

## How can I collect my Judgment?

The Clerk of the Court cannot collect your judgment or give you legal advice, however, the following procedures may help you collect.

1. Obtain a certified copy of the Judgment from the Clerk's office where your suit was filed.
2. Record the certified copy in the county where the defendant resides and any county where the defendant may have real property.

## Can I place a lien against the defendant's property?

After recording the certified copy of the judgment, it becomes a lien against any real property then owned or thereafter acquired by the defendant in his/her name. A judgment has a lifetime of 20 years, however, a certified copy of the judgment must be re-recorded to extend the lien. **Effective July 1, 2001, if the certified copy is first recorded in accordance with the requirements of F.S. 55.10, on or after July 1, 1994, then the judgment shall be a lien in that county for an initial period of 10 years from the date of recording. An extension of the lien may be extended for 10 years by re-recording a certified copy of the judgment and an affidavit with the current address of the person who holds the lien.**

\*Note: Fees for making, certifying and recording a certified copy of the judgment are set by statute and are subject to change by legislative action. Contact the Clerk's office for current fees.

**There are certain restrictions governing judgments. Please refer to Chapter 55, Florida Statutes.**

## What is a Writ of Execution? and how do I obtain one?

A Writ of Execution is a method directed by the Court to attempt to enforce a judgment that has been granted. It authorizes a sheriff to levy on property belonging to the defendant within the State of Florida.

If you can locate and describe any property owned by the defendant, real or personal, you can secure a Writ of Execution from the Clerk's office after a ten (10) day period has elapsed. **Effective October 1, 2001, judgment information must be registered with the Secretary of State and a certificate received prior to taking the writ to the sheriff's department. F.S.55 and F.S. 56 Refer to [www.sunbiz.org](http://www.sunbiz.org) for more information.**

Prepare Instructions for Levy. Take it along with the Writ of Execution and certificate from the Secretary of State, to the Sheriff's Department. They will advise you of the costs to proceed with the writ.

Please refer to your judgment. It may allow you to attempt collection proceedings immediately. If the judgment states "for which let execution issue instanter" or "forthwith", then you may proceed without waiting the ten (10) day period.

**NOTE: Other procedures are available to obtain information to help you in the collection of your judgment, however, the Clerk's office is unable to assist you any further. If you do not have an attorney, you may contact the LAWYERS**

**REFERRAL SERVICE for assistance. Tel. No. 1-800-342-8011.**

## How is a judgment satisfied and cleared from the Official Record Books?

Prior to the actual levy of execution being issued, all final judgments in the courts of the State of Florida for the payment of money may be satisfied by the full payment of such judgment with interest thereon.

The defendant may pay the plaintiff directly the full amount of judgment and interest from the date of the entry of the judgment.

The plaintiff, or attorney of record in the case of the judgment, to whom such payment is made, **shall execute in writing** an instrument acknowledging satisfaction of the judgment. It shall be acknowledged and recorded in the Official Records Book in the proper county.

Within 60 days of the date of receipt of the full payment of the judgment, the person required to acknowledge satisfaction of the judgment shall send the recorded satisfaction to the person who made the full payment.

## What if the plaintiff or person to whom the money is owed cannot be located?

Often defendants or persons who have a money judgment against them are unable to take care of the judgment immediately and sometimes forget that there is an outstanding judgment against them.

Several years may pass and the plaintiff or

person holding the judgment may have moved or gone out of business.

The judgment may then be satisfied by the Clerk of Court upon the following conditions:

1. Payment of the full amount of judgment and interest.
2. Payment of the cost for recording, satisfying the judgment and notifying the judgment holder as prescribed by the Florida Statutes.

The Clerk shall issue a receipt for the money and record the satisfaction of judgment.

**REFERENCES**

**FLORIDA STATUTES 55.141 and 701.04**

**FLORIDA RULES OF CIVIL PROCEDURE**

**FLORIDA SMALL CLAIMS RULES**

*Trawick's*

**FLORIDA PRACTICE AND PROCEDURE**

**ALL AVAILABLE AT YOUR LOCAL LAW LIBRARY.**

**ADDRESS OF THE CLERK OF THE CIRCUIT COURT:**

**LAURA E. ROTH  
CLERK OF THE CIRCUIT COURT  
P.O. Box 6043  
101 N. Alabama Avenue  
DeLand, FL 32721-6043**

**LAURA E. ROTH  
CLERK OF THE CIRCUIT COURT  
P.O. Box 2401 (32115)  
125 East Orange Avenue  
Daytona Beach, FL 32114**

**LAURA E. ROTH  
CLERK OF THE CIRCUIT COURT  
124 N. Riverside Drive  
New Smyrna Beach, FL 32168**

General Information Telephone Numbers

DeLand .....	386-736-5915
Daytona Beach .....	386-257-6006
New Smyrna Beach .....	386-423-3304

**Public Information available on the Clerk's Web Site**  
[www.clerk.org](http://www.clerk.org)

**Attention: Persons with Disabilities**

If you are a person with a disability who needs any accommodation, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Maureen E. Taylor 101 N. Alabama Avenue, DeLand, Florida, 32720; telephone 386 822-5753 at least 2 working days prior to your intended use of this provision. If you are hearing or voice impaired; Call 1-800-955-8771.

**THIS IS NOT A COURT INFORMATION LINE.**

Revised 05/04

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**MY JUDGMENT?**

**HOW IS A JUDGMENT SATISFIED?**



Historical Court House  
Volusia County, Florida

**Service of**

**LAURA E. ROTH  
Clerk of the Circuit Court  
Volusia County  
P.O. Box 6043  
DeLand, FL 32721-6043**

OFFICE HOURS  
8:00 A.M. - 4:30 P.M.  
MONDAY THROUGH FRIDAY