

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

RIC BRADSHAW, in his capacity
of Palm Beach County Sheriff,

Appellant,

v.

ANTHONY R. NELSON,

Appellee.

APPELLATE DIVISION (CIVIL)
Case No.: 502009AP000004XXXXMB
L.T.: 502007SC004659XXXXMB
Division: 'AY'

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: Anthony R. Nelson, 1272 W. 31 Street, Riviera Beach, FL 33404

PER CURIAM.

REVERSED and REMANDED.

Ric Bradshaw filed a complaint against Anthony R. Nelson for negligence in operating a motor vehicle, causing damage to the Sheriff's office's motor vehicle. The court entered final judgment for Bradshaw in the amount of \$5,176.20. Bradshaw filed a motion for proceedings supplementary to execution alleging that Nelson had not paid the judgment. Bradshaw filed an accompanying affidavit stating that the execution is valid and outstanding. The court denied the motion. Bradshaw 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, Bradshaw 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.