

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

A Writ of Execution is 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 at: (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 with State Seal**
- Affidavit of Levy 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 (**Recorded copy with book and page**)
- 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 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 (**Recorded copy with book and page**)
- 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 Certificates/Membership \$500.00	Real Estate \$600.00	Mobile Homes \$500.00

Please note: If property is not listed above please call for a deposit price at 727-582-6240.

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 the 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

Attention: Court Processing Unit

P.O. Drawer 2500

Largo, FL 33779-2500

Ph. (727) 582-6240

Form #691-066-0174

(Rev. 09/04/2018)