

## HOW TO FILE IN SUMMARY CLAIMS COURT

Note: You will need the original of this form for the court, one copy for each Defendant, and one copy for yourself. If you have any attachments to attach to your claim form, you will need to supply the court with a copy to be served on each of your Defendants.

1. Make sure that you fill in your name, address and telephone number. You also need to fill in the correct name and address on each Defendant. If the Defendant is a business, you will need to call the Secretary of State at 1-850-488-9000 to find out their Registered Agent's name and address. If your Defendant has a Registered Agent, you would style your case as Defendant's name (the business name) in care of the Registered Agent's name.
2. Fill in the amount of your claim in the space provided. If you wish to claim interest, you must also state the amount in the space provided (**the clerk cannot advise you on claiming interest**). Next determine your court cost. Total all these and that is the amount you are claiming the Defendant owes you.
3. Briefly describe your claim in the area provided.
4. If the Defendant is not in the Military, answer in the space provided.
5. If your suit is based on a written instrument, note, check, etc., place an "X" in the proper space. You must supply the court with a copy of these documents and copies to be served on each Defendant.

**UNLESS SIGNED BY AN ATTORNEY YOUR CLAIM MUST BE SIGNED AND SWORN TO BEFORE A DEPUTY CLERK OR NOTARY.**

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| <b>FILING FEES: Claims less than \$100.00 .....</b> | <b>\$55.00</b>  |
| <b>Claims of \$101.00 to \$500.00 .....</b>         | <b>\$80.00</b>  |
| <b>Claims of \$501.00 to \$2,500.00 .....</b>       | <b>\$155.00</b> |
| <b>Claims of \$2,501.00 to \$5,000.00 .....</b>     | <b>\$255.00</b> |

In addition to filing fee, Certified Mail Restricted Delivery Charges in serving Defendant is \$8.15 for the first ounce and \$0.20 for each additional ounce. (F.S. 34.041 does not permit service by mail outside the state of Florida)

**SERVING PAPERS ON THE DEFENDANT:** Service can be obtained on the Defendant(s) by Certified Mail, Restricted Delivery or by Sheriff's service. If you find it necessary to have the Sheriff serve the Defendant, his service charge is \$20.00 for each Defendant (in Marion County). If served by the Sheriff outside the state of Florida, you will need to contact the Sheriff of that county and get their service charge and special instructions for service. If your papers are to be served by the Sheriff, you will make a separate check to that Sheriff. A Defendant must be served with process before Judgment can be entered.) Do not use a post office box address for Sheriff Service.

### NOTICE TO PLAINTIFF AND DEFENDANT

**PRE-TRIAL CONFERENCE:** AFTER THE CLAIM IS FILED, THE CLERK WILL SCHEDULE A PRE-TRIAL CONFERENCE. YOU MUST BOTH APPEAR AT THE TIME AND PLACE SET FOR THE CONFERENCE. WITNESSES NEED NOT BE BROUGHT TO THIS COURT SESSION. THE PURPOSE OF THIS HEARING IS TO ENABLE THE COURT TO DETERMINE THE NATURE OF THIS CASE AND TO SET THE TRIAL DATE, IF NECESSARY.

**ENTRY OF A JUDGMENT AT PRE-TRIAL:** If the court enters a Judgment at Pre-trial a copy of the Judgment will be mailed to each party within 7 to 10 business days. Information on steps that can be taken to enforce the Judgment are available from the Clerk's office.

**YOU ARE BOTH ENCOURAGED TO CONTACT THE OPPOSING PARTY TO DETERMINE IN AN OUT-OF-COURT SETTLEMENT CAN BE REACHED BEFORE THE HEARING OR AT ANYTIME BEFORE JUDGMENT IS ENTERED. IF SETTLEMENT IS REACHED, THE PLAINTIFF SHOULD ADVISE THE CLERK SO THAT THE CASE CAN BE REMOVED FROM THE COURT'S DOCKET. THE PLAINTIFF MUST THEN FILE A NOTICE OF VOLUNTARY DISMISSAL WITH THE CLERK (FORM CAN BE OBTAINED FROM THE CLERK'S OFFICE) AND FURNISH THE DEFENDANT WITH A COPY.**

**BOTH PARTIES MUST KEEP THE COURT INFORMED OF THEIR CURRENT ADDRESS. FURTHER NOTICES WILL BE BY REGULAR MAIL TO THE ADDRESS ON FILE.**