FILING SUIT IN SMALL CLAIMS

Small Claims court is for filing suit in an effort to collect money owed to you, to decide a dispute between two parties and to assist with repossessions. You can sue an individual, a partnership or a corporation. 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--**$55.00** $100.00 - $500.00----**$80.00** $500.01 - $2500.00----**$175.00**
$2500.01 - $5000.00--- **$300.00**

In addition, a **$10.00** service charge is required for each summons issued.

In order to have the summons & suit papers delivered to or served upon the other person (Defendant), you must pay **$40.00** 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 the Clerk.

The Clerk may 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 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. A filing fee of **$295.00** is required to file a counterclaim exceeding $2500.00.

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 $7.00. 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 $40.00 to serve the subpoena. At trial the Judge will listen to both sides of the story, review the evidence, and make a decision. If you prevail, the Clerk will send you a Final Judgment entered by the Court.

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 them 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, contact the Clerk's office for instructions to dismiss the case. If the Defendant pays you before the trial or before Judgment is entered, contact the Clerk's office immediately. If the defendant pays you in full after Judgment, you MUST file a **Satisfaction of Judgment** with the Court.