

Practice Tips

Forget to put your client's address in the judgment?

By James W. Martin

A recent decision of the Second District Court of Appeal reminds Florida lawyers what happens when a lawyer fails to put the client's address in a final judgment: Recording a certified copy does not make it a lien on real property. Even including the attorney's address in the judgment does not help. It must be the client's address.

In *Tomalo v. Kingsley Displays, Inc.*, 2003 Fla. App. LEXIS 19266;29 Fla. L. Weekly D 12 (Fla. 2d DCA Case No. 2D02-5702, December 19, 2003), the judgment did not include Kingsley's address, but it did include Kingsley's name followed by "c/o" and the address of its lawyer. The court said that this did not satisfy the requirement of F.S. §55.10(1). This statute is the one that says a lien on real property is created when a certified copy of the judgment is recorded in the county in which the land is located. The statute also states that, "A judgment...does not become a lien on real estate unless the address of the person . . . is contained in the judgment . . . or an affidavit with such address is simultaneously recorded." The court held that the statute specifically required the judgment holder's address, so the attorney's address

did not satisfy the statute.

The court cited similar cases reaching similar results in the First and Fourth districts (*Hott Interiors, Inc. v. Fostock*, 72 So. 2d 1236, 1238 (Fla. 4th DCA 1998 and *Robinson v. Sterling Door & Window Co.*, 698 So. 2d 570, 571 (Fla. 1st DC. 1997)). Thus, it appears that this simple error of not including the client's address in a judgment is one that is common throughout the state and is one that has potentially serious consequences.

In the *Tomalo* case, Kingsley's judgment was recorded a year before *Tomalo* judgment, but the court found that Kingsley's judgment did not create a valid lien on real property due to its failure to include Kingsley's address, so Tomalo won. We can all learn from that lesson: Put your client's name and address on the judgment, not just your address.

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