

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NATIONWIDE JUDGMENT
RECOVERY, INC.,

Plaintiff,

v.

Case No. 8:21-mc-00112-CEH-AEP

CHARLES B. VASQUEZ,

Defendant,

v.

BANK OF AMERICA, N.A.

Garnishee

_____/

ORDER

This matter comes before the Court on Plaintiff's Motion for Writ of Garnishment, After Judgment, and Memorandum of Law (Doc. 44). A judgment in the amount of \$14,751.29 in Plaintiff's favor was entered in the action between the parties on August 14, 2017, in the District Court for the Western District of North Carolina, Charlotte Division, which was subsequently registered in the District Court for the Middle District of Florida on September 17, 2021 (Doc. 1). *See* 28 U.S.C. § 1963. According to Plaintiff, the judgment, plus post-judgment interest, remains unsatisfied. Plaintiff believes that Defendant may have a bank account or other property in the possession or control of the Garnishee, Bank of America, N.A., and, by the instant motion, now requests that the Court issue a writ

of garnishment directed to Bank of America, N.A. in order to recover on the outstanding judgment.

Pursuant to Rule 69, Federal Rules of Civil Procedure, the Court must follow state law regarding execution of a judgment. Florida Statutes § 77.01 *et. seq.* allows recovery of a money judgment via a writ of garnishment. Thus, the Court may enforce the judgment through a writ of garnishment pursuant to Florida law. Under Florida Statute § 77.07, a Writ of Garnishment automatically dissolves six months from issuance if a dismissal or motion for final judgment has not been filed and no extension has been requested. As Plaintiff failed to file a motion for final judgment within six months and no extension was sought, the initial Writ against Bank of America, N.A (Doc. 16) dissolved by operation of law on August 21, 2022. Notwithstanding, upon consideration, the Court finds good cause to grant Plaintiff's subsequent motion. Accordingly, it is hereby

ORDERED:

1. Plaintiff's Motion for Writ of Garnishment (Doc. 44) is GRANTED.
2. The Clerk is hereby directed to issue a Writ of Garnishment upon Garnishee Bank of America, N.A.
3. As Defendant Charles B. Vasquez is an individual, the Clerk is hereby directed to attach the required notice to Defendant Charles B. Vasquez pursuant to Florida Statutes § 77.041(1) to the writ of garnishment.

DONE AND ORDERED in Tampa, Florida, on this 7th day of December,
2023.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record