



American Home Assurance Company v. Weaver Aggregate Transport, Inc. et al

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UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA

OCALA DIVISION AMERICAN HOME ASSURANCE COMPANY, a New York corporation
Plaintiff, v. Case No: 5:10-cv-329-Oc-10PRL

WEAVER AGGREGATE TRANSPORT, INC. and BEACON INDUSTRIAL STAFFING, INC.
Defendants/Third Party Plaintiff SALVATORE MANZO and SALCOR PROPERTIES, INC. Third
Party Defendants

ORDER Pending before the Court is the Garnishee's Statutory Demand to Clerk for Attorneys' Fee Deposit. (Doc. 292). Garnishee The Farmers and Mechanics Bank requests that the Court direct Plaintiff to pay the statutory partial deposit from the Clerk directly to Garnishee.

Section 77.28 provides that "upon issuance of any writ of garnishment, the party applying for it shall pay \$100 to the garnishee on the garnishee's demand at any time after the service of the writ for the payment or part payment of his ... attorney fee which the garnishee expends or agrees to expend in obtaining representation in response to the writ." Fla. Stat. § 77.28. Prior to July 1, 2014, the statute directed parties applying for a writ of garnishment to file the statutory attorney's fee with the Clerk of the Court. Plaintiff applied for the instant writ of garnishment on June 4, 2014, and in compliance with the statute, filed the \$100 fee with the Clerk of the Court. (Doc. 276).

- 2 - Upon due consideration, the Court GRANTS Garnishee's motion. (Doc. 292). The Clerk is directed to pay the \$100 directly to Garnishee.

DONE and ORDERED in Ocala, Florida on October 24, 2014.

Copies furnished to: Counsel of Record Unrepresented Parties

