

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

PATRICIA KENNEDY,

Plaintiff,

v.

Case No: 6:17-cv-2157-Orl-22TBS

SCHLING LLC and ORDER UP II, INC.,

Defendants.

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**ORDER**

Pending before the Court is Plaintiff's Motion for Writ of Garnishment After Judgment (Doc. 54) and a proposed Writ (Doc. 54-1).

"The procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located[.]" FED. R. CIV. P. 69(a)(1). Florida law provides that "[e]very person or entity who ... has recovered judgment in any court against any person or entity has a right to a writ of garnishment, in the manner hereinafter provided, to subject any debt due to defendant by a third person ... and any tangible or intangible personal property of defendant in the possession or control of a third person." FLA. STAT. § 77.01. To obtain a writ of garnishment, the judgment creditor must file a motion stating the amount of the judgment. FLA. STAT. § 77.03. The writ must require the garnishee to answer within 20 days of service of the writ, stating whether the garnishee is indebted to the defendant at the time of the answer, or was indebted at the time of service of the writ, plus up to 1 business day for the garnishee to act expeditiously on the writ, or at any time between such times; the amount of the tangible or intangible personal property of defendant the garnishee has in

its possession or control at the time of the answer, or had at the time of the service of the writ, or at any time between such times; and whether the garnishee knows of anyone else who is indebted to the defendant, or who may have any of the property of the defendant in its possession or control. FLA. STAT. § 77.04.

As the motion and proposed writ comply with these requirements, the motion is **GRANTED**, and the Clerk is authorized to execute and issue the writ attached to the motion.

**DONE and ORDERED** in Orlando, Florida on May 22, 2019.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties