

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

NATIONWIDE JUDGMENT
RECOVERY, INC.,

Plaintiff,

v.

Case No: 8:22-mc-32-VMC-JSS

STANLEY CROWLEY,

Defendant.

_____/

ORDER

Plaintiff Nationwide Judgment Recovery, Inc. moves the court for a writ of garnishment after judgment directed to Bank of America, N.A. pursuant to Federal Rule of Civil Procedure 69(a) and section 77.03 of the Florida Statutes. (Motion, Dkt. 34.) Upon consideration, Plaintiff's Motion is denied without prejudice.

Section 77.03 of the Florida Statutes requires a plaintiff seeking issuance of a writ of garnishment after judgment to file a motion "stating the amount of the judgment." Fla. Stat. § 77.03. Plaintiff's Motion states that the judgment entered against Defendant in the United States District Court for the Western District of North Carolina for which garnishment is being sought was "in the amount of \$25,787.28[.]" (Dkt. 34 at 2; *see also id.* at 5; Dkt. 34-1 at 2.) However, the judgment entered against Defendant in the Western District of North Carolina for which Plaintiff is seeking garnishment was for \$25,765.28. *See* (Dkt. 1 at 4.) Plaintiff's Motion therefore fails to

accurately state the amount of the judgment and does not comply with section 77.03. See *Branch Banking & Tr. Co. v. Carrerou*, 730 F. App'x 869, 871 (11th Cir. 2018) (“[U]nder Florida law ‘[g]arnishment proceedings are statutory in nature and require strict adherence to the provisions of the statute.’”) (quoting *Zivitz v. Zivitz*, 16 So. 3d 841, 847 (Fla. 2d DCA 2009)); see also *Akerman Senterfitt & Eidson, P.A. v. Value Seafood, Inc.*, 121 So. 3d 83, 86 (Fla. 3d DCA 2013) (“It is fundamental that garnishment statutes must be strictly construed.”). Accordingly, Plaintiff’s Motion for Writ of Garnishment After Judgment (Dkt. 34) is **DENIED without prejudice**.

ORDERED in Tampa, Florida, on December 13, 2023.


JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record