

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