

**IN THE COUNTY COURT OF POLK COUNTY, FLORIDA
CLAIMS DIVISION**

To: Plaintiffs Filing Garnishments

In accordance with Section 77.041, Florida Statutes, we have prepared a **Notice to Defendant** form for your use. You will need to make the additional copies needed. The original **Certificate of Service** is to be filed with the County Court-Civil Division, Drawer CC-12, P.O. Box 9000, Bartow, Florida 33831-9000 when you send the copy of the Notice to the defendant. It is not necessary for you to send a copy of the writ of garnishment and a copy of the motion for writ of garnishment to the Court.

You as the plaintiff must mail, by first class, a copy of the writ of garnishment, a copy of the motion for writ of garnishment, and, if the defendant is an individual, the **“Notice to Defendant”** to the defendant’s last known address within **five (5) business days** after the writ is issued or **three (3) business days** after the writ is served on the garnishee, whichever is later. However, if such documents are returned as undeliverable by the post office, or if the last known address is not discoverable after diligent search, you must mail, by first class, the documents to the defendant at the defendant’s place of employment. You are required to file in the proceeding a certificate of such service.

The defendant will have twenty (20) days from the date you mailed the copies of the **Notice to Defendant, Writ of Garnishment,** and **Motion for Writ of Garnishment** in which to file a motion to have the writ dissolved or to claim an exemption from the Garnishment.

Upon the filing by the defendant of a claim of exemption and request for hearing, a hearing will be held as soon as is practicable. If you do not file a sworn written statement that contests the defendant’s claim of exemption within three (3) business days after hand delivering the claim and request or, alternatively, eight (8) business days, if the claim and request were delivered by mail, no hearing is required and the Court must automatically dissolve the writ and notify the parties of the dissolution by mail.

If the defendant fails to file a **Claim of Exemption and Request for Hearing** or a **Motion to Dissolve the Writ of Garnishment** within twenty (20) days of your mailing the **“Notice to Defendant,”** you will need to submit a **Motion for Final Judgment in Garnishment.** The file will then be sent to the Judge for his or her consideration for the **Final Judgment in Garnishment** to be signed.

Richard M. Weiss
Clerk of the Circuit Court

This information sheet and supplied forms are being furnished by the Clerk of the Court as a courtesy to you and for procedural information only. They should not be relied upon by you as legal advice. The Deputy Clerks cannot furnish you with legal advice. If you have questions about further procedures, options, and your legal rights and responsibilities, you should consult your attorney.