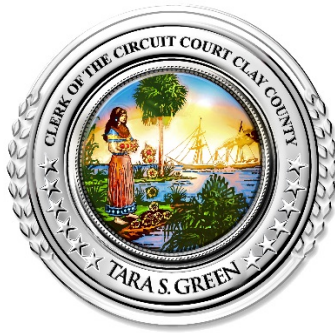


INFORMATION FOR SMALL CLAIMS COURT



Clay County Clerk of the Circuit Court
Tara S. Green

IMPORTANT INFORMATION

THIS INFORMATION IS MEANT TO BE A GUIDE TO SMALL CLAIMS IN CLAY COUNTY, FLORIDA. IT IS NOT LEGAL ADVICE, AND SHOULD NOT BE LOOKED UPON AS SUCH. ANY PERSON SEEKING LEGAL ADVICE SHOULD CONSULT AN ATTORNEY.

FOR GENERAL INFORMATION:

www.clayclerk.com

CASE SEARCHES FOR CLAY COUNTY:

www.clayclerk.com/courtrecords

FOR MORE INFORMATION:

SMALL CLAIMS – CHAPTER 34

LANDLORD AND TENANTS – CHAPTER 83

GARNISHMENTS – CHAPTER 77

TO DETERMINE THE “REGISTERED AGENT” FOR A BUSINESS:

www.Sunbiz.org

ADDITIONAL USEFUL INFORMATION:

www.floridalawhelp.org

www.floridabar.org

JAX Legal Aid – Clay County Office

(904) 284-8410

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SMALL CLAIMS CASES – GENERAL INFORMATION

Small Claims Court:

“Small Claims Court” is a term used to describe the procedure of resolving civil disputes involving amounts of money or value of property not exceeding \$8,000.00. Any dispute involving money or property valued above this amount is considered a Civil Action and falls under the Florida Small Claims Rules which were adopted by the Supreme Court of Florida. If you are unsure of which rules govern your civil dispute, it would be to your advantage to consult an attorney.

Evaluating the Case:

Prior to filing a suit, the party contemplating the filing of a lawsuit should evaluate the claim to be made. One way would be to ask yourself the following questions about your claim:

- Is the claim for \$8,000.00 or less?
- Is the claim a valid legal claim?
- Is there proof to back up the claim?
- Is there evidence that the court can truly consider?
- Is the party that my claim is against identifiable by:
 - Full legal name, and Complete address
- Have all avenues to settle this matter been exhausted?

Filing a Case

1. Fill out a Statement of Claim form

- Try to give a brief but thorough explanation of what you are filing the case for. (The person filing the suit is the Plaintiff and the person whom the case is against is the Defendant.)

2. Fill out a Plaintiff's Statement

- All blanks on the form need to be complete, accurate and legible, especially the names and addresses of all parties in the suit. (Accuracy and legibility are important so there is no delay in processing your case.)

3. Contact the Clerk's Office to determine the filing and summons fees.

- The filing fees vary, depending on the amount that you are suing for. All Fees and Payments, including the Sheriff's fees, are due at the time that the case is filed with the Clerk's Office.

4. All Sheriff/Police Departments will charge a fee for the Service of Process. The fees may vary by county.

- The Clay County Sheriff's Office charges \$40 per Summons, per Defendant, to be served.
- Payment should be in the form of cash, a money order, a cashier's check or a business check made payable to the Clay County Sheriff.

5. If Service of Process is not in Clay County, you will need to provide us with the name, address, and telephone number of the County Sheriff that we will be submitting your paperwork to for service.

- Payment should be in the form of a money order, cashier's check or business check made payable to the appropriate Sheriff's Office.

6. Please see below a short list of the phone numbers for the surrounding counties to contact them for their service fees and mailing address, if service is within their County

- Alachua County Sheriff: (352) 384-3051

- Baker County Sheriff: (904) 259-2231
- Bradford County Sheriff: (904) 966-2276
- Clay County Sheriff: (904) 284-7575
- Duval County Sheriff/Jacksonville: (904) 630-2141
- Nassau County Sheriff: (904) 548-4038
- Putnam County Sheriff: (386) 329-0800
- St Johns County Sheriff: (904) 209-1435

Please be prepared to pay the Clerk's filing fees, and the Sheriff's service fees, upon filing your case in our office.

- It is a possibility that these fees may be awarded to you if you receive a judgment in your favor; and if you add these fees to your Statement of Claim and Plaintiff's Statement (the fees should NOT be included in your Claim Amount, but listed next to the amount).
- Example: \$7,999.99, plus Court and Sheriff's costs

If you file your case in person, you will receive a copy of the case file, including the Summons/Notice to Appear with the Pre-Trial information. If you mail in your case file, please send a self-addressed and stamped envelope, so that we may forward a copy back to you. These copies will include your case number.

Commencing a Case

A Small Claims case may be filed by any individual or business entity. Minors must be represented by a parent or legal guardian in order to sue. Likewise, if an incorporated business plans to file a suit, it must be represented by an officer or authorized employee.

A case is commenced by filing a Statement of Claim and a Plaintiff's Statement, along with an appropriate fee, with the Clerk of the Circuit Court. Forms can be found on the Clerk's Office website. A deputy clerk can assist with completing the forms, but they are unable to provide legal advice or advice as to how a form should be completed. **ONLY A LAWYER CAN GIVE YOU LEGAL ADVICE.** You should talk with a lawyer if you have any questions about your rights.

If your claim is based upon a written document, the written document must be attached to the Statement of Claim. The person filing the Statement of Claim must sign it and include thereon his or her address(es) and telephone number(s), including area code. The names, addresses, and telephone numbers of all persons who are parties to the lawsuit must be stated in the Statement of Claim and the Plaintiff's Statement.

Proper Place of Filing

In order to properly file a Statement of Claim and Plaintiff's Statement, the person filing the claim, hereinafter referred to as the "Plaintiff", must do so in the proper county. In most cases, the Plaintiff may properly file a Statement of Claim and Plaintiff's Statement in a county described below:

- Where the contract was entered into...
- If the suit is on an unsecured promissory note, where the note was signed...
- If the suit is to recover property or to foreclose a lien, where the property is located...
- Where the event giving rise to the suit occurred...
- Where any one of the Defendants resides...

If the party being sued, hereinafter referred to as "Defendant", believes the Statement of Claim and Plaintiff's Statement were filed in the wrong county, the Defendant may request, that the case be transferred

to the county which he believes is proper, by filing a Motion to Transfer Venue, or he may seek to have the case dismissed without prejudice. If/When the case is to be transferred, per an Order of the Court, the party who initially filed, or the party ordered per Court Order, in the wrong county, will have to pay a new filing fee to the county in which the case is being transferred.

Proper Parties

The Plaintiff must name the proper party as a Defendant. If the Defendant is an individual, the Plaintiff should determine the person's full legal name and any aliases prior to filing the lawsuit. If the Defendant is a business, the Plaintiff must determine if the business is a corporation, a partnership or a sole proprietorship. The Clerk's Office does not research or supply this information to you. The corporate status of any corporation legitimately doing business in the State of Florida can be determined by contacting the Florida Secretary of State, Division of Corporations, in Tallahassee. To determine the status of a business, as well as determining who the "Registered Agent" is, please visit www.sunbiz.org. If the business entity to be sued is a corporation, the corporation should be named as a Defendant, NOT its officers. If the business entity is either a partnership or a sole proprietorship, the entity and the individuals should be named as Defendants, e.g. John Smith, d/b/a Crazy John's Car Repair.

Notice and Service of Process

After the Statement of Claim and Plaintiff's Statement are filed, the Plaintiff must ensure that the Defendant receives a copy of the Statement of Claim. The procedure for informing the Defendant of the pending action is called Service of Process.

Service of Process may be perfected by delivery of the Statement of Claim and Plaintiff's Statement to the Defendant by a representative of the appropriate Sheriff's Office or a Process Server. The Plaintiff may also complete service of process upon a Florida Resident by certified mail. However, the Defendant or someone authorized to receive mail at the Defendant's residence or place of business must sign the receipt for the mail. For corporate entities, the addressee should be the Registered Agent of the corporation, who will be the person identified by the corporate status check with the Secretary of State as discussed in the preceding paragraph. Either of the methods described above require the payment of an additional expense by the Plaintiff.

Mediation and Pre-trial Conference

A Notice to Appear will be issued, attached to, and served with, the Statement of Claim and Plaintiff's Statement. If the defendant(s) are served, the case will be referred to mediation first in an effort to aid the parties in settling the case. If the Plaintiff does not appear at mediation, the case is subject to being dismissed. If the Defendant does not appear and the Plaintiff is present, a Default Judgment may be entered. If both parties are present and the mediation is not successful, the mediator will send the parties back to the judge and to hold a pre-trial conference. During this pre-trial conference, the judge will then narrow the factual issues to be resolved at trial and settle any legal issues which are subject to determination. If the case is not settled at this conference, the court will set a date, time and place for the trial. The Plaintiff and Defendant are not to bring witnesses to the mediation or pre-trial conference.

Dismissal and Default

Failure to attend either the pre-trial conference or the trial can result in dire consequences for the party failing to attend. If the Plaintiff fails to attend, the case may be dismissed by the judge. If the Defendant fails to attend, the Plaintiff may obtain a default judgment.

Pleadings

In addition to just appearing at the appointed time, the Defendant may also file documents with the court. These include, but are not limited to, a Motion to Dismiss, an Answer, an Affirmative Defense, a Counterclaim, and a Third-Party Complaint. An Answer is simply an admission or denial of the claims made by the Plaintiff. The other documents, called pleadings, are discussed in more detail below. Copies of all pleadings are required to be served on the other party or the party's attorney. This subsequent service may be accomplished by regular mail.

Motion to Dismiss

A motion to dismiss attempts to demonstrate to the court why the Plaintiff should not be allowed to continue regardless of the truth of the Plaintiff's claim. The following are examples of basic motions to dismiss and simple explanations of these motions:

- Lack of Jurisdiction over the subject matter – the action is not properly filed in small claims court because it involves more than \$8,000.00 or involves an equitable claim (i.e. a divorce claim).
- Improper Venue – the complaint is filed in the wrong county.
- Insufficiency of process – the summons was not served on the Defendant properly.
- Failure to join indispensable parties – the complaint does not seek damages from any other party who should be liable along with the Defendant if the Plaintiff is successful.

Affirmative Defenses

Affirmative defenses, unlike other defenses, seek to avoid liability by asserting a legal excuse as to why the Plaintiff would not be awarded any damages based on the claim. Some examples of affirmative defenses are:

- Accord and Satisfaction – the Defendant has paid or satisfied the amount due or has paid a mutually agreed upon settlement.
- Failure of Consideration – the Defendant agreed to pay the Plaintiff if the Plaintiff performed a service for the Defendant; however, the Plaintiff's performance was so shoddy that the Defendant should not be liable to the Plaintiff for payment.
- Statute of Limitations – the Plaintiff failed to file a Statement of Claim by the time required by law. For a more detailed explanation of the Statute of Limitations, consult Chapter 95 of the Florida Statutes.

Counterclaims

Counterclaims can be described as a lawsuit which the Defendant files against the Plaintiff after he is served with the Plaintiff's lawsuit. Counterclaims fall into two (2) categories, compulsory and permissive. A Defendant wishing to file a counterclaim must do so not less than five days prior to the appearance date or such time as the Court designates.

Third-Party Complaints

Third party complaints are filed when the Defendant feels that another party should be responsible for the amount of damage claimed by the Plaintiff. If a Defendant wishes to file a third-party complaint, he must request permission of the court at the pre-trial conference. If the court allows the filing of a third-party complaint, the court will set a time for filing and schedule another pre-trial conference. Likewise, the Plaintiff may request leave of the court to file a third-party complaint in response to any counterclaim made by the Defendant.

Discovery

Parties to any lawsuit should be aware that they may be subjected to discovery prior to trial. Discovery is an attempt by a party to gain information about the strength of the opposing party's position. Although generally not allowed in Small Claims cases with parties not represented by an attorney, discovery is nonetheless possible in certain circumstances. A complete discussion of discovery is not within the scope of this packet. Those wishing to gain more information on discovery as it relates to Small Claims should consult Rule 7.020(b), Florida Small Claims Rules.

Voluntary Dismissal

The Plaintiff in a Small Claims case may end the lawsuit by voluntarily dismissing the suit. In order to properly do this, property must not have been seized, nor may property be in the custody of the courts, and:

- The Plaintiff must inform the Defendant and the Clerk of the Court of the dismissal prior to the trial date; or
- The parties must enter into joint stipulation for dismissal.

Settlement

The parties may agree to settle the case at any stage of the proceedings, and in most cases are encouraged to do so at the pre-trial conference. If the case is settled, the Plaintiff must notify the Clerk of the Court. The settlement may bring about a dismissal or continuance, the continuance being based upon the payment or performance by a party. When a settlement is agreed upon at the pre-trial conference, both parties enter into a written agreement called a Stipulation. Failure of the Defendant to comply with a Stipulation will result in a Final Judgment being entered upon the filing of an Affidavit of Noncompliance by the Plaintiff and service by mail of a copy upon the Defendant.

Collecting on your Judgment

There are several ways to attempt to collect on your Judgment, such as Liens, Executions and Garnishments. The steps involved when collecting a debt by any of these methods and for that purpose, are not discussed in this information package. At the time you receive your Judgment, you may request a separate information sheet that includes these resources. The Clerk's Office will assist you as best we can in completing the forms, however we are not versed in collection agency policies or procedures.

(End)

**CLAY COUNTY
SMALL CLAIMS / COUNTY CIVIL FEES
EFFECTIVE JANUARY 1, 2020**

FILING FEES

TYPE OF CASE	AMOUNT
SMALL CLAIMS - \$0.00 LESS THAN \$99.00	\$55.00
SMALL CLAIMS - \$100.00 TO LESS THAN \$500.00	\$80.00
SMALL CLAIMS - \$501 TO LESS THAN \$2,500.00	\$175.00
SMALL CLAIMS - \$2,501.00 TO LESS THAN \$5,000.00	\$300.00
SMALL CLAIMS - \$5,001.00 TO LESS THAN \$8,000.00	\$300.00
COUNTY CIVIL PROCEDURE \$8,001.00 TO LESS THAN \$15,000.00	\$300.00
COUNTY CIVIL PROCEDURE \$15,001.00 TO LESS THAN \$30,000.00	\$400.00
EVICCTIONS	\$185.00
UNLAWFUL DETAINER	\$300.00
REPLEVINS (TO RECOVER PROPERTY OTHER THAN REAL PROPERTY) THIS FEE IS IN ADDITION TO THE ABOVE AMOUNT	\$85.00
REPLEVINS OF PROPERTY NOT MORE THAN \$1,000.00	\$130.00
FORECLOSURES & INTERPLEADERS & DECLARATORY JUDGMENTS	\$300.00

OTHER CHARGES RELATED TO FILING

TYPE OF CHARGES	AMOUNT
FORMS BLANK DOCUMENTS FOR FILING (PER PAGE)	\$0.15
COMPLETED DOCUMENTS / COPIES (PER PAGE)	\$1.00
SUMMONS FEE (PER SUMMONS BEING SERVED)	\$10.00
SHERIFF FEES (CLAY COUNTY PER PERSON BEING SERVED FOR SUMMONS ONLY - OTHER FEES REQUIRED DEPENDING ON WHAT IS BEING SERVED) SHERIFF FEES OTHER THAN CLAY COUNTY MUST BE CASHIER'S CHECK OR MONEY ORDER) - Per Count, Per Person	\$40.00
CERTIFIED MAIL SERVICE (PER PERSON BEING SERVED - NOT ALLOWED FOR OUT OF STATE SERVICE OF FOR COUNTY CIVIL CASES)	CURRENT MAILING RATE
SUBPOENAS (WHEN PREPARED BY CLERK - PER ADDRESS BEING SERVED)	\$7.00
SUBPOENAS (WHEN ALREADY PERPARED - PER SUBPOENAS)	\$2.00
WRIT OF GARNISHMENT CHECK/MONEY ORDER PAYABLE TO CLERK OF THE COURT	\$85.00
WRIT OF POSSESSION (SHERIFF'S OFFICE SERVICE)	\$90.00
COUNTERCLAIM / THIRD PARTY COMPLAINT (OVER \$2,500.00)	\$295.00
CERTIFICATION	\$2.00
SIGN & SEAL	\$2.00

OTHER CHARGES RELATED TO FILING

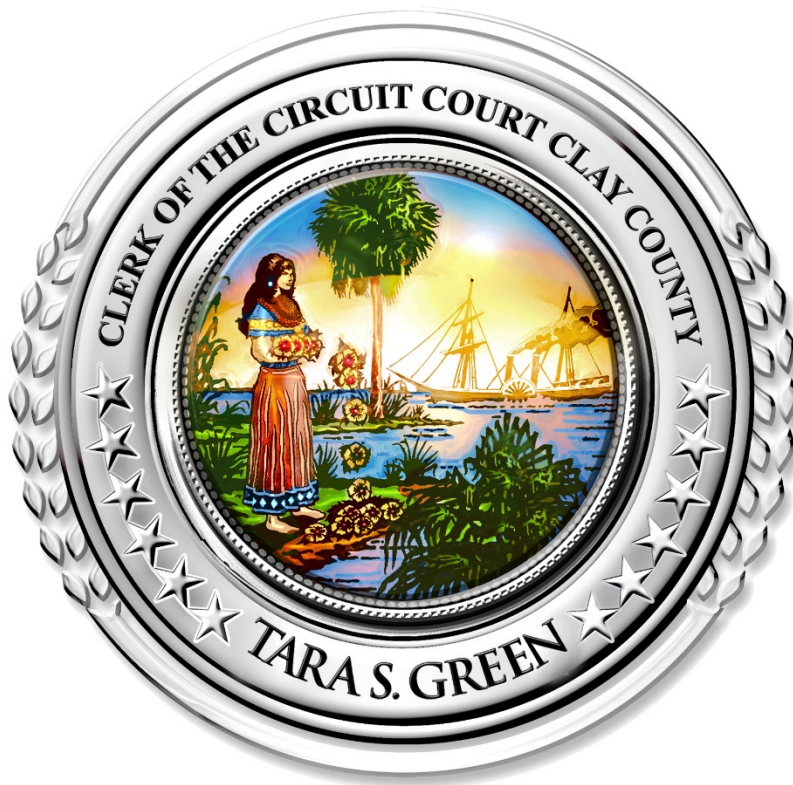
TYPE OF CHARGES	AMOUNT
EXEMPLIFICATION	\$7.00
POSTAGE (PLUS ENVELOPE)	CURRENT MAILING RATE
REGISTERED MAIL FEE	CURRENT MAILING RATE
FOREIGN JUDGMENT CLERK'S FEE (ALONG WITH APPROPRIATE FILING FEE)	\$42.00
MEDIATION FEES	\$60.00
REPLEVIN BOND APPROVAL	\$8.50
COUNTY TO CIRCUIT APPEAL	\$281.00
RECORDING FEE (ADDITIONAL PAGES ARE \$8.50)	\$10.00
LIS PENDENS (ADDITIONAL PAGES ARE \$4.00)	\$5.00

Filing Foreign Judgment - SC/CC	
SMALL CLAIMS MONETARY - \$0.00 - \$99.00	\$55.00
SMALL CLAIMS MONETARY - \$100.00 - \$500.00	\$80.00
SMALL CLAIMS MONETARY - \$501.00 - \$2500.00	\$175.00
SMALL CLAIMS MONETARY - \$2,501.00 - \$5,000.00	\$300.00
SMALL CLAIMS MONETARY - \$5,001.00 - \$8,000.00	\$300.00
COUNTY CIVIL MONETARY - \$8,001.00 - \$15,000.00	\$300.00
COUNTY CIVIL MONETARY - \$15,001.00 - \$30,000.00	\$400.00
Added Fees to Above Foreign Judgment Prices	
Return Receipt	CURRENT MAILING RATE
Registered Mail per Defendant	CURRENT MAILING RATE
Postage	CURRENT MAILING RATE
Foreign Judgment Clerk's Fee	\$42.00
Recording fees (Separate Check from other fees) \$10/first pg; \$8.50 additional pg	

INSTRUCTIONS FOR PLAINTIFF'S STATEMENT

A Plaintiff's Statement is filed with a Statement of Claim for Small Claims actions and/or a Complaint for Eviction. **The name, address and phone number have to be completed in order for the Clerk's Office to fully assist you in the preparation of your claim.** The amount of the claim is what you are seeking in any damages. In evictions, your claim would include back rent, damages, etc. until the date of filing. Date when alleged debt is when the debt occurred or for the time periods of when the rent was due. Place of alleged debt or contract is where the debt occurred or if an eviction is filed, the address of the premises you want possession of. **You also need to complete the Non-Military Affidavit included in the packet.**

Contact the Civil Law Department by phone at (904) 284/269-6363 if you have any questions regarding completing this form.



IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

**ACCURATE COMPLETION OF THIS STATEMENT IS NECESSARY SO THAT
THE CLERK CAN ASSIST YOU IN THE PREPARATION OF YOUR CLAIM**

PLAINTIFF'S STATEMENT

Name of Plaintiff: _____
Address of Plaintiff: _____
Telephone number: _____ Email Address: _____
Amount of Claim \$ _____

This claim is for: (Check the box that applies to your claim)

- ☐ Goods, ware, and merchandise sold by the Plaintiff(s) to the Defendant(s);
☐ Work done and materials furnished by the Plaintiff(s) to the Defendant(s);
☐ Money loaned by the Plaintiff(s) to the Defendant(s);
☐ Money due to the Plaintiff(s) upon accounts stated and agreed to between them;
☐ On a written instrument, copy of which is attached hereto;
☐ Rent for certain premises in Clay County, Florida, viz;
☐ Other (Explain) _____
☐ Any additional facts in connection with any of the above: _____

Date when alleged debt or contract was incurred or damages occurred _____
Place where alleged debt or contract was incurred or damage occurred _____

If the defendant(s) is an individual, is he/she in the military service? ☐ Yes ☐ No

If the defendant(s) is not in the military service, are you prepared at this time to swear under oath to the fact? ☐ Yes ☐ No

NOTE: (A) If you are suing an individual, give their full name
(B) If you are suing a business firm, give the firm name and the name of the owner
(C) If you are suing a partnership, you must name **all** of the partners
(D) If you are suing a corporation, give its full name, state where it is incorporated, and names and addresses of its officers (President, Vice President, Secretary, and Treasurer)
(E) If your suit arises as a result of an automobile accident, you may name the driver, and also the registered owner of the vehicle.
(F) If you are unable to determine which of the above applies to your case, please see the Clerk.

My Claim is against (Name and Address of Defendant(s))

Plaintiff(s) or Agent

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff(s),

vs.

CASE NO.:

DIVISION:

_____,
Defendant(s).

_____/

STATEMENT OF CLAIM

Plaintiff(s), _____, sues Defendant(s) _____
and alleges and says:

Plaintiff(s)

THE AMOUNT OF THIS CLAIM IS \$ _____

WHEREFORE, Plaintiff(s) demands judgment for damages against the Defendant(s).

**DO NOT WRITE ON THE BACK OF THIS FORM. IF YOU NEED ADDITIONAL SPACE,
PLEASE CONTINUE ON A SEPARATE SHEET OF PAPER.**

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff(s),

vs.

CASE NO.:

DIVISION:

_____,
Defendant(s).

_____/

Statement of Claim
(Auto Negligence)

The Plaintiff sues the defendant and says: On or about _____, in the vicinity of _____, on a public highway in _____ County, Florida, Plaintiff'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 \$_____.

Plaintiff

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff(s),

vs.

CASE NO.:

DIVISION:

_____,
Defendant(s).

_____ /

Statement of Claim
(for Goods Sold)

Plaintiff, _____, sues defendant, _____,
and alleges: There is now due, owing, and unpaid from defendant to plaintiff \$ _____
with interest since ____ day of _____, 20____, for the following goods sold and delivered
by plaintiff to defendant between _____, and _____.

(List goods and prices and any credits)

WHEREFORE, plaintiff demands judgment for damages against defendant.

Plaintiff

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff(s),

vs.

CASE NO.:

DIVISION:

_____,
Defendant(s).

_____/

STATEMENT OF CLAIM
(for Money Lent)

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

WHEREFORE, plaintiff demands judgment for damages against defendant.

Plaintiff

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff(s),

vs.

CASE NO.:

DIVISION:

_____,
Defendant(s).

_____/

STATEMENT OF CLAIM
(Promissory Note)

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

1. This is an action for damages that do not exceed the sum of \$_____ (insert jurisdictional amount of court).
2. On ____ 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 ____ day of _____, 20____, and plaintiff 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 _____.
5. Plaintiff has obligated himself/herself to pay his/her attorneys a reasonable fee for their services in bringing this action.

WHEREFORE, Plaintiff demands judgment for damages against defendant.

Plaintiff

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff(s),

vs.

CASE NO.:

DIVISION:

_____,
Defendant(s)/Pawnbroker.

STATEMENT OF CLAIM

(for Return of Stolen Property From Pawnbroker)

Plaintiff, _____, sues defendant/pawnbroker, _____, and
says:

1. This is an action for the return of stole 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 compiled 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 evidence 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 property. Plaintiff further asks this court to award plaintiff the costs of this action, including reasonable attorneys' fees.

Plaintiff Signature

Name

Address

City, State, Zip Code

Telephone

State of Florida
County of _____

The foregoing instrument was acknowledged before me on ____ day of _____,
20____, by _____, who is ☐ personally known to me or has produced
_____ as identification and who ☐ did ☐ did not take an oath.

WITNESS my hand and official seal,_____.

Notary Public
State of Florida

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff(s),

vs.

CASE NO.:

DIVISION:

_____,
Defendant(s).

_____/

STATEMENT OF CLAIM
(For Work Done and Materials Furnished)

Plaintiff, _____, sues defendant, _____,
and alleges: There is now due, owing, and unpaid from defendant to plaintiff \$ _____
with interest since ____ day of _____, 20____, for the following items of labor and
materials furnished to defendant at his/her request between _____, and _____:

(List time and materials, showing charges therefor and any credits)

WHEREFORE, Plaintiff demands judgment for damages against defendant.

Plaintiff

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff(s),

vs.

CASE NO.:

DIVISION:

_____,
Defendant(s).

_____ /

STATEMENT OF CLAIM FOR REPLEVIN

Plaintiff(s), _____ sues Defendant(s) _____, and alleges:

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 interest is based on a 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 _____.
11. Plaintiff has legal right to possess the property and is not subject to any legal prohibition against such possession.

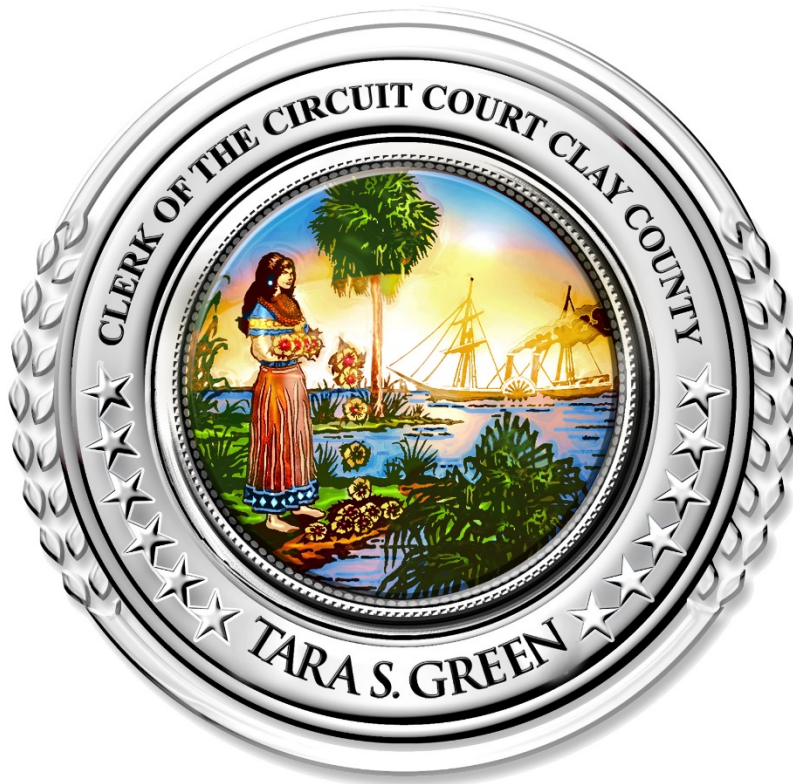
Pursuant to section 92.525, Florida Statutes, under penalties of perjury, I declare that I have read the foregoing Statement of Claim and the facts stated in it are true.

Plaintiff

INSTRUCTIONS FOR AFFIDAVIT OF NON-MILITARY

An Affidavit of Non-Military is a sworn statement stating that the best of your knowledge, you know that the Defendant(s) are not currently in the military service. Without the Non-Military Affidavit, the Judge will not accept the default. **You may not enter a default against a person in the military.** If a Defendant is in the military you are required to motion to the courts asking the Judge to appoint an Attorney Ad-Litem. This is an attorney who will appear on behalf of the person who is in the military. If not in the military, you will need to state where the Defendant(s) is employed or what type of work they perform.

Contact the Civil Law Department at (904) 284/269-6363 if you have any questions regarding completing this form.



IN THE COUNTY COURT, FOURTH JUDICIAL
CIRCUIT, IN AND FOR CLAY COUNTY, FLORIDA

CASE NO.: _____
DIVISION: _____

PLAINTIFF
VS

DEFENDANT

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF FLORIDA
COUNTY OF CLAY

Before me personally appeared the undersigned, and, who being by me first duly sworn, deposed
and said: that he is the plaintiff or agent for the plaintiff in the within Statement of Claim; that
_____ is not now in the military
service of the United States of America; and that the defendant is employed as follows:

PLAINTIFF

STATE OF FLORIDA
COUNTY OF CLAY

Before me this day personally appeared _____ who
being duly sworn, deposes and says that the allegations contained therein are true.

NOTARY PUBLIC/DEPUTY CLERK

Sworn to and subscribed before me this _____ day of
_____, 20____.

Identification presented:
FL DL # _____

Personally known to me _____

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff,
vs.

CASE NO.:
DIVISION:

_____,
Defendant(s).
_____ /

MOTION FOR DEFAULT

Plaintiff(s) moves for entry of a Default by the Clerk against the Defendant(s),

for failure to serve any paper on the undersigned or file any paper as required by law.

I do hereby certify that no copy of answer or other pleading of the Defendant(s) in the above styled cause
has been served upon the Plaintiff(s) or his/her Attorney, to the time of filing the above Motion for Default.

Dated: _____

PLAINTIFF

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff,
vs.

CASE NO.:
DIVISION:

_____,
Defendant(s).
_____ /

DEFAULT

A Default is entered in this action against the Defendant(s) named in the foregoing Motion for failure to serve or file any paper as required by law.

Date: _____

DEPUTY CLERK

TARA S. GREEN
CLERK OF THE CIRCUIT COURT

IN THE COUNTY COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff,

vs.

CASE NO.:
DIVISION:

_____,
Defendant.
_____ /

MOTION TO _____

The ☐ Plaintiff ☐ Defendant moves this Honorable Court for/to:

The following is the basis for this Motion: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above has been furnished by
☐ U.S. Mail ☐ hand delivered to _____, this _____ day of
_____, 20 ____.

Signature

Mailing Address

City, State, Zip Code

Phone Number (Required)

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY COUNTY, FLORIDA

Plaintiff(s),

vs.

CASE NO.:
DIVISION:

Defendant(s).

_____/

PROOF OF INDEBTEDNESS

BEFORE ME, this date, personally appeared _____,
who after being duly sworn says:

1. He/She is over eighteen (18) years of age, the Plaintiff, in this action, and therefore, authorized to make this affidavit in support of his/her claim against Defendant.
2. The Defendant is indebted to him/her in the amount of \$_____ for the following reasons: *(Specify facts upon which the claim is based)*

Plaintiff/Plaintiff's Agent

Sworn and subscribed before me on this _____ day of _____, 20____

By: _____
Deputy Clerk or Notary Public

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR CLAY COUNTY, FLORIDA

_____,
Plaintiff,
vs.

CASE NO.:
DIVISION:

_____,
Defendant(s).
_____ /

NOTICE OF DISMISSAL

TO:

You are notified that the Plaintiff dismisses this action pursuant to Rules of Civil Procedure 1.420(a).

PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to _____
at _____
by U.S. Mail, this _____ day of _____, 20____.