

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
CIVIL DIVISION

ERT 163<sup>RD</sup> STREET MALL, LLC,

*Plaintiff,*

v.

Case No. 2013 CA 10209

NOEL ENTERPRISES, L.L.C.,  
LINDA NOEL AND MERCY NOEL,

*Defendants.*

WE FLORIDA FINANCIAL CREDIT  
UNION,

*Garnishee.*

**MOTION FOR ISSUANCE OF WRIT OF GARNISHMENT  
DIRECTED TO WE FLORIDA FINANCIAL CREDIT UNION**

Plaintiff, ERT 163<sup>RD</sup> STREET MALL, LLC ("**ERT**"), respectfully moves for the issuance of a Writ of Garnishment directed to WE FLORIDA FINANCIAL CREDIT UNION ("**Garnishee**"), and in support thereof, ERT states as follows:

1. That ERT, on April 30, 2014, obtained a Final Judgment ("**Judgment**") in this action against Defendant, MERCY NOEL ("**Judgment Debtor**"), in the amount of \$73,465.53, all of which, together with interest thereon, remains unpaid.
2. That ERT suggests and has reason to believe that Garnishee:
  - A. Is still indebted to the Judgment Debtors; and/or
  - B. Possesses or controls additional tangible or intangible personal property of one or more of the Judgment Debtor, including any deposit(s) or account(s).

3. That the proposed form of Writ of Garnishment is attached hereto as *Exhibit "A"*.

WHEREFORE, ERT respectfully moves for the issuance of a Writ of Garnishment, in the form attached hereto, commanding Garnishee to answer as required by law.

Dated: December 23, 2022

Respectfully submitted,

***SHUMAKER, LOOP & KENDRICK, LLP***

*/s/ Stefan Beuge*

STEFAN BEUGE, ESQ.

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*Counsel for Plaintiff*

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WE FLORIDA FINANCIAL CREDIT  
UNION,

Garnishee.

**WRIT OF GARNISHMENT**

THE STATE OF FLORIDA:  
TO EACH SHERIFF OF THE STATE:

**YOU ARE COMMANDED** to summon Garnishee, **We Florida Financial Credit Union, 9560 Pines Blvd, Pembroke Pines, FL 33024**, to serve an answer to this Writ on Stefan Beuge, Esquire, Plaintiff's attorney, whose address is c/o Shumaker, Loop & Kendrick, LLP, 101 E. Kennedy Blvd., Suite 2800, Tampa, FL 33602, within twenty (20) days after service on the Garnishee, exclusive of the day of service, and to file the original with the Clerk of this Court either before service on the attorney or immediately thereafter, stating whether the Garnishee is indebted to **Defendant, Mercy Noel** (SSN XXX-XX-2019), at the time or the answer or was indebted at the time of service of the Writ, or at any time between such times (plus up to one (1) business day), and in what sum and what tangible and intangible personal property of the Defendant(s) the Garnishee is in possession or control of at the time of the answer or had at the time of service of this Writ (plus up to one (1) business day), or at any time between such times, and whether the Garnishee knows of any other person indebted to the Defendant(s) or who may be in possession or control of any of the property of the Defendant(s). The amount set in Plaintiff's motion is \$73,465.53 plus interest from April 30, 2014 at the legal rate prevailing from time to time.

DATED: \_\_\_\_\_, 2022.

HARVEY RUVIN,  
AS CLERK OF THE COURT

By: \_\_\_\_\_  
Deputy Clerk

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NOTICE TO DEFENDANT OF RIGHT AGAINST  
GARNISHMENT OF WAGES, MONEY, AND OTHER PROPERTY

The Writ of Garnishment delivered to you with this Notice means that wages, money, and other property belonging to you have been garnished to pay a court judgment against you. HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

State and federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of court judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed below on the form for Claim of Exemption and Request for Hearing. This list does not include all possible exemptions. You should consult a lawyer for specific advice.

IF AN EXEMPTION FROM GARNISHMENT APPLIES TO YOU AND YOU WANT TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO RECOVER ANYTHING ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. IF YOU HAVE A VALID EXEMPTION, YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF OR THE PLAINTIFF'S ATTORNEY AND THE GARNISHEE OR THE GARNISHEE'S ATTORNEY AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT. NOTE THAT THE FORM REQUIRES YOU TO COMPLETE A CERTIFICATION THAT YOU MAILED OR HAND DELIVERED COPIES TO THE PLAINTIFF OR THE PLAINTIFF'S ATTORNEY AND THE GARNISHEE OR THE GARNISHEE'S ATTORNEY.

If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff or the plaintiff's attorney must file any objection within 8 business days if you hand delivered to the plaintiff or the plaintiff's attorney a copy of the form for Claim of Exemption and Request for Hearing or, alternatively, 14 business days if you mailed a copy of the form for claim and request to the plaintiff or the plaintiff's attorney. If the plaintiff or the plaintiff's attorney files an objection to your Claim of Exemption and Request for Hearing, the clerk will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. If the plaintiff or the plaintiff's attorney fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

IF YOU HAVE A VALID EXEMPTION, YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT AFFORD A PRIVATE LAWYER, LEGAL

SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

CLAIM OF EXEMPTION AND  
REQUEST FOR HEARING

I claim exemptions from garnishment under the following categories as checked:

- 1. Head of family wages. (Check either a. or b. below, if applicable.)
  - a. I provide more than one-half of the support for a child or other dependent and have net earnings of \$750 or less per week.
  - b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than \$750 per week, but have not agreed in writing to have my wages garnished.
- 2. Social Security benefits.
- 3. Supplemental Security Income benefits.
- 4. Public assistance (welfare).
- 5. Workers' Compensation.
- 6. Reemployment assistance or unemployment compensation.
- 7. Veterans' benefits.
- 8. Retirement or profit-sharing benefits or pension money.
- 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.
- 10. Disability income benefits.
- 11. Prepaid College Trust Fund or Medical Savings Account.
- 12. Other exemptions as provided by law.  
\_\_\_\_\_ (explain)

I request a hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

I CERTIFY UNDER OATH AND PENALTY OF PERJURY that a copy of this CLAIM OF EXEMPTION AND REQUEST FOR HEARING has been furnished by (circle one) United States, mail or hand delivery on (insert date), to: (insert names and addresses of Plaintiff or Plaintiff's attorney and of Garnishee or Garnishee's attorney to whom this document was furnished)

I FURTHER CERTIFY UNDER OATH AND PENALTY OF PERJURY that the statements made in this request are true to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of Judgment Debtor)

Date \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_ (year), by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public / Deputy Clerk  
Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_