



Clerk of the Circuit Court & Comptroller

Office of Gary J. Cooney, Clerk & Comptroller

P.O. Box 7800 • 550 W. Main St. • Tavares, FL 32778-7800 • www.LakeCountyClerkFL.gov

INSTRUCTIONS FOR FILING A SMALL CLAIMS CASE

(For Use in a Small Claims Case Not Exceeding \$8,000.00)

Small claims cases are all civil actions filed in the county court, which contain a demand for money or property, the value of which does not exceed \$8,000.00, exclusive of costs, interest, and attorneys' fees. A complaint in a small claims case is generally called a Statement of Claim.

This packet is used for a demand for money or a return of property.

Anyone filing a Statement of Claim should determine the full proper name(s) and address(es) of the party/parties from whom you are seeking money or property. For return of property, the location of the property to be recovered should also be determined. If a party is a corporation, the legal name of the corporation and the name and address of the registered agent who is available to accept service of legal papers should be determined. This information can be obtained from the Florida Secretary of State, Division of Corporations, Tallahassee, Florida 32301. The website for the Secretary of State is www.sunbiz.org. If a party is a business, but not registered with the Secretary of State, the name of the business should be determined, as well as the names of the business owners and their addresses.

A Statement of Claim should be completed once the information needed for the Statement of Claim is gathered. Any documents supporting the claim should be attached to the Statement of Claim. Once the Statement of Claim, complete with attachments, if any, is completed, one (1) complete copy should be made for filing with the court, and one (1) complete copy should be made for each defendant. Each copy should also be accompanied by a statement of responsibility.

There are fees for filing a Statement of Claim and having it served on the defendant(s). The filing fees are as follows:

FOR MONEY ONLY

<u>Amount of Claim</u>	<u>Filing Fee</u>
\$0.01 - \$99.99	\$55.00 plus Summons fee*
\$100.01 - \$500.00	\$80.00 plus Summons fee*
\$500.01 - \$2,500.00	\$175.00 plus Summons fee*
\$2,500.01 - \$8,000.00	\$300.00 plus Summons fee*

FOR CLAIMS INCLUDING PROPERTY

<u>Amount of Claim</u>	<u>Filing Fee</u>
\$0.01 - \$1,000.00	\$130.00 plus Service fee
\$1000.01 - \$2,500.00	\$260.00 plus Service fee
\$2,500.01 - \$15,000.00	\$385.00 plus Service fee
\$15,000.01 - \$50,000.00	\$485.00 plus Service fee

*There is a charge of \$10.00 for each summons issued

Checks for filing fees and summons fees should be made payable to Gary J. Cooney, Clerk of the Circuit Court and Comptroller.

The complaint must also be served on the defendant(s). For money only, service may be by certified mail, or by a process server, or by a Sheriff. Certified mail service is completed by the Clerk's office, and only for defendants residing in the State of Florida. There is an additional charge of \$10.44 for each defendant served in this manner. If using a Sheriff, payment for service must be made payable to the Sheriff's office of the appropriate county in which the Statement of claim is to be served. Florida Sheriffs charge \$40.00 for each defendant served. The Lake County Sheriff's Office does not accept personal checks. Private process servers are certified for service in various counties. The Clerk's office cannot recommend a process server for you. The fees for private process servers vary. The Clerk's

office can deliver the service packet to the Lake County Sheriff for no additional charge, or mail the service packet to any out-of-county Florida Sheriff if a check made payable to that Sheriff and a pre-addressed stamped envelope for that Sheriff is provided to us.

If it is believed the property is in danger of being destroyed, concealed, wasted, removed from the state, removed from the County, transferred to an innocent purchaser, or that the defendant has failed to make a payment as agreed, an affidavit in support of a prejudgment writ of replevin may also be filed. If this affidavit is filed, a copy must be included with each copy of the complaint and statement of responsibility.

If the prejudgment writ of replevin is granted, a bond must be posted in an amount which is twice the value of the goods subject to the writ or twice the balance due and owing, whichever is lesser, as determined by the court. If the bond posted is in the form of cash, a Clerk's fee for collecting and keeping the bond is charged at the rate of 3% of the first \$500.00, plus 1.5% of the amount over \$500.00. A cash bond may be in the form of cash, cashier's check, or U.S. Postal Service money order. A surety bond may also be posted. In the event a surety bond is presented, an \$8.50 bond approval fee will be collected at the time of posting.

The complaint and an order to show cause must be served on the defendant(s). If a writ of replevin is issued, there is a Sheriff's service fee of \$90.00 for serving and levying on the writ.

Once all appropriate documents are filed, the Clerk's office will make them available to the judge on the case, and the judge will determine if an order setting the case for a hearing should be issued. If so, a hearing date will be established by that order.

If a prejudgment writ is requested, the complaint, affidavit, and any supporting documents are forwarded to the judge for review. If a prejudgment writ is issued, upon the posting of the bond and the payment for serving and levying on the writ, the Sheriff's office where the property is located will be provided a copy of the writ and the payment.

The Clerk's office will notify you of initial hearing dates. If you do not receive a notification of an initial hearing date within two weeks of filing, it is your responsibility to call the Clerk's office to determine a hearing date. Please do not call prior to the end of the two-week period.

IN THE COUNTY COURT OF LAKE COUNTY, FLORIDA

Plaintiff(s) Name(s)

Physical Address(es)

Mailing Address(es)

vs.

CASE NO. _____

Defendant(s) Name(s)

Physical Address(es)

Mailing Address(es)

STATEMENT OF CLAIM

Plaintiff, _____, sues defendant, _____,
and alleges:

☐ **Auto Negligence (Rule 7.330)**

On or about _____, in the vicinity of _____,
on a public highway in _____ County, Florida, plaintiff's motor vehicle, being operated
by _____, collided with defendant's motor vehicle, being operated by
_____; and the collision with plaintiff's vehicle was caused by the
negligent and careless operation of defendant's vehicle, whereby plaintiff's vehicle was damaged and
depreciated in value.

WHEREFORE, plaintiff demands judgment in the sum of \$ _____.

☐ **Goods Sold (Rule 7.331)**

There is now due, owing, and unpaid from defendant to plaintiff \$ _____ with interest
since the _____ day of _____, 20____, for the following goods sold and delivered
by plaintiff to defendant between the _____ day of _____, 20____, and the
_____ day of _____, 20____, and a list of goods and prices and any credits is
attached hereto.

WHEREFORE, plaintiff demands judgment for damages against defendant.

☐ Work Done and Materials Furnished (Rule 7.332)

There is now due, owing, and unpaid from defendant to plaintiff \$ _____ with interest since the _____ day of _____, 20____, for the following items of labor and materials furnished to defendant at his/her request between the _____ day of _____, 20____, and the _____ day of _____, 20____, and a list of time and materials, showing charges therefor and any credits is attached hereto.

WHEREFORE, plaintiff demands judgment for damages against defendant.

☐ Money Lent – Rule 7.333

There is now due, owing, and unpaid from defendant to plaintiff \$ _____ for money lent by plaintiff to defendant on the _____ day of _____, 20____, with interest thereon since the _____ day of _____, 20____.

WHEREFORE, plaintiff demands judgment for damages against defendant.

☐ Promissory Note (Rule 7.334)

1. This is an action for damages that do not exceed the jurisdictional amount pursuant to Florida Small Claims Rule 7.010(b).
2. On the _____ day of _____, 20____, defendant executed and delivered to plaintiff a promissory note, a copy being attached, in _____ County, Florida.
3. Defendant failed to pay
 - a. Said note when due; or
 - b. The installment payment due on said note on the _____ day of _____, 20____, and plaintiff ☐ has ☐ has not elected to accelerate payment of the balance.
4. There is now due, owing, and unpaid from defendant to plaintiff \$ _____ on said note with interest since the _____ day of _____, 20____.

WHEREFORE, plaintiff demands judgment for damages against defendant.

☐ Return of Stolen Property from Pawnbroker (Rule 7.335)

1. This is an action for the return of stolen or misappropriated property pursuant to section 539.001, Florida Statutes.
2. Plaintiff is the owner of the following described property: _____

3. The above-described property was stolen or otherwise misappropriated from plaintiff on or about the _____ day of _____, 20____. A copy of the law enforcement report outlining the theft/misappropriation is attached hereto and incorporated into this statement of claim.

4. The above-described property is currently in the possession of defendant and is located at a pawnshop as defined in section 539.001, Florida Statutes, the address of which is _____

5. Plaintiff has complied with the procedural requirements of section 539.001, Florida Statutes. Specifically, plaintiff notified the pawnbroker of plaintiff's claim to the property:

- ☐ by certified mail, return receipt requested, or
☐ in person evidenced by a signed receipt.

The notice contains a complete and accurate description of the purchased or pledged goods and was accompanied by a legible copy of the aforementioned police report regarding the theft or misappropriation of the property. No resolution between plaintiff and defendant pawnbroker could be reached within 10 days after the delivery of the notice.

WHEREFORE, the plaintiff demands judgment for the return of the property. Plaintiff further asks this court to award plaintiff the costs of this action, including reasonable attorneys' fees.

☐ **Statement of Claim for Replevin (For Return of Personal Property/Weapon from Government Entity) (Rule 7.336)**

1. This is an action to recover possession of personal property.
 2. The description of the property is: _____

3. To Plaintiff's best knowledge, information, and belief, the value of the property is \$ _____ and its location is _____

4. Plaintiff is the owner of the claimed property or is entitled to possession of it by virtue of the following source of title, or right of possession:

(If ownership or possession is based on written instrument a copy is attached.)

5. The property cannot be released by the defendant without a court order, or the property is wrongfully detained by the defendant who obtained possession by: _____

6. To Plaintiff's best knowledge, information, and belief, defendant detains property because:

7. The property has not been taken for any tax, assessment, or fine pursuant to law, nor has it been taken under an execution or attachment against plaintiff's property, or if so taken, it is by law exempt from such taking by the following reference to the exemption law relied upon:

8. Written demand for return of the property was provided to Defendant and [if Defendant is not a municipality] also to the Department of Financial Services at least 90 days prior to the filing of this Complaint. Section 768.28(6)(a), Florida Statutes. A copy of the demand is attached hereto.
9. The property is not contraband, was not the fruit of criminal activity, and is not being held for some evidentiary purposes.
10. The property came into possession of Defendant on or about the _____ day of _____, 20____.
11. Plaintiff has the legal right to possess the property and is not subject to any legal prohibition against such possession.

Pursuant to section 92.525, Florida Statutes, under penalties of perjury, I declare that I have read the foregoing Statement of Claim and the facts stated in it are true.

☐ **Account Stated (Rule 7.337)**

1. This is an action for damages that do not exceed the jurisdictional amount pursuant to Florida Small Claims Rule 7.010(b).
2. Before the institution of this action, plaintiff and defendant had business transactions between them and on the _____ day of _____, 20____, they agreed to the resulting balance.
3. Plaintiff rendered a statement of account to defendant, a copy being attached, and defendant did not object to the statement.
4. Defendant owes plaintiff \$ _____ that is due with interest since the _____ day of _____, 20____, on the account.

WHEREFORE, plaintiff demands judgment for damages against defendant.

☐ **Other (Please describe any other claim)**

WHEREFORE, plaintiff demands judgment for damages against defendant.

Date

Signature

Printed Name

Address

City, State, and Zip

Telephone

Email

STATE OF FLORIDA
COUNTY OF LAKE

Sworn to or affirmed and subscribed before me by means of ☐ physical presence or ☐ online notarization
this _____ day of _____, 20_____, by _____
who is ☐ personally known or ☐ produced identification of _____, and who
☐ did ☐ did not take an oath.

NOTARY PUBLIC or DEPUTY CLERK

(Print, type, or stamp commissioned name of notary or clerk.)

IN THE COUNTY COURT OF LAKE COUNTY, FLORIDA

Plaintiff(s) Name(s)

Physical Address(es)

Mailing Address(es)

vs.

CASE NO. _____

Defendant(s) Name(s)

Physical Address(es)

Mailing Address(es)

STATEMENT OF RESPONSIBILITY
(Civil Case \$8,000.00 or Less)

Before filing this case I have considered the following matters and acknowledge that:

1. This case is being filed in the County Court under the Florida Small Claims Rules of Court; that it is considered a layman's court; that I, and the defendant, may be represented by an attorney of our individual choice but neither is required to do so, and that the conduct of this case will be in accordance with the rules of procedure and laws of Florida which apply to this case.
2. The naming of proper parties is an important element of the case and the responsibility for naming the proper plaintiff(s) and defendant(s) in this case is mine.
3. I am responsible for the furnishing of a correct address or location at which the defendant(s) can be served or given notice of this suit.
4. I assume responsibility as to my right to file this case for myself or for the named plaintiff(s).
5. I do not expect the Clerk who receives and files this claim to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.
6. I am solely responsible for the collection of any judgment entered in my favor.
7. I am responsible for knowing when my appearance in court is required. The Clerk's Office will send notification of the hearing date (Summons/Pre-Trial Notice or Notice of Trial) but if I have not received notification within two weeks, I am responsible for calling the Clerk's Office.
PLEASE DO NOT CALL PRIOR TO THE END OF THE TWO-WEEK PERIOD.

Date

Signature

IN THE COUNTY COURT OF LAKE COUNTY, FLORIDA

Plaintiff(s) Name(s)

Physical Address(es)

Mailing Address(es)

vs.

CASE NO. _____

Defendant(s) Name(s)

Physical Address(es)

Mailing Address(es)

ORDER TO SHOW CAUSE
(Form 1.916)

THE STATE OF FLORIDA

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this order on defendant, _____
by personal service as provided by law, if possible, or, if you are unable to personally serve defendant
within the time specified, by placing a copy of this order with a copy of the summons on the claimed
property located at _____, Florida,
at least 5 days before the hearing scheduled below, excluding the day of service and intermediate
Saturdays, Sundays, and legal holidays. Nonpersonal service as provided in this order shall be effective to
afford notice to defendant of this order, but for no other purpose.

Defendant shall show cause before the Honorable _____, on
_____ (date), at _____ (time) in _____, Florida,
why the property claimed by plaintiff in the complaint filed in this action should not be taken from the
possession of defendant and delivered to plaintiff.

Defendant may file affidavits, appear personally or with an attorney and present testimony at the
time of the hearing, or, on a finding by the court pursuant to section 78.067(2), Florida Statutes, that plaintiff
is entitled to possession of the property described in the complaint pending final adjudication of claims of
the parties, file with the court a written undertaking executed by a surety approved by the court in an amount
equal to the value of the property to stay an order authorizing the delivery of the property to plaintiff.

If defendant fails to appear as ordered, defendant shall be deemed to have waived the right to a
hearing. The court may thereupon order the clerk to issue a writ of replevin.

ORDERED at Lake County, Florida on _____ day of _____, 20____.

County Judge

IN THE COUNTY COURT OF LAKE COUNTY, FLORIDA

Plaintiff/Petitioner

vs.

CASE NO. _____
[case number assigned by Clerk]

Defendant.

AFFIDAVIT IN SUPPORT OF PREJUDGMENT WRIT OF REPLEVIN

STATE OF FLORIDA
COUNTY OF LAKE

Before me this day personally appeared the plaintiff, _____ who, after being duly sworn, deposes and says as follows:

1. To plaintiff's best knowledge, information, and belief, the defendant(s) is or are engaging in, or about to engage in, conduct that may place the claimed property in danger of destruction, concealment, waste, removal from the state, removal from the jurisdiction of the court, or transfer to an innocent purchaser during the pendency of this action, to wit:

_____; or
[describe what gives rise to this belief]

2. That the Defendant has failed to make payment as agreed, to wit:

[describe the payment which was not made]

FUTHER AFFIANT SAYETH NOT.

Affiant

Sworn to or affirmed and subscribed before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 20_____,
by _____ (Name of Person Signing).

NOTARY PUBLIC or DEPUTY CLERK

(Print, type, or stamp commissioned name of notary or clerk.)

☐ Personally known or ☐ Produced identification of _____.

IN THE COUNTY COURT OF LAKE COUNTY, FLORIDA

Plaintiff(s) Name(s)

Physical Address(es)

Mailing Address(es)

vs.

CASE NO. _____

Defendant(s) Name(s)

Physical Address(es)

Mailing Address(es)

ORDER AUTHORIZING WRIT OF REPLEVIN

THIS CAUSE having come upon the Plaintiffs application for a Writ of Replevin pursuant to Florida Statue 78.068 and the Court having taken testimony from the Plaintiff regarding the necessity for said Writ and the Court being satisfied that the Defendant in possession of the property being the subject matter of this suit will probably violate any restraining Order or any part of any restraining Order issued by the Court pending Notice of Hearing on the Show Cause Order and the Court being fully advised.

It is thereupon ORDERED and ADJUDGED that the Clerk issue A Writ of Replevin in this cause setting forth thereon the property sought by the Plaintiff in said Complaint.

DONE and ORDERED in Chambers, Tavares, Lake County, Florida this _____ day of _____, 20_____.

County Judge