

SMALL CLAIMS REPLEVIN

An action for replevin may be brought in small claims court when the value of the property does not exceed \$5,000.00 and the following fees are paid.

1. **\$1000.00 or less** - **\$130.00 Filing Fee which includes the Replevin fee**
2. **\$1000.01 - \$2500.00** - **\$175.00 Filing Fee + \$85.00 Replevin fee**
3. **\$2500.01-\$5000.00** - **\$300.00 Filing Fee + \$85.00 Replevin fee**

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:

- Property sought to be replevied is located
- Contract was signed
- Defendant resides
- Cause of action occurred

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.

Claims can be filed by or against an individual, business, or corporation. The exact legal name, complete 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. A summons fee of \$10.00 per person to process and \$7.00 for the Clerk of the Court to issue is due at the time of filing for a total of \$17.00.

PROCESS SERVER

A process server will need to be contacted to provide service of paperwork on the individual. A listing of process servers can be located on our website at <http://www.clerk.citrus.fl.us/nws/home.jsp>.

ORDER TO SHOW CAUSE AND FINAL HEARING

The clerk obtains two hearing dates from the Judge's office for Show Cause and a Final Hearing and prepares the Order to Show Cause and Summons to be served. You will receive a copy of both orders stating dates and times for you to appear.

WRIT OF REPLEVIN AND FINAL JUDGMENT

After the Show Cause hearing the clerk will prepare an Order and Prejudgment Writ of Replevin when directed by the court.

After the Final Hearing, the clerk will prepare a Final Judgment when directed by the court. If a Prejudgment Writ has not previously been issued, the clerk will prepare a Writ of Replevin at this time.

To execute the Writ of Replevin, a fee for sheriff service will be required.

BETTY STRIFLER
CLERK OF THE CIRCUIT COURT
110 N. Apopka Avenue
Inverness, Fl. 34450-4299
(352) 341-6453

BETTY STRIFLER
CLERK OF THE CIRCUIT 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 OR BUSINESS NAME
MAILING ADDRESS
CITY, STATE, ZIP
TELEPHONE NUMBER
Plaintiff(s)

-vs-

PERSON OR BUSINESS NAME
ADDRESS TO BE SERVED AND
MAILING ADDRESS IF DIFFERENT
CITY, STATE, ZIP
TELEPHONE NUMBER
Defendant(s)

STATEMENT OF CLAIM
(REPLEVIN)

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

This is an action to recover possession of personal property within the jurisdiction of this court the value of which does not exceed the amount of \$5000.00 exclusive of costs, interest and attorney's fees.

The description of the property is:

LIST OF CLAIMED PROPERTY SUFFICIENT TO MAKE IDENTIFICATION POSSIBLE
DO NOT INCLUDE COURT COSTS IN THE VALUE OF THE PROPERTY LISTED

That the true value of said property is the sum of \$_____; that said property has not been taken for any tax, assessment or fine levied by virtue of any law of the State of Florida, nor seized under execution or attachment against the goods and chattels of said plaintiff(s) liable to execution and that the above named defendant(s) has/have possession of the above described personal property and detains the same from plaintiff(s).

That said plaintiff(s) is the owner of said personal property and entitled to the possession thereof; that said defendant(s), wrongfully detains from said plaintiff(s) said personal property of the value as aforesaid; that said plaintiff(s) made demand upon said defendant(s) for possession of said personal property prior to the institution of this claim, yet said defendant(s) continues to wrongfully withhold possession thereof from said plaintiff(s).

WHEREFORE, plaintiff(s) demands judgment for possession of the property against defendant.

STATE OF FLORIDA,
COUNTY OF CITRUS

The undersigned being first duly sworn on oath, states the foregoing is a just and true statement. Affiant further states that the defendant(s) is/are 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) 341-6453

By: _____
Deputy Clerk

Or: _____
Notary Public

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

CASE NO. _____

Plaintiff(s)

-VS-

Defendant(s)

_____ /

STATEMENT OF CLAIM
(REPLEVIN)

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

This is an action to recover possession of personal property within the jurisdiction of this court, the value of which does not exceed the amount of \$5,000.00 exclusive of costs, interest and attorney's fees.

The description of the property is:

That the true value of said property is the sum of \$ _____; that said property has not been taken for any tax, assessment or fine levied by virtue of any law of the State of Florida, nor seized under execution or attachment against the goods and chattels of said plaintiff(s) liable to execution and that the above named defendant(s) has/have possession of the above described personal property and detains the same from plaintiff(s).

That said plaintiff(s) is/are the owner(s) of said personal property and entitled to the possession thereof; that said defendant(s), wrongfully detains from said plaintiff(s) said personal property of the value as aforesaid; that said plaintiff(s) made demand upon said defendant(s) for possession of said personal property prior to the institution of this claim, yet said defendant(s) continues to wrongfully withhold possession thereof from said plaintiff(s).

WHEREFORE, plaintiff(s) demands judgment for possession of the property against defendant.

**STATE OF FLORIDA,
COUNTY OF CITRUS**

The undersigned being first duly sworn on oath, states the foregoing is a just and true statement. Affiant further states that the defendant(s) is/are 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) 341-6453

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) 341-6453

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
CROSS CLAIM; COUNTERCLAIM; THIRD-PARTY COMPLAINT (GREATER THAN \$2,500)	\$295.00
SUMMONS FEE – PER DEFENDANT	\$10.00
SUMMONS FEE TO ISSUE – PER DEFENDANT	\$7.00
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	\$70.00
WRIT OF REPLEVIN	\$70.00
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