

FLORIDA THIRD DISTRICT COURT OF APPEAL

Ferrari Financial Services, Inc. v. 170 NE 40 Street, Inc.

Ferrari Financial Services (Fla. 3d DCA 2025) · No. 3D24-2017 · Decided September 17, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the circuit court’s decision in an appeal involving execution procedures and claims to levied property. The court cited sections 56.15 and 56.16, Florida Statutes, concerning stays of allegedly illegal executions, claimant bonds, and property levied under execution.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	EMAS; MILLER; LOBREE
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 17, 2025
DOCKET	3D24-2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Miami-Dade County; the court affirmed without a detailed opinion.
PRECEDENTIAL VALUE	published
PARTIES	Ferrari Financial Services, Inc. v. 170 NE 40 Street, Inc., et al.

TOPICS

- appellate procedure
- civil procedure
- remedies
- commercial litigation

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies
- commercial litigation

QUESTIONS PRESENTED

- Whether the circuit court's ruling concerning the execution and applicable statutory bond requirements should be affirmed under sections 56.15 and 56.16, Florida Statutes.

HOLDINGS

1. The circuit court's ruling was affirmed. The court cited sections 56.15 and 56.16, Florida Statutes, governing stays of allegedly illegal executions and bonds required for third-party claims to property levied upon.

KEY QUOTATIONS

“If any execution issues illegally, the judgment debtor may obtain a stay by making and delivering an affidavit to the officer having the execution, stating the illegality and whether any part of the execution is due, with a bond with surety payable to the judgment creditor.” (2)

“If any person . . . other than the judgment debtor claims any property levied on, he or she may obtain possession of the property by filing with the officer having the execution an affidavit by the claimant . . . that the property claimed belongs to the claimant and by furnishing the officer a bond.” (2)

FACTUAL BACKGROUND

The opinion does not state the underlying facts in detail. It concerns an execution and statutory bond requirements relating to an allegedly illegal execution and a third-party claim to property levied upon.

PROCEDURAL HISTORY

Ferrari Financial Services, Inc. appealed a circuit-court ruling in a matter involving execution proceedings and property claimed by a person other than the judgment debtor. The Third District Court of Appeal affirmed, citing sections 56.15 and 56.16, Florida Statutes.

DISPOSITION

affirmed

OPINION

Ferrari Financial Services, Inc. v. 170 NE 40 Street, Inc.

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 17, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-2017 Lower Tribunal No. 22-11060-CA-01 _____ Ferrari Financial Services, Inc., Appellant, vs. 170 NE 40 Street, Inc., et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Jose M. Rodriguez, Judge. Saul Ewing LLP, and Carmen Contreras-Martinez, and Alexandra Spaw, and Katherine S. Barrett Wiik (Minneapolis, MN), for appellant. Roniel Rodriguez, IV, P.A., and Roniel Rodriguez, for appellees. Before EMAS, MILLER, and LOBREE, JJ. PER CURIAM. Affirmed. See § 56.15, Fla. Stat. (2024) (“If any execution issues illegally, the judgment debtor may obtain a stay by making and delivering an affidavit to the officer having the execution, stating the illegality and whether any part of the execution is due, with a bond with surety payable to the judgment creditor . . . [I]f [the execution] is adjudged legal in whole or in

part, the court shall enter judgment against the principal and surety on such bond for the amount of so much of the execution as is adjudged to be legal and execution shall issue thereon) (emphasis added); § 56.16, Fla. Stat. (“If any person . . . other than the judgment debtor claims any property levied on, he or she may obtain possession of the property by filing with the officer having the execution an affidavit by the claimant . . . that the property claimed belongs to the claimant and by furnishing the officer a bond . . . conditioned to deliver said property on demand of said officer if it is adjudged to be the property of the judgment debtor and to pay the judgment creditor all damages found against the claimant if it appears that the claim was interposed for the purpose of delay.”) (emphasis added). 2

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 17, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-2017 Lower Tribunal No. 22-11060-CA-01 _____ Ferrari Financial Services, Inc., Appellant, vs. 170 NE 40 Street, Inc., et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Jose M. Rodriguez, Judge. Saul Ewing LLP, and Carmen Contreras-Martinez, and Alexandra Spaw, and Katherine S. Barrett Wiik (Minneapolis, MN), for appellant. Roniel Rodriguez, IV, P.A., and Roniel Rodriguez, for appellees. Before EMAS, MILLER, and LOBREE, JJ. PER CURIAM. Affirmed. See § 56.15, Fla. Stat. (2024) (“If any execution issues illegally, the judgment debtor may obtain a stay by making and delivering an affidavit to the officer having the execution, stating the illegality and whether any part of the execution is due, with a bond with surety payable to the judgment creditor. . . . [I]f [the execution] is adjudged legal in whole or in part, the court shall enter judgment against the principal and surety on such bond for the amount of so much of the execution as is adjudged to be legal and execution shall issue thereon.”) (emphasis added); § 56.16, Fla. Stat. (“If any person . . . other than the judgment debtor claims any property levied on, he or she may obtain possession of the property by filing with the officer having the execution an affidavit by the claimant . . . that the property claimed belongs to the claimant and by furnishing the officer a bond . . . conditioned to deliver said property on demand of said officer if it is adjudged to be the property of the judgment debtor and to pay the judgment creditor all damages found against the claimant if it appears that the claim was interposed for the purpose of delay.”) (emphasis added). 2