

## HOW JUDGMENTS ARE COLLECTED

Small Claims Judgments entered in County Courts are enforceable in the manner provided by law. The Clerk of Court may assist in the preparation of certain documents related to collecting a judgment; however, the information we can provide regarding collection is very limited.

1. The prevailing party may record a certified copy of the Final Judgment with the Clerk of Court in the county where the debtor resides and/or owns real property. The recording of a certified copy creates a lien of record against any real estate in the county where recorded. This lien, if not satisfied, must be reestablished every ten (10) years, for the life of the judgment, F.S. 55.10(2). The cost of a certified copy is \$1.00 per page for the copy and \$2.00 per document for certification. The cost of recording is \$10.00 for the first page and \$8.50 for each subsequent page. You may send a written request along with the appropriate fee to the Recording Department at the address referenced below.
2. The prevailing party may request a Writ of Execution ten (10) DAYS AFTER ENTRY OF JUDGMENT. The Writ is the Court Order directing and authorizing the Sheriff to seize, advertise, and to sell to the highest bidder, enough of the judgment debtor's property to satisfy the amount of the judgment plus additional costs. BEFORE THE SHERIFF CAN LEVY, the judgment creditor must record a Judgment Lien with the Secretary of State. For information regarding this procedure, contact the Secretary of State, Division of Corporations at 850-488-9000 or [www.sunbiz.org](http://www.sunbiz.org).
3. If the holder of the judgment knows of any third person, such as an employer, tenant, mortgagor or bank (where the debtor has money deposited) who may owe the debtor any money or have possession of any of the debtor's personal property, he may request the Clerk's Office to issue a Writ of Garnishment against the third person. A garnishment when served, would obligate the garnishee to hold money or property for disposition by the Court. The fee for processing a Writ of Garnishment is \$85.00 payable to the Clerk and \$40.00 payable to the Sheriff. Forms are available in each Clerk's Office or you may visit the Clerk's Website at [www.brevardclerk.us](http://www.brevardclerk.us) under "Forms".
4. If the debtor is the "head of household", he/she is entitled to certain exempt property which cannot be successfully levied. Plaintiffs and defendants must seek legal advice on Post Judgmental relief.
5. Within 30 days after a judgment has been fully paid, the judgment holder must send a RECORDED SATISFACTION OF JUDGMENT to the person who has made full payment. Satisfaction of Judgment forms are available in the Small Claims Department. The recording fee is \$10.00 for the first page and \$8.50 for each subsequent page and must be paid prior to recordation. Also, any additional costs incurred by the plaintiff will be added to the amount owed by the defendant.

6. If you are the prevailing party, you may wish to request the judge to enter an order directing the defendant to complete a Fact Information Sheet to assist you in the collection of your judgment. If your Final Judgment includes this direction, you must also purchase the Fact Information Sheet - Small Claims Rules Form 7.343 (Law 390). If your Final Judgment does not include this information, you must purchase the Order to Complete Small Claims Rules Form 7.343 (Law 389) and the Fact Information Sheet - Small Claims Rules Form 7.343 (Law 390). These forms may be found in the Brevard Forms book located in the Clerk's Office or you may visit the Clerk's Website at [www.brevardclerk.us](http://www.brevardclerk.us), under "Forms".
7. Any further assistance or legal advice must come from private counsel. The Clerk's Office cannot recommend an attorney for you. If you require assistance in obtaining an attorney, you should contact the Lawyer's Referral Service at 1-800-342-8011.

### **MAILING ADDRESSES**

TITUSVILLE  
Scott Ellis, Clerk of Courts  
P.O. Box 219  
Titusville, FL 32781-0219  
Telephone: (321)637-5413  
Fax: (321)264-5246

RECORDING DEPARTMENT  
Scott Ellis, Clerk of Courts  
P.O. Box 2767  
Titusville, FL 32781-2767  
Telephone: (321)264-5245  
Fax: (321)264-5246

\* PLEASE NOTE: The Secretary of State's Office charges a fee for providing information over the telephone. Information from their website is free.