

Levy County Attorney

From: Doug McKoy <doug@chieflandlegal.com>
Sent: Friday, October 13, 2023 10:25 AM
To: Levy County Attorney
Cc: LawOffice
Subject: FW: Settling these Incarceration Cost Judgment Liens
Attachments: doc08250520231012114754.pdf

Follow Up Flag: Follow up
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Categories: Misc. Legal Requests

Good Morning Nicolle,

I hope this finds you in good health and spirit.

This is a current example for a client that would love a positive outcome, but it is also a chance to talk about the broader context and the laws you may operate under and the system the county has for deciding similar questions in the future. I am also open to the possibility that this might fall in the realm of some other attorney for the Clerk of Court, if you don't represent both.

The attached judgment lien is subordinate to my client's first mortgage. I can forward a copy of that if you need it. I can foreclose this lien if we have to go that route. However, in this case, the borrower is willing to sign a deed in lieu of foreclosure. The Lender is willing to pay about half of the \$26,294.99 payoff amount to save the time of going through the court process. Do you, or anyone at the county or the clerk, have any leeway to negotiate these? The way I see it, the county or clerk can collect \$13,000 and no one has to pay any attention to a foreclosure suit, or it can demand the whole thing and end up with nothing. There might be statutes or other rules tying your hands but I think it is worth asking about.

Best Regards,

Douglas K. McKoy, Esq.
Law Office of Douglas K. McKoy, P. A.
302-B North Main St.
Trenton, FL 32693
doug@chieflandlegal.com
(352)490-4488

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-----Original Message-----

From: copier@gilchristtitle.com <copier@gilchristtitle.com>
Sent: Thursday, October 12, 2023 12:48 PM
To: Doug McKoy <doug@chieflandlegal.com>

*County Probation Services
 Collection Div.*

IN THE CIRCUIT COURT, EIGHTH JUDICIAL CIRCUIT
 IN AND FOR LEVY COUNTY, FLORIDA
 CRIMINAL DIVISION

FILED IN OPEN COURT 6-4-08
 BY [Signature]

*Through Oct 31, 2023
 \$ 15,264.99
 9,000.00
 1,980.00

 26,294.99*

STATE OF FLORIDA,
 VS

Darryl Petry Kowski
 Defendant

ADDRESS: *11664 NE 62nd Lane
 Bronson, FL 32621*

CASE NO. *38-2007-CF-750A R*

FINAL JUDGMENT

THIS CAUSE coming before the Court pursuant to Florida Statutes and the Court finding that the above named DEFENDANT was ordered to pay the following COSTS:

- \$ 255.00 Felony Costs pursuant to F.S. 938.03; 938.01(1) and 938.05(1), F.S. 938.15 & CO 82-3
- \$ 105.00 Misdemeanor Costs pursuant to F.S. 938.03; 938.01(1) and 938.05(1), F.S. 938.15 & CO 82-3
- \$ 255.00 Misdemeanor -DUI pursuant to F.S. 938.03, 938.05, 938.13(1)(a), 938.07, F.S. 938.15 & CO 82-3
- \$ 388.00 Felony -DUI pursuant to F.S. 938.03, 938.05, 938.07.
- \$ 65.00 Additional Court Costs F.S. 939.185 by Levy County Ord 2004-04.
- \$ Crime Prevention \$50.00 Felony/\$20.00 Misdemeanor F.S. 775.083(2)
- \$ 40.00 Attorney Application Fee pursuant to F.S. 27.52.
- \$ TOTAL Fine pursuant to F.S. 775.083; + 5% surcharge pursuant to F.S. 938.04.
- \$ TOTAL DUI fine pursuant to F.S. 316.193; + 5% surcharge pursuant to F.S. 938.04
- \$ 70.00 Crime Stopper, (in addition to all fines), pursuant F.S. 938.06(1) Crime Prevention Court Cost F.S. 775.083(2)
- \$ 201.00 Domestic Violence Trust Fund pursuant to F.S. 939.08 (Up to \$201.00).
- \$ 101.00 Crimes Against Minors/DCF children Advocacy Trust Fund pursuant to F.S. 938.10 (Up to \$101.00)
- \$ 151.00 Rape Crisis Program Trust Fund pursuant to F.S. 938.085 (Up to \$151.00)
- \$ 9000.00 Liquidated Damages, Other Than Capital or Life Felonies: F.S. 960.293(2)(b): \$50.00 per day of Sentence (Cost of Sentence Incarceration)

The defendant has defaulted in payment of the sum of \$ 9000.00. The Court finds that the DEFENDANT does not have the present ability to pay said costs, and the court otherwise being fully advised, it is ADJUDGED that the State of Florida shall have and recover from the DEFENDANT the sum of \$ 9000.00 together with interest, pursuant to Florida Statutes 55.03, for all of which let execution issue. The DEFENDANT shall pay said sums to the Clerk of Court, Levy County Florida, P. O. Box 610, Bronson, FL 32621, who shall thereafter distribute said sums as required by law.

4 DONE AND ORDERED in Open Court on 6-4-08 at Bronson, Levy County Florida and reduced to writing this day of June, 2008

[Signature]
 STAN R. MORRIS, CIRCUIT JUDGE
 COUNTY CLERK
 LEVY COUNTY, FLORIDA
 DEPUTY CLERK

CERTIFICATE OF SERVICE
 I HEREBY CERTIFY that a copy of the foregoing has been furnished this 6 day of June, 2008.

Counsel for Defendant, [Attorney for Defendant]
 Assistant State Attorney, [Attorney for State]



County Probation Services, Inc.

Collections Division

PO Box 793 Bronson, Florida 32621

• Phone: (352) 486-4470 • E-Mail: countyprobation@gmail.com

September 27, 2023

Attention: Douglas K. McKoy

Reference: Darryl Petrykowski

The following information listed below is in reference to the cost and interest of the judgment(s) against the above mentioned defendant, which exists in Levy County, Bronson, Florida with this collection division.

The amount of the interest is calculated percentage wise as to the Florida Statute requirement Section 55.03(1). Interest will be calculated from the date the order was entered to the actual pay off date. There is also a "Satisfaction Fee" of \$50.00 to file a satisfaction order with the Court and the "collection fees" are calculated at the rate of .40% from \$1.00 to \$300.00, .30% from \$300.01 to \$1000.00, .25% \$1000.01 to \$3000.00, 22% from \$3000.01 to \$10,000.00, 15% 10,000.01 or more.

All monies will need to be sent and paid to the address listed above: **(CPSI) "Collections Division"**
CASHIER'S CHECK or MONEY ORDER ONLY – (NO PERSONAL CHECKS ACCEPTED)

38-2007-CF-756 – Entered C'Jment on 12-18-18

Principal	\$ 9,000.00	<i>(Cost of Incarceration – Jail Fees)</i>
Interest @ 11%	\$15,264.99	<i>Calculation to 10-31-23</i>
Collection Fee @ .22%	\$ 1,980.00	
Satisfaction + Filing Fee	\$ 50.00	<i>(If Collections Dept. files Satisfaction Order)</i>
TOTAL	\$26,294.99	

If you have any other questions or concerns, please feel free to call.

Thanks,

M. Jann Underwood,
Collections Dept.

cc: file