

SMALL CLAIMS COURT

Small Claims is a special procedure which simplifies the court process and is used to resolve civil disputes that involve amounts of money not more than \$5,000.00. It is recommended that prior to filing suit, you contact the other party in an attempt to reach a solution to your dispute. If you are not sure that you have a valid legal claim against the other party, you may need to seek the advice of an attorney.

TO FILE A CLAIM

Contact the Clerk of the County Court where the:

- *Defendant lives
- *Dispute or event which gave rise to the lawsuit occurred
- *Property in dispute is located
- *Payment is received on a secured promissory note
- *Contract was entered into

Forms for filing a complaint in Citrus County are available from the Clerk of the Circuit Court at either the Inverness or Crystal River location or on our website - www.clerk.citrus.fl.us.

Claims can be filed by or against an individual, business, or corporation. The exact legal name, address and phone number of the defendant is required. In the case of a business, this information may be obtained from the City or County Occupational License Department.

SERVICE ON A DEFENDANT

Service on a defendant can be made by certified mail or a process server. Certified mail service can only be used for State of Florida residents. A listing of process server's can be located on the Clerk's website <http://www.clerk.citrus.fl.us/nws/home.jsp>. Appropriate filing fees are payable to the Clerk of the Circuit Court. Personal checks are accepted with proper identification.

PRE-TRIAL MEDIATION CONFERENCE

Upon filing the suit, you will be notified by mail of the Pre-Trial Mediation Conference date. Your appearance is mandatory. You and the defendant will meet with a mediator. If you reach an agreement the Judge may enter a Dismissal or a Defer-Judgment Order. If the defendant does not comply with the agreement entered at the Pre-Trial Conference, you may petition the court for a Final Judgment. If the defendant does not appear at the pre-trial mediation conference, the Court may enter a Default Judgment in favor of the plaintiff in the amount of the claim and court costs.

FINAL HEARING

If both parties appear at the pre-trial mediation conference and the case cannot be settled through mediation, the Judge will set a final hearing date. Bring all witnesses and evidence to support the claim to the final hearing. If witnesses are needed, and they will not appear voluntarily, contact the Clerk's office to issue witness subpoenas. Additional costs and service fees are required.

SETTLEMENT BEFORE PRE-TRIAL MEDIATION

If the parties agree on a settlement of all claims, the plaintiff will need to file a Notice of Voluntary Dismissal to prevent the case from going to Court.

AFTER JUDGMENT

After the Court has reached a settlement or awarded a judgment against the defendant, the case is closed, and any subsequent activity, including collection efforts, will require payment of a reopening fee. The reopen fee is **\$25** for all small claims of not more than \$500 and **\$50** for all claims of more than \$500.

Record a certified copy of the Final Judgment

A recorded judgment gives you a "Lien" or interest in any land or real property the defendant may own in the county where the judgment is recorded. Certified copies are available from the Clerk's office for \$3.00 per copy. The recording fee is \$10.00 for the first page and \$8.50 for each page thereafter. In addition there is a fee of \$1.00 per name after the first four names. The recorded judgment shall be a lien as provided by Florida Statute 55.10.

Order to Show Cause

When 45 days have elapsed from the signing of the Final Judgment and the Fact Information Sheet has not been received by you or the Clerk's office, you may file an Order to Show Cause. Per Florida Statute, the reopen fee for any civil action requiring judicial involvement will be required to be paid at the time of filing this pleading. This Order scheduling a hearing shall be entered by the Judge requiring the judgment debtor to appear. The Sheriff will require a service fee to serve the Order.

Judgment Lien Information

Effective October 1, 2001 the Florida Department of State, Division of Corporations will maintain a database of judgment lien records. Their phone number is 850-656-7463. You may also go to **www.sunbiz.org** online to obtain additional information and forms.

Writ of Execution

Ten days after the judgment has been entered, the Clerk can issue a Writ of Execution. If you are aware of any personal property that the defendant owns (ie. car, television) the Sheriff can levy and sell the personal property. A deposit will be required in order for the Sheriff to levy and sell the property. You must contact the Sheriff's office for this information. A Writ of Execution can be obtained from the Clerk's office.

SATISFACTION OF JUDGMENT

If at any time the defendant pays you in full, obtain a "Satisfaction of Judgment" from the Clerk of the County Court, and have it recorded. A copy of the recorded Satisfaction must be provided to the defendant. If a Writ of Execution is docketed with the Sheriff, notify them of payment received.

BETTY STRIFLER
CLERK OF THE COURT
110 N. Apopka Ave.
Inverness, FL 34450-4299
(352)341-6424

BETTY STRIFLER
CLERK OF THE COURT
1540 N Meadowcrest Blvd
Crystal River, FL 34429

EXAMPLE

IN THE COUNTY COURT IN AND FOR CITRUS COUNTY
FIFTH JUDICIAL CIRCUIT OF FLORIDA

CASE NO. _____

YOUR NAME/BUSINESS NAME
ADDRESS
CITY, STATE, ZIP
TELEPHONE NUMBER

Plaintiff(s)

-vs-

PERSON/BUSINESS NAME
ADDRESS OR POE
CITY, STATE, ZIP
TELEPHONE NUMBER

Defendant(s)

_____/

STATEMENT OF CLAIM

The plaintiff(s) sues defendant(s) and alleges:

This is an action for damages within the jurisdiction of this court which do not exceed the amount of \$5,000.00 exclusive of costs, interest and attorney's fees.

Said plaintiff(s) claims the amount of \$ _____ as being due from said defendant(s) and alleges as the basis of such suit:

BRIEF STATEMENT WHY YOU ARE FILING THIS CASE.
DO NOT INCLUDE COURT COSTS IN THE AMOUNT YOU ARE SUING FOR.

WHEREFORE, plaintiff(s) demands judgment for damages against defendant(s).

STATE OF FLORIDA
COUNTY OF CITRUS

The undersigned, being first duly sworn on oath, states the foregoing is a just and true statement of the amount owing by the above named defendant(s) to the said plaintiff(s), exclusive of all set-offs and just grounds of defense. Affiant further states that the defendant(s) is not in the military service of the United States, and that the action has been brought in the county in which venue is proper, pursuant to Chapter 47, Florida Statutes.

AFFIANT

Subscribed and sworn before me this _____ day of _____, 20_____.

BETTY STRIFLER
CLERK OF THE COURT

Betty Strifler, Clerk of the Circuit Court
110 N. Apopka Avenue, Room 101
Inverness, Fl. 34450-4299
(352) 341-6424

By: _____
Deputy Clerk

Or: _____
Notary Public

**IN THE COUNTY COURT IN AND FOR CITRUS COUNTY
FIFTH JUDICIAL CIRCUIT OF FLORIDA**

CASE NO. _____

Plaintiff(s)

-vs-

Defendant(s)

_____ /

STATEMENT OF CLAIM

The plaintiff(s) sues defendant(s) and alleges:

This is an action for damages within the jurisdiction of this court which do not exceed the amount of \$5,000.00 exclusive of costs, interest and attorney's fees.

Said plaintiff(s) claims the amount of \$ _____ as being due from said defendant(s) and alleges as the basis of such suit:

WHEREFORE, plaintiff(s) demands judgment for damages against defendant(s).

**STATE OF FLORIDA
COUNTY OF CITRUS**

The undersigned, being first duly sworn on oath, states the foregoing is a just and true statement of the amount owing by the above named defendant(s) to the said plaintiff(s), exclusive of all set-offs and just grounds of defense. Affiant further states that the defendant(s) is not in the military service of the United States, and that the action has been brought in the county in which venue is proper, pursuant to Chapter 47, Florida Statutes.

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Subscribed and sworn before me this _____ day of _____, 20_____.

BETTY STRIFLER
CLERK OF THE COURT

Betty Strifler, Clerk of the Circuit Court
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(352) 341-6424

By: _____
Deputy Clerk

Or: _____
Notary Public

**IN THE COUNTY COURT IN AND FOR CITRUS COUNTY
FIFTH JUDICIAL CIRCUIT OF FLORIDA**

CASE NO. _____

Plaintiff(s)

-vs-

Defendant(s)

_____ /

STATEMENT OF RESPONSIBILITY
(Civil Case \$5,000.00 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 Summary Procedure 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 received 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.

Date

Signature

**COUNTY COURT IN AND FOR CITRUS COUNTY
COUNTY COURT/SMALL CLAIMS DIVISION
(352) 341-6424**

SERVICE CHARGES EFFECTIVE JULY 1, 2009

SMALL CLAIMS OF \$100.00 OR LESS	\$55.00
SMALL CLAIMS OF \$100.01 BUT NOT MORE THAN \$500.00	\$80.00
SMALL CLAIMS OF \$500.01 BUT NOT MORE THAN \$2,500.00	\$175.00
SMALL CLAIMS OF \$2,500.01 BUT NOT MORE THAN \$5000.00	\$300.00
COUNTY CIVIL CLAIMS OF \$5,000.01 BUT NOT MORE THAN \$15,000.00	\$300.00
REMOVAL OF TENANT ACTIONS	\$185.00
CERTIFIED MAIL FOR EACH DEFENDANT WITHIN THE STATE OF FLORIDA	\$5.75
OUT-OF-COUNTY OR OUT-OF-STATE SHERIFF'S DEPT.	CONTACT AGENCY
FILING A CLAIM OF REPLEVIN OF \$1,000 OR LESS	\$130.00
ADDITIONAL FEE FOR ATTACHMENT, REPLEVIN GREATER THAN \$1,000 AND DISTRESS	\$85.00
DEPOSIT FOR THE GARNISHEE'S ANSWER	\$103.00
WRIT OF POSSESSION	\$90.00
WRIT OF REPLEVIN	\$90.00
WITNESS SUBPOENA PREPARED BY CLERK	\$7.00 PER PARTY
WITNESS SUBPOENA PREPARED BY PLAINTIFF	\$2.00 PER PARTY
WITNESS FEES	\$5.00 PER PARTY PLUS \$.06 PER MILE OF TRAVEL TO AND FROM
REOPENING A CASE OF \$500.00 OR LESS	\$25.00
REOPENING A CASE OF \$500.01 OR MORE	\$50.00
APPEALS FROM COUNTY COURT TO CIRCUIT COURT	\$281.00
ISSUING SUMMONS FEE – PER DEFENDANT	\$10.00
PREPARING SUMMONS – PER DEFENDANT	\$7.00
CROSS-CLAIM; COUNTERCLAIM; THIRD-PARTY COMPLAINT (GREATER THAN \$2,500)	\$295.00