

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

**AMERICAN SOUTHERN INSURANCE
COMPANY,**

Plaintiff,

v.

Case No: 5:15-cv-10-Oc-30PRL

**DAN HOUSE ELECTRIC, INC.,
DANIEL BRIAN HOUSE and CARISSA
J. HOUSE**

Defendants.

ORDER

This case comes before the Court for consideration of Plaintiff's Motion for Writ of Garnishment on garnishee, BBVA Compass Bank. (Doc. 16).

On April 2, 2015, final default judgment was entered in favor of Plaintiff and against Defendants in the principal amount of \$521,564.40, plus post-judgment interest. (Doc. 15). Plaintiff now moves for a Writ of Garnishment to satisfy the outstanding judgment. Plaintiff believes that Defendant Daniel Brian House has money or intangible personal property in the garnishee's possession that can satisfy the judgment, or that the garnishee may be indebted to Defendant.


Pursuant to Federal Rule of Civil Procedure 69, the Court must follow state law with regard to garnishment procedures. Fed.R.Civ.P. 69. Chapter 77 of the Florida Statutes prescribes the procedure for issuance and enforcement of writs of garnishment. To obtain a writ of garnishment after judgment, Plaintiff is required to file a motion stating the amount of the judgment. Fla. Stat.

§ 77.03. Plaintiff satisfied this requirement in its motion for the issuance of writ of garnishment to BBVA Compass Bank. (Doc. 16).

After a writ of garnishment is issued, Chapter 77 requires two separate notices in connection with the garnishment proceeding. If a defendant is an individual, subsection 77.041(1) requires notice to the defendant and prescribes the exact language of a “Notice to Defendant of Right against Garnishment of Wages, Money, and Other Property.” Fla. Stat. § 77.041(1). In addition, subsection 77.041(2) requires that a plaintiff comply with additional notice requirements in regard to the defendants.

Accordingly, upon due consideration, Plaintiff’s Motion for Writ of Garnishment (Doc. 16) is **GRANTED**, and the Clerk is directed to issue a Writ of Garnishment to BBVA Compass Bank. The Clerk is further directed to attach to the Writ of Garnishment the “Notice to Defendant” pursuant to Fla. Stat. § 77.041(1). Plaintiff is reminded that it must fully comply with all notice requirements of § 77.041, Florida Statutes.

DONE and ORDERED in Ocala, Florida on April 23, 2015.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties