

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

BANK OF AMERICA f/k/a  
NATIONS BANK,

Appellant,

v.

PETH SOUTHAMMOVONG,

Appellee.

APPELLATE DIVISION (CIVIL)  
Case No.: 502009AP000005XXXXMB  
L.T.: 502007CC008143XXXXMB  
Division: 'AY'

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Opinion filed: *December 4, 2009*

**Appeal from the County Court in and for Palm Beach County,  
Judge Debra Moses Stephens.**

For Appellant: Mark W. Rickard, Esq., P.O. Box 19359, Plantation, FL 33318-0359

For Appellee: Peth Southammovong, 556 E. Redwood Drive, Lake Park, FL 33403

PER CURIAM.

REVERSED and REMANDED.

Bank of America filed a complaint against Peth Southammovong for overdrawing his or her bank account and failing to pay fees. The court entered final judgment for Bank of America in the amount of \$14,118.94. Bank of America filed a motion for proceedings supplementary to execution and accompanying affidavit alleging that Southammovong had not paid the judgment and that it was valid and outstanding. The court denied the motion. Bank of America appeals the order denying the motion for proceedings supplementary to execution.

When any person or entity holds an unsatisfied judgment or judgment lien obtained under chapter 55, the judgment holder or judgment lienholder may file an affidavit so stating, identifying if applicable the issuing court, case number, and the unsatisfied amount of the

judgment or judgment lien including accrued costs and interest, and stating that the execution is valid and outstanding, and thereupon the judgment holder or judgment lienholder is entitled to these proceedings supplementary to execution. § 56.29(1), Fla. Stat. Upon a showing of these statutory prerequisites, the trial court has no discretion to deny such a motion. *E.g., Biloxo Casino Corp. v. Wolf*, 900 So. 2d 734 (Fla. 4th DCA 2005). Here, Bank of America satisfied the statutory prerequisites and the court should have granted the motion. Accordingly, the order of the trial court denying the motion is reversed and this cause is remanded for further proceedings consistent with this opinion.

HAFELE, FINE, and COX, JJ., concur.