

INFORMATION ABOUT SMALL CLAIMS COURT

This document describes procedures used in Small Claims Court. It is not intended to explain your legal rights or obligations. The Clerk is NOT authorized to practice law and cannot give legal advice. The Clerk can assist you with procedural matters. If you have questions about your legal rights, obligations, or whether Small Claims Court is the best solution for you; please contact an attorney for legal advice.

This court provides a place for people to settle disputes when the amount in dispute does not exceed \$8,000; excluding cost, interest and attorney fees. Parties to a suit may represent themselves or be represented by an attorney. The party filing the suit is the "plaintiff" and the party being sued is the "defendant".

These cases are governed by Florida Rules of Court – Rule #7 and are heard by a County Judge.

A JUDGMENT is the final decision of the court resolving the dispute. The judgment also determines the rights and obligations of the parties. The Judge cannot order anyone to pay a judgment. The court applies the law to the facts presented and determines who is legally indebted to whom and how much money is owed. The entry of a judgment allows the party winning the lawsuit to legally try and collect the judgment.

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NOTICE TO APPEAR FOR PRETRIAL CONFERENCE

The Clerk will set your case for a Pretrial Conference before the Judge and issue a Notice For Pretrial to the defendant to appear in court on a specified date. You will be mailed a copy of the Notice. Be sure that your correct mailing address is on your Statement of Claim. You must appear for pretrial or the case will be dismissed. The defendant must be served with the Notice and a copy of your Claim in order for the case to come before the Judge. **If suing a business, you must provide the name of the registered agent of the business to accept service. You will need to call 1-850-488-9000 or www.sunbiz.org to obtain the registered agent.**

These papers can be served on the defendant by certified mail or by sheriff's service. If you select certified mail, you must furnish a mailing address for the defendant. The defendant can refuse to accept certified mail. The sheriff can serve the defendant at his/her home or place of employment. If the address is unknown, please provide a map and driving directions for the sheriff. If, for any reason the defendant is not served, the case will not be heard. Contact the Clerk's office on how to proceed.

If the case is settled before the Pretrial, notify the Clerk immediately so the case can be removed from the court docket. You must file a written dismissal. A dismissal form is available from the Clerk's office.

PRETRIAL INFORMATION

The pretrial determines whether the defendant admits or denies all or part of the claim. It enables the court to determine the nature of the case and to set the case for trial if no resolution is reached at the pretrial. Do not bring your witnesses to the pretrial. Be sure to bring any documents that support your claim.

If neither party appears for the pretrial, the case will be dismissed. If the defendant admits the claim, a judgment is entered at the pretrial. If the defendant is served but fails to appear, a default is entered against the defendant. You present your case and if the judge finds in your favor, a judgment is entered at the pretrial. If the defendant denies the claim, the case is set for trial at least 10 days but not more than 60 days from the date of the pretrial. Each party will receive a Notice of Trial showing the date and time of the trial. **THIS IS THE ONLY NOTICE OF TRIAL GIVEN!**

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TRIAL INFORMATION

1. **NON-JURY TRIAL-** the case will be scheduled for a Non-Jury Trial before a County Judge.
2. **TRIAL DATE-** Remember your trial date. Failure to come to court on the given date at the right time can result in the loss of your case.
3. **EXCHANGE OF DOCUMENTS AND INFORMATION-** If the Judge tells you to give any documents or information to the other party, **DO IT.** Failure to follow the Judge's directions can result in penalties against you for extra court costs, contempt of court, or delays.
4. **COUNTERCLAIMS-** If you receive a written notice of a counterclaim filed against you; you are being counter-sued by the defendant. The Judge will hear both suits at the trial. If both claims are settled before trial, both parties should notify the Clerk in writing so the trial can be cancelled. If only one of the claims is settled before trial, the remaining claim will proceed to trial as scheduled.
5. **TRIAL PREPARATION-** Written estimates are usually not accepted as evidence unless all the parties agree that the estimates are proper for the Judge to consider or unless the person who wrote the estimates is present to testify. Bring all witnesses, documents and evidence you plan to use at the trial. Have everything ready and be on time. There is only one trial.
6. **SUBPOENAING WITNESSES-** Witnesses do not have to be subpoenaed if they will testify voluntarily. Contact the Clerk's office to subpoena any witness who will not appear voluntarily. Fees must be paid at the time the subpoena is issued (see the attached fee schedule).
7. **COURT REPORTER AND APPEALS-** Non-jury trials are not recorded. If you want a record of the trial, it is your responsibility to have a court reporter present. Appellate court requires a complete record of the trial to review for errors. Your chances for successful appeal will be severely limited without a court reporter.
8. **SETTLEMENT-** If all parties agree to settle all claims before trial, each party must notify the Clerk by phone and file a written notice of the settlement so the trial can be canceled.
9. **ADDRESS CHANGES-** All changes in mailing addresses must be furnished to the Clerk and to the opposing party in writing.
10. **ADDITIONAL PROBLEMS-** The Clerk is glad to assist you with questions concerning court procedures. However, the **Clerk Is Not Authorized To Practice Law And Cannot Give Legal Advice.** Contact an attorney for legal advice.

THE FOLLOWING INFORMATION MAY HELP WHEN TRYING TO COLLECT YOUR JUDGMENT

The Judge cannot order anyone to pay a judgment. The function of the court is to apply the law to the facts presented and determine who legally owes how much money to whom. The entry of a Judgment allows you to legally collect a debt.

CERTIFIED COPY OF THE JUDGMENT IN OFFICIAL RECORDS

Get a certified copy of the judgment from the Clerk in the county where the judgment was entered. You can record it in the Official Records in any county in Florida where the defendant owns real property. The recorded judgment becomes a lien against the defendant's interest in any real estate within that county and remains in effect for 7 years or until such time as the judgment is re-recorded, as provided by F.S. 55.10, or until the judgment is paid and a satisfaction is entered. (see fee schedule).

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EXECUTION AND LEVY

Ten days after entry of the judgment you can request a Writ of Execution from the Clerk in the county where the judgment was entered. Forward the execution to Sheriff's Department in the county where the defendant resides or has personal property and request levy upon the property. Contact the Sheriff's Department for instructions and costs. See the following for additional information on executions.

RULE 7.221- The Judge, at the request of the judgment creditor, shall order a judgment debtor to appear at a HEARING IN AID OF EXECUTION at a time certain 30 or more days from the date of the entry of a judgment for the purpose of inquiring of the judgment debtor under oath as to earnings, financial status and any assets available in excess of exemptions to be applied towards satisfaction of judgment. The provisions of this rule shall only apply to a judgment 7.344 shall be used in connection with this rule. (the clerk has these forms)

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GARNISHMENT

If you know of another person who owes the defendant money or has possession of any of the defendant's assets, you may to obtain a Writ of Garnishment against that person. Contact an attorney for this procedure. (the Clerk does NOT have these forms).

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EXCEPTIONS

The Defendant has certain property that, by law, CANNOT be levied upon or garnished. Please note some of these exceptions:

1. One thousand (\$1,000) dollars of personal property including money.
 2. If the Defendant is the "Head of a Household"; all salary, wages, and commissions earned by his/her personal labor or services.
 3. The cash surrender value of life insurance policies issued upon the lives of citizens of the State of Florida.
 4. Disability income benefits due under a policy or contract of life, health, or accident insurance.
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SATISFACTION OF THE JUDGMENT

When a creditor holding a lien receives full payment, the creditor must execute a written satisfaction and have it notarized. That document must be recorded within 60 days of the receipt of full payment. The creditor must send the recorded satisfaction to the person making the payment. Read Florida Statutes 701.04 and 701.05 for more information on your rights and obligations concerning satisfying a Lien of Judgment, or consult an attorney. (the clerk does NOT have this form).

FEE SCHEDULE

SMALL CLAIMS:**AMOUNT OF CLAIM****Filing Fees**

Less than \$100.00	\$ 55.00
\$100.01 thru \$500.00	\$ 80.00
\$500.01 thru \$2,500.00	\$ 175.00
\$2,500.01 thru \$8,000.00	\$ 300.00
Issue Summons (per Defendant)	\$ 10.00
*Plus \$2.00 for each additional defendant when over 5 defendants.	

SERVICE OF PROCESS

Sheriff's Service	\$ 40.00
U.S. Mail – Certified	Current Rate
Registered Mail.....	Current Rate
Insurance Commissioner	\$ 15.00
(suit against insurance company - in addition to sheriff's fee)	

WITNESS SUBPOENA

Prepare & Issue Subpoena..... (payable to Clerk of Court)	\$ 7.00
Issue Subpoena...(sign & seal only - payable to Clerk of Court)	\$ 2.00
Serve Subpoena(payable to Sheriff's Office)	\$ 40.00
Witness Fee.....(payable to witness)	\$ 5.00
(plus 6¢ per mile traveled - minimum 2 miles)	

OTHER FEES

Reopen Fee Claims less than \$500	\$ 25.00
Reopen Fee Claims more than \$500	\$ 50.00

TO FILE YOUR CASE

Fill out a Statement of Claim form. These forms are available from the Clerk. Sign the form before a Notary Public or a Deputy Clerk. Original Statement of Claim form must be filed with the clerk. If documents are filed with the case, (receipts, checks, etc.), **provide 1 copy for the court file and 1 copy for each defendant.** If the Clerk has to provide the copies, there will be a \$1.00 charge per page. **Bring two (2) self-addressed stamped envelopes to receive important court information. If service is other than Putnam County, please bring a postage paid envelope addressed to the proper County for service.** Keep your original documents to bring to court. You must pay the fees when you file your case. These fees (court costs) will be added to your claim by the Clerk.

FL. Statutes Chapter 47 : VENUE

Cases must be filed in a county with the proper venue. Venue is the location required by law. The suit can be filed in one of the following places:

- (1) in the county where the contract was signed and/or agreed to.
- (2) on an unsecured promissory note: the county where the note was signed or where the maker resides.
- (3) if seeking to recover property: the county where the property is located.
- (4) where the event that caused the suit occurred.
- (5) where one or more of the defendants reside.
- (6) any location agreed to in a contract.
- (7) in an action for money owed: the county where payment is to be made.

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

Name of Court _____

Plaintiff _____ Case No. _____

Judge _____

vs.

Defendant _____

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- ☐ \$8,000 or less
- ☐ \$8,001 - \$30,000
- ☐ \$30,001 - \$50,000
- ☐ \$50,001 - \$75,000
- ☐ \$75,001 - \$100,000
- ☐ over \$100,000

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.)
If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

Circuit Civil:

- ☐ Condominium
- ☐ Contracts and indebtedness
- ☐ Eminent domain
- ☐ Auto negligence

- ☐ Negligence – Other
 - ☐ Business governance
 - ☐ Business torts
 - ☐ Environmental/Toxic tort
 - ☐ Third party indemnification
 - ☐ Construction defect
 - ☐ Mass tort
 - ☐ Negligent security
 - ☐ Nursing home negligence
 - ☐ Premises liability – commercial
 - ☐ Premises liability – residential
- ☐ Products liability
- ☐ Real property/Mortgage foreclosure
 - ☐ Commercial foreclosure
 - ☐ Homestead residential foreclosure
 - ☐ Non-homestead residential foreclosure
 - ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice – business
 - ☐ Malpractice – medical
 - ☐ Malpractice – other professional
- ☐ Other
 - ☐ Antitrust/Trade regulation
 - ☐ Business transactions
 - ☐ Constitutional challenge – statute or ordinance
 - ☐ Constitutional challenge – proposed amendment
 - ☐ Corporate trusts
 - ☐ Discrimination – employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation

County Civil:

- ☐ Civil
- ☐ Real property/Mortgage foreclosure
- ☐ Replevins
- ☐ Evictions
 - ☐ Residential evictions
 - ☐ Non-residential evictions
- ☐ Other civil (non-monetary)

IV. REMEDIES SOUGHT (check all that apply):

- ☐ Monetary;
☐ Non-monetary declaratory or injunctive relief;
☐ Punitive

V. NUMBER OF CAUSES OF ACTION: _____

Specify: _____

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

☐ Yes ☐ No

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

☐ No ☐ Yes (If “yes,” list all related cases by name, case number, and court.)

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

☐ Yes ☐ No

IX. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE?

☐ Yes ☐ No

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of General Practice and Judicial Administration 2.425.

Signature of attorney or party

Fla. Bar # (if Attorney)

Type or print name

Date

IN THE COUNTY COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR
PUTNAM COUNTY, FLORIDA

CASE NO. _____

Telephone Number: _____

E-Mail: _____

Plaintiff,

vs.

Defendant,

STATEMENT OF CLAIM

The above named Plaintiff sues the above named Defendant for money that is owed to Plaintiff by Defendant which is past due and unpaid; This is an action for damages that do not exceed \$8,000.00, for: (as checked (X) below:)

- ☐ () Goods, wares and merchandise sold by Plaintiff to Defendant.
- ☐ () Work done and materials furnished by Plaintiff to Defendant.
- ☐ () Money loaned by Plaintiff to Defendant.
- ☐ () Money due to Plaintiff by Defendant upon an account stated and agreed to between them.
- ☐ () On a written instrument, copy of which is attached hereto.
- ☐ () Damages to Plaintiff's vehicle due to auto negligence by Defendant.
- ☐ () Other (explain below or attach a separate sheet - 8 ½ " X 11" in size)

And the Plaintiff claims \$ _____ plus all costs.

The undersigned, being by me first duly sworn, says that he/she is Plaintiff, agent for Plaintiff, attorney for Plaintiff; that the foregoing is a just and true statement of the amount owing by the above named Defendant, exclusive of all set-offs and just grounds of defense, and that the Defendant is not in the military service.

Plaintiff, Agent, or Attorney

Please print

Sworn before me this ____ day of _____.

Deputy Clerk or Notary Public