

FILING SUIT IN SMALL CLAIMS

The Clerk of the County Court will help you to fill out the forms for filing suit. In Court, the Judge will listen to your story and the story of the other side and decide who wins. Small Claims court is for filing suit in an effort to collect money owed you, to decide a dispute between two parties and to assist with repossessions.

You can sue an individual, a partnership or a corporation. If you sue a corporation, be sure that you state it is a corporation and that you have the proper name. The proper place to sue is the county where the transaction occurred, where the other person lives or where you were to be paid.

To file a suit you must pay a filing fee:
\$0.01-\$99.99---\$37.50 \$100.00-\$2500.00---\$74.50 \$2500.01-\$5000.00---\$97.50

If your lawsuit is to repossess personal property sold by you but unpaid or something loaned and not returned, the fee is different, so ask the Clerk.

In order to have the suit papers delivered to or served upon the other person (Defendant), you must pay \$20.00 per person for sheriff's service. NOTE: The Sheriff will NOT accept personal checks. Bring a money order or Business check made payable to the Sheriff's Department. As an alternative, certified mail can be used for service. Please discuss this with Clerk.

The Clerk will help you prepare the suit papers. If a written document is to be used as evidence, three copies must be given to the Clerk. Additional copies may be needed if more than two parties are sued. You must also have the correct address where the person or corporation can be found. The Clerk cannot supply this information for you, so you must get it before you file suit. If you are suing a business, it may be a corporation. You must have the exact name for the Clerk. Information on corporations may be obtained by contacting the Corporate Division, Secretary of State Office, Tallahassee, FL 32304. (850) 488-9000 or you may check the internet at <http://www.sunbiz.org/>.

A Mediation session will be set and all parties will be notified by the Clerk's office. (See attached Mediation information) If mediation is unsuccessful, a Pretrial Conference will be held and the case placed on the trial docket to be heard at a later date.

If you want a jury trial, the plaintiff must request it at the time of filing the suit papers, and if the defendant requests a jury trial, it may be done at the pretrial conference.

If a counterclaim needs to be filed by the Defendant in the action, this must be done at least five (5) days prior to the Pretrial Conference.

TRIAL

If the case is set for trial, you must appear at that time with your evidence, witnesses and proof. If you will need a witness who will not come voluntarily, you can have the clerk prepare a "Witness Subpoena". The fee for preparing the subpoena will be \$4.00. You must attach a witness fee to the subpoena of \$5.00 plus \$.06 per mile mileage to and from the Court made payable to the witness. The sheriff will charge \$20.00 to serve the subpoena.

At trial the judge will listen to both sides of the story, go through all the evidence, and decide who wins. If you win, the Clerk will send you a Final judgment by the Judge.

AFTER JUDGMENT

When you receive your final judgment, you can do certain things in order to collect your money. The Court is not a collection agency and they do not contact the defendant in an effort to make him pay you the amount awarded in your Final Judgment. The Clerk's Office can give you information in regard to collection procedures you may take.

NOTE: You may have other questions and there are other procedures which will be needed in each case. Please contact the Clerk's Office at (850) 595-4170 for questions, forms and procedures as your case progresses through the Court.

If the Defendant pays you before the Mediation session, you should call the Clerk's office and then write a letter to have the Court dismiss the suit filed by you. If the Defendant pays you before the trial or before Judgment is entered, you should notify the Clerk's office immediately so that they can note in the court file that payment was made and then write a letter to have the Court dismiss the suit filed by you. If the defendant pays you in full after Judgment, you **MUST** get a "Satisfaction of Judgment" form from the Clerk and fill it out and file it with the Clerk, sending a copy to the defendant.