying Creditor. The Levying Creditor or Attorney for Levying Creditor SHALL deliver this affidavit to the Sheriff at the time of the levy request.****