

The Civil and Warrants Units bear the responsibility of serving and executing all legal process generated by the court system. Some of the daily operations of this unit include serving summons, subpoenas and domestic violence injunctions, conducting evictions and tracking down and arresting wanted subjects on outstanding warrants. The Warrants and Civil Units serve a number of processes for governmental, private attorneys and the general public as well as out of state and out of county sources.

The Civil Process Unit handles the service of various legal documents including summons, garnishments, associated writs and orders of protection. Civil commitment documents directing a person to be taken to a facility for mental or drug/alcohol evaluation are also handled in these units. Most of the documents must be served in a manner and will in many cases require a response from the defendant back to the court within a limited amount of time. Many come from other jurisdictions, both in and out of state.

The Civil Units and Warrants and are staffed by one sergeant, two uniform deputies, and two plainclothes civilian process servers. The sergeant also oversees the office staff, which consists of one fulltime Judicial Services Staff Assistant and one Senior Staff Assistant. The Warrants unit consists of two fulltime Warrants Staff Assistant. Process received in this office usually has monetary fees attached which require additional handling and reporting to accounting.

## Warrant Information

If you have information that may lead to the apprehension of a wanted fugitive, please call the Warrants Unit at (772) 978-6200, after hours and weekends contact our Communications Unit at (772) 978-6240. You may remain anonymous.

## **Unit Responsibilities**

The Indian River County Sheriff's Office is responsible for receiving, processing, maintaining active files, and serving or executing all judicial process received by the Indian River County Sheriff's Office. The unit also receives and processes Baker Act and Marchman Act Orders generated during normal work hours for execution by the Civil/Warrants Unit or Patrol Division.

The Civil/Warrants Unit carries out the responsibility of the Sheriff, per Florida State Statue, the service of civil process, which includes:

- Service of Subpoenas, Summonses, and other non-enforceable civil process
- Execution of Enforceable Civil Process to include: Writs of Possession, Writs of Replevin, Writs of Execution
- Execution of Child Custody Orders
- Service of Temporary and Final Injunctions for Protection

Each step in the civil process procedure is extremely important and we work diligently to ensure that all laws have been addressed and adhered to throughout the process.

The Sheriff is allowed under Florida Statute 30.231 to charge a “reasonable fee” for the service of process. Any extended civil standby may require an off duty Deputy and can be scheduled with our off duty coordinator. Please check with the Civil Process staff in advance if this is an issue.

## **ASSISTANCE FOR VICTIMS OF DATING, DOMESTIC, REPEAT AND SEXUAL VIOLENCE**

- What is an injunction?

An injunction is a court order, also referred to as a restraining order that directs a person not to have any contact with you.

- What are the requirements for filing a Petition for Injunction?

For domestic violence, this action is available if the respondent presently resides with you, or has lived with you in the past as a member of the family, such as a spouse, former spouse, person related by blood or marriage, person who has lived together with you as though he/she were your spouse, or person with whom you have had a child, even if you have never lived together.

For repeat violence, this action is available if you have been a victim of assault, battery or sexual violence by the respondent at least twice within the past 6 months. The following conditions should also be met: (1) you and respondent are not related by blood; (2) you and respondent have no children together; and (3) you and respondent have never lived together.

For sexual violence, this action is available if (1) you have reported the sexual violence to a law enforcement agency and are cooperating in any criminal proceeding against the respondent, and (2) the respondent who committed the sexual violence was sentenced to a term of imprisonment in state prison and the term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

For dating violence, this action is available if you and respondent have, or have had, a continuing and significant relationship of a romantic or significant nature, which is determined based on consideration of the following factors: (1) The dating relationship existed within the last 6 months; (2) the nature of the relationship is characterized by the expectation of affection or sexual involvement between the parties; and (3) the frequency and type of interaction must be based on the parties involvement over time and on a continuous basis during the course of the relationship.

- Where can I obtain an injunction?

During normal working hours, the Petition for Injunction should be filed with the Family Law Division of the Clerk's Office, 2000 16<sup>th</sup> Avenue, Suite 136, Indian River County Courthouse. There are currently no costs associated with injunctions.

Once the forms are completed, the Family Law Division will file the petition and take the file to the judge for review. If the judge finds merit to the petition, a Temporary Injunction and Notice of Hearing will be entered.

During weekends and holidays, injunctions may only be obtained while 8:00 AM first appearance is in session. After hours, assistance in obtaining an emergency injunction may be sought at the Indian River County Sheriff's Office, located at 4055 41<sup>st</sup> Avenue.

- What happens after the judge grants the injunction?

A hearing must be scheduled and the violator must be personally served with a copy of the Petition, Notice of Hearing, and the Temporary Injunction.

The formal hearing will be scheduled for the next available court session. You must attend the hearing or the injunction will be dismissed.

Any injunction granted by the Court will remain in effect until modified or dissolved by the judge. Copies of all injunctions are placed on file with local law enforcement agencies.

- **ASSISTANCE FOR LANDLORD/TENANT ISSUES**

- Evictions/Tenant Assistance

- <http://www.clerk.indian-river.org/en/civil/>

- Ex-Parte Order

- Marchman Act (Substance Abuse) / Baker Act (Mental Health)

- If you are willing to swear in a Petition for Involuntary Examination that you have personally witnessed an individual causing harm to themselves or others, an "Ex-Parte" for an involuntary examination can be completed at Family Law Division of the Clerk's Office, 2000 16<sup>th</sup> Avenue, Suite 136, Indian River County Courthouse. For more information, contact the Mental Health Division at 772-770-5185.

# Service Fees

The fees for service of process are mandated by Florida Statute 30.231 and are as follows:

- **\$40.00** for each summons, subpoena, order or writ to be served. If there are multiple defendants to be served, a **\$40.00** fee and a service packet as defined here is required for each defendant.
- All enforceable writs except executions requiring seizure of persons or property: **\$50.00** in addition to the **\$40.00** fee. This includes writs of possession and replevin.
- Civil orders of arrest (excluding writs of attachment for child support) require the **\$90.00** enforceable fee, and an additional deposit of **\$65.00** per day the defendant is to be incarcerated.
- If a deputy is required after the first 30 minutes, a **\$35.00** per hour cash charge is required at the time of service.
- For the fees associated with writs of execution and the levy process please contact our office.

Please note that all Sheriff's fees are nonrefundable per statute.

## Contact Details

You may contact the Civil Unit directly at 772-978-6002 or 772-226-3190 between 8:00 am and 5:00 pm, Monday – Friday.

### Our mailing address is:

Attn: Civil  
Indian River County Sheriff's Office  
2000 16<sup>th</sup> Avenue #232  
Vero Beach, FL 32960

# Writs and Levies

The Sheriff has no authority to demand payment on judgments or liens. He is required by law to levy upon and sell specifically described property to satisfy the execution issued.

## How the levy process works:

Once the Indian River County Sheriff's Office has received all required paperwork and your deposit, a deputy will be sent to take possession of the listed property. Once the property has been secured, we will prepare a Notice of Sheriff's Sale that will be advertised for 4 consecutive weeks in the Vero Beach Press Journal, a local newspaper.

Once the sale date arrived, a deputy will conduct the sale. The sale is a public auction to the highest bidder for cash or cashier's checks in hand only. No checks, money orders, or credit cards are accepted as payment. Should the highest bidder not have the cash in hand, the second highest bidder wins the bid at their bid price. Please note that there is no minimum bid.

The plaintiff or their representative has the opportunity to employ a credit bid at the sale. This means that you can bid up to the amount of your judgment, all accrued interest and levy costs to date, and the \$500.00 liquidation fee, without producing any money. If you are the highest bidder then the amount of your bid will be subtracted from the judgment. However, all costs will be deducted from your deposit. If you bid over the amount of the judgment then you will be responsible for producing the necessary amount in cash at the time of the sale. Should you fail to do so, then the second highest bidder will be offered the property at their bid price. All plaintiffs are advised to be present at the sale in order to protect their interest.

Should the property fail to sell, the property will be returned to the defendant at your cost.

Should the defendant wish to satisfy the judgment, they can contact this office to obtain a current payoff amount. This amount will include the judgment, all accrued interest to date, the \$500.00 liquidation fee, and all costs incurred from your deposit. Full payoff by the defendant immediately cancels the sale and returns the property to the defendant. Please contact this office during normal business hours if the defendant desires to pay you directly, to determine the levy costs to date.

## What we require:

- The original writ of execution. This can be obtained from the same court that issued your judgment.
- Instructions for levy. This document is required to direct the Sheriff, in writing, to levy upon specifically described property; provide defendant's residence address, place of employment, and attorney of record, if any. This document is also required to have a "hold harmless" clause per FSS 30.30.
- Deposit. The Florida Supreme Court has ruled that the Sheriff shall require a deposit in advance to cover all costs in connection with the handling of an execution or he is personally liable for such costs if not paid. Our current deposit amounts are as follows:
  - Automobile: **\$1750.00**
  - Boat: **\$1750.00**

- Real Estate: Short Legal: **\$1000.00** Long Legal: **\$1,200.00**

For levy on other personal property, contact this office for cost deposits. The cost to levy upon personal property other than motor vehicles, boats, or real estate is usually at least \$2000.00. The above deposits are based on costs required to conduct past levies and are not negotiable. These deposit amounts are subject to change without notice, please contact this office for current deposit amounts.

## 56.27 Affidavit

We require an affidavit as defined in Florida Statute 56.27:(4)

On or before the date of the first publication or posting of the notice of sale provided for under s. 56.21, the levying creditor shall file an affidavit setting forth the following as to the judgment debtor:

(a) An attestation that the levying creditor has reviewed the database or judgment lien records established in accordance with ss. 55.201 55.209 and that the information contained in the affidavit based on that review is true and correct;

(b) The information required under s. 55.203(1) and (2) for each judgment lien certificate indexed under the name of the judgment debtor as to each judgment creditor; the file number assigned to the record of the original and, if any, the second judgment lien; and the date of filing for each judgment lien certificate under s. 55.202 or s. 55.204(3); and

(c) A statement that the levying creditor either does not have any other levy in process or, if another levy is in process, the levying creditor believes in good faith that the total value of the property under execution does not exceed the amount of outstanding judgments.

This is a free-form affidavit. In order to avoid undue delays in the execution and levy process, we require this affidavit be filed in our office prior to levy. Additionally please provide a copy of your judgment lien certificate.

### **Proof of ownership:**

For motor vehicles, boats and other watercraft, we require a printout from the Indian River County Tax Collector's Office. You can contact the Tax Collector at 772-226-1338. For real estate, we require a certified copy of the Quit-Claim or Warranty Deed from the Indian River County Clerk of the Court, Recording Office. You can contact the Clerk of the Court at 772-770-5185. A printout from any other source (i.e. internet searches) is not considered legal proof and will not be accepted.

### **General Information:**

Please note that you are directly responsible for all costs incurred in the levy process. Should the property sell for a sufficient amount, your entire deposit will be returned to you. However, should the property not sell for an amount sufficient to cover all costs and Sheriff's fees, the remainder will be deducted from your deposit.

The levy process is not guaranteed to be successful. Once again, the plaintiff or their representative is strongly encouraged to be present at the sale in order to protect their interest.

Prior to the first date of publication, the Sheriff is required to send, via certified mail to the defendant, a copy of the Notice of Sheriff's Sale, Notice of Sheriff's Levy, and the aforementioned affidavit pursuant to F.S. 56.27.

Any property owned by a defendant is subject to levy, with the exception of real property protected by homestead exemption. Property held in the name of multiple parties (i.e. John Doe and Jane Doe) is not subject to levy when judgment is against only one, or some, of the owners. However, property registered in an "or" fashion (i.e. John Doe or Jane Doe) may be levied upon even if the judgment only lists one of the individuals.

Motor vehicles, other personal property and real property, if levied upon, are subject to all existing liens, and potential buyers will be notified of this prior to sale.

A \$500.00 liquidation fee will be collected from the defendant in the event they choose to satisfy the execution prior to the sale. In the event that the sale proceeds, this fee will be deducted from the sale amount. This amount goes to the levying plaintiff/creditor. This liquidation fee does not count towards satisfaction of the judgment.

The bidding is open to the general public (including the defendant), with the exception of Indian River County Sheriff's Office employees or their relatives.

The Indian River County Sheriff's Office does not put levies on hold, unless some clarification is needed from the court in order to proceed. If you request that we stop a levy and cancel the sale, all paperwork and the remainder of the deposit will returned to you.

## **Contact Details**

You may contact the Civil Unit directly at 772-978-6002 or 772-226-3190 between 8:00 am and 4:30 pm, Monday – Friday.

### **Our mailing address is:**

Attn: Civil  
Indian River County Sheriff's Office  
2000 16<sup>th</sup> Avenue #232  
Vero Beach, FL 32960

# Service Packet

In order to ensure timely service of your process, we require the following:

- The original summons, writ, or subpoena, signed and/or sealed by the clerk of court.
- One copy of the summons, writ or subpoena.
- One copy of the complaint or petition (if applicable) and any attachments.
- A business check or money order made out to the Indian River County Sheriff's Office for **\$40.00** for non-enforceable civil process (such as summons, subpoenas, etc.) or **\$90.00** for enforceable process (such as writs of possession or replevin). For a complete listing of fees please contact our office. All fees are nonrefundable per Florida Statute.

Your original paperwork will have a Sheriff's return of service. All civil and criminal process served on Indian River County cases are returned to the Indian River County Clerk of Court. We do not mail copies of the return of service. For non-Indian River County cases, please include a stamped, self-addressed envelope to ensure our return of service and your original paperwork is returned to the correct address.

For writs of execution and the levy process please contact our office.

## Contact Details

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