

A GUIDE TO SMALL CLAIMS

1. What is a small claims case?

A small claims case is a legal action filed in county court to settle minor legal disputes among parties where the dollar amount involved is \$5,000 or less, excluding costs, interest, and attorney's fees.

2. Who may file a small claims case?

Any person 18 years or older, and any individual doing business as a company, may file a small claims case. Each person who is a party to the claim must appear at the Clerk's Office to sign the necessary paperwork in the presence of a deputy clerk, or the signatures must be notarized.

3. Is an attorney necessary?

No. Small claims court is considered a "peoples court" and a lawyer is not required. Clerk's Office personnel will provide you with the necessary forms for filing a small claims case.

4. What does it cost to file a small claims case?

Filing fees for small claims actions are determined by the Florida Statutes, and are subject to annual change by the legislature. Fees also vary in accordance with the dollar amount of your claim and type of action. Other fees are required for service on the parties sued and are dependent on the type of service you select. A schedule of current service charges is available on the clerk's website and in any clerk's office for your information.

5. What information is needed to file a small claims case?

- It is important that the claim is filed against the right party. The additional time spent researching the correct name could make a difference in the ability to collect on any judgment entered by the court.
- Copies of any contracts, notes, leases, receipts, or other evidence in support of the claim must be furnished for each person sued and the court. The original must be brought to the first court appearance. A full explanation of the reason for the small claims action will be necessary.

6. Are there other requirements?

If someone other than an individual is sued, additional information is needed to complete the required forms. For example, is the individual doing business as a company, a partnership where there are several people doing business as a company, or corporation?

7. What happens after the filing of a small claims case?

- After the case is filed, each person or business sued must be served with a Summons or Notice to appear in court on the date and time scheduled when the claim was filed. This court date will be a pretrial conference and parties should be prepared to present their cases in court.
- At the pretrial conference, mediation is ordered, if **both** parties to the dispute are present **and** unable to settle their dispute. A mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. Mediation is an informal and non-adversarial process with the objective of helping the disputing parties

reach a mutually acceptable and voluntary agreement.

- If the dispute cannot be settled at the pretrial conference, the court will schedule a trial date. The parties must appear at the trial with all witnesses and documentation.
- At the trial, both parties will have an opportunity to explain the case to the judge, ask the other party questions about the claim, present documentation as discussed at the pretrial conference, and call witnesses.

8. Why use mediation?

- Mediation is economical.
- Both parties view settlement as fair. Both parties remain in control and participate in a "win-win" solution.
- There is **one** court meeting.
- There is no need to subpoena evidence or witnesses and depend on their presence at trial. There is no extensive trial preparation.
- Mediation preserves personal and business relationships.
- Mediation allows debtors to arrange repayment plans, avoid a judgment, and preserve credit reputation.
- Mediation protects privacy and avoids the publicity of a trial.
- The agreement is final and the dispute is resolved.

9. Is a jury trial possible in a small claims case?

The person filing a small claims case may request a trial by jury, upon written demand at the time the case is filed. The person being sued may request a jury trial within 5 days after service of Notice or at the pretrial conference.

10. What happens to a small claims case if settlement is reached?

If, at any time during the proceedings a settlement is reached by the parties, the person who filed suit must notify the Clerk's Office in writing of the settlement.

11. How does a party collect on a judgment?

The court will not collect money damages for the parties. If a party chooses to place judgment lien against any individually owned real property of the defendant, that party should obtain a certified copy of the judgment and record it in the Official Records in the Clerk's Recording Division, located at the Liberty County Courthouse. Fees for recording are set by Florida Statute, and are subject to annual change by the legislature. See www.sunbiz.org for information on How to Collect a Judgment in Florida.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Clerk's Office, Small Claims Division, 10818 NW SR 20, Bristol, FL 32321, (850) 643-2215; if you are hearing or voice impaired, call 711 via the Florida Relay System.

ROBERT HILL

CLERK OF COURTS

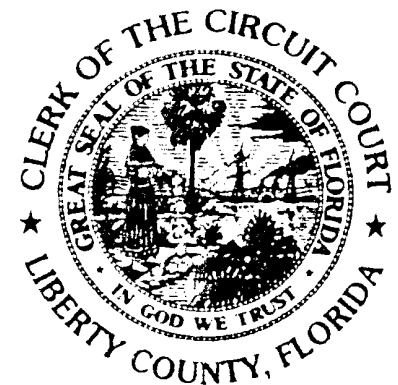
850-643-2215

Small Claims Division

10818 NW SR 20
Bristol, FL 32321

Please visit our home page at
<http://www.libertyclerk.com>

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Clerk

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