

**LAKE COUNTY CLERK OF CIRCUIT COURT
550 WEST MAIN STREET
P. O. BOX 7800
TAVARES, FLORIDA 32778
(352) 742-4100**

**NOTICE TO PARTIES WHO ARE NOT REPRESENTED BY AN ATTORNEY WHO
IS A MEMBER IN GOOD STANDING OF THE FLORIDA BAR**

This package is designed to help persons seeking to represent themselves in court without the assistance of an attorney. It is meant to serve as a guide only.

We do not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form drafted. Any person using these instructions and forms does so at his/her own risk.

Please note that Florida law prevents our staff from providing legal advice.

INSTRUCTIONS FOR SMALL CLAIMS COURT CASES

The small claims process is used for resolving civil disputes that involve monies in the amount of \$5,000 or less, excluding court costs, interest and/or attorney's fees, if applicable. To file in Lake County, the claim must have arisen here, or the defendant must reside here.

Before filing your claim, you should make **sure** you have the proper name(s) and address(s) of the party(s) you want to sue. You should attempt to get the full name and address of an individual; for a business you will need to know the proper legal name for the business, as well as the proper owners and their addresses. **If you wish to sue a corporation you need to identify the name and address of a corporate representative who is available to receive service of lawsuit papers. This information can be obtained from www.sunbiz.org.**

Once you are prepared to file your claim, you should complete the Statement of Claim form, attaching invoices or other evidence of the claim. Submit the original Statement of Claim with attachments and one (1) copy of the Statement of Claim with attachments for **each** defendant. Read, complete, and submit the Statement of Responsibility (no copies are required).

You will have to pay a filing fee at the time you file your claim (checks for filing fees should be made payable to Neil Kelly, Clerk of Circuit Court). The fee is based upon the amount of your claim. Effective July 1, 2008, the filing fees are as follows:

<u>Amount of Claim</u>	<u>Filing Fee Document</u>
\$.01 - \$ 99.99	\$ 55.00 + Service *
\$ 100.00 - \$ 500.00	\$ 80.00 + Service *
\$ 500.01 - \$2,500.00	\$175.00 + Service *
\$2,500.01 - \$5,000.00	\$300.00 + Service *
PLUS an additional Summons Fee	\$ 10.00 per each Summons Issued

*There are several methods in which to have the defendants served with a summons to appear in court. A few of the methods are listed below; other methods of service can be researched in the Florida Rules of Court in the Law Library.

1. Certified mail *to defendants residing in the State of Florida only* for a fee of \$5.54 per defendant. If you choose this method of service, add the certified mail fee to the filing fee made payable to Neil Kelly, Clerk of Circuit Court.
2. *For Lake County addresses only* The Lake County Sheriff's Office for a fee of \$40.00 per defendant. The Lake County Sheriff's Office will only accept forms of payment by **Business checks, Money Order, Certified check, or Cash. No personal checks accepted.**
3. An out-of-County Sheriff's Office *for addresses not in Lake County.* You will need to contact the out-of-county sheriff's office to inquire about their service fee and address. Submit the fee for the out-of-county sheriff in a separate payment made payable to that out-of-county sheriff along with a pre-addressed stamped envelope for that sheriff. **Some Sheriffs' offices do not accept personal checks.** It is your responsibility to check.
4. A private process server may be located in the telephone directory under process servers. The process server will advise you of the service fee and procedures.

If the party is not served, you will be notified. You may then request the hearing be rescheduled and service attempted again. It would be your responsibility to obtain any additional information needed to insure service and to pay any additional fees required for the subsequent service.

In the event a judgment is rendered in your favor, you will receive a copy of said judgment by mail. You should be aware that our office cannot guarantee you will be able to collect on the judgment. There are some steps which you can take in an effort to collect on the judgment, including having a certified copy of the judgment recorded. This will serve as a lien against property owned by the defendant in each county in which a certified copy is recorded. You may also obtain a Writ of Execution which serves as an Order for the Sheriff to levy on property of the defendant. When any judgment has been satisfied, you will need to supply the defendant with an original Satisfaction of Judgment within thirty (30) days of payment to cancel the Judgment of Record.

For any additional information or assistance, please contact the Clerk of the Circuit Court, County Civil Division at (352) 742-4172.

You may wish to purchase a handbook compiled by the judges of the County Court of Lake County which provides some very helpful information for small claims court cases and possible methods of collection. This handbook can be purchased for \$2.25 from the Lake County Judicial Center – Central Intake, located at 550 West Main Street, Tavares, Florida 32778 or downloaded from the website www.lakecountyclerk.org.

NEIL KELLY
Clerk of the Circuit Court
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

COUNTY COURT
LAKE COUNTY, FLORIDA
Case No. _____

Plaintiff(s) Name and Mailing Address
VS.

Defendant(s) Name and Service Address

STATEMENT OF CLAIM

The above named Plaintiff(s) sues the above named Defendant(s) for:

- 1. Money payable by the Defendant(s) to the Plaintiff(s) for goods bargained and sold by the Plaintiff(s) to the Defendant(s).
- 2. Work done and material furnished by the Plaintiff(s) for the Defendant(s).
- 3. Money lent by the Plaintiff(s) to the Defendant(s).
- 4. Money paid by the Plaintiff(s) for the Defendant(s) at his request.
- 5. Money received by the Defendant(s) for use of the Plaintiff(s).
- 6. Money found to be due from the Defendant(s) to the Plaintiff(s) on accounts stated between them.
- 7.

(Copy of account attached)

And Plaintiff(s) claims \$ _____ plus interest in the amount of \$ _____ plus cost of this action. This is an action for damages less than \$5,000.00 exclusive of costs, interest and attorney's fees.

Filing Fee \$ _____
Sheriff Fee \$ _____ Name of Sheriff's office to serve the summons _____
Postage \$ _____

STATE OF FLORIDA,
COUNTY OF LAKE

The undersigned, being by me first duly sworn, says that: he is the _____ Plaintiff
_____ Agent for Plaintiff(s)
_____ Attorney for Plaintiff(s)
that the foregoing is a just and true statement of the amount owing by the above named Defendant(s) to said Plaintiff(s), exclusive of all set-offs and just grounds for defense. Plaintiff(s) states that the suit initiated by the foregoing statement of claim is brought in good faith and with no intention to annoy the above named Defendant(s); and further, says that the Defendant(s) is not in the military service of the United States.

Signature Telephone No. (Including area code)
Sworn to and subscribed before me by _____, who is personally known to me _____ or produced
_____ as identification this _____ day of _____, _____.

Deputy Clerk or Notary Public State of Florida
My Commission Expires:

**COUNTY COURT
LAKE COUNTY, FLORIDA**

Case No. _____

Name(s)

Address(es) Physical

Address(es) Mailing

Plaintiff(s)

vs

Name(s)

Address(es) Physical

Address(es) Mailing

Defendant(s)

STATEMENT OF RESPONSIBILITY
(Civil Case Under \$5,000.00)

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 Florida Small Claims 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 receives 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.
7. I am responsible for knowing when my appearance in court is required. The Clerk's Office will send notification of the hearing date (Summons/Pre-Trial Notice or Notice of Trial) but if I have not received notification within two weeks, I am responsible for calling the Clerk's Office. PLEASE DO NOT CALL PRIOR TO THE END OF THE TWO-WEEK PERIOD.

Date

Signature

LAKE COUNTY COURT MEDIATION PROGRAM

LAKE COUNTY COURT MEDIATION

The information below will give you a brief overview of the program and process you are about to encounter.

WHAT IS MEDIATION?

Mediation offers a forum for solving conflicts before going to court. By reaching a settlement during mediation, you avoid the uncertainty of a trial in which the judge will dictate the result. In mediation, a neutral third party listens to both sides of a case and tries to encourage a resolution. It is informal and confidential.

THE MEDIATION PROCESS

Only the parties directly involved in the dispute and/or their attorneys are allowed to attend the mediation conference unless both sides agree to include an interested third party. Each litigant is given the opportunity to present his/her side of the case and any supporting documents without interruption. The parties then attempt to reach a settlement.

MEDIATORS

The mediators are volunteer citizens who have been trained by the Supreme Court. They are not attorneys and cannot give legal advice. They are only present to facilitate the process of settlement and to suggest possible solutions. They cannot advise you as to whether or not you have a good case, what you say in stipulation, or whether or not you've made a "good deal." No one can predict what a judge will decide in a case, or whether a trial is worth the time, trouble, and expense, even if you win.

IF AN AGREEMENT IS REACHED

When a mutually acceptable agreement is reached between both parties, the mediator assists in preparing a written document reflecting conditions on which all parties have agreed. The document is then signed by each plaintiff and defendant. Each party is given a copy of the signed agreement. It is your responsibility to review the stipulation and make sure all of the amounts are correct. Do not sign the stipulation because you feel threatened or coerced by a party.

IF AN AGREEMENT IS NOT REACHED

Should your case not settle, the matter will be assigned a trial date and time. Parties should be prepared to list any witnesses needed for the trial, the issues in dispute, and what, if anything, has been resolved. It is the responsibility of each party to subpoena their own witnesses and pay for any necessary expert testimony.

IF THE DEFENDANT DOES NOT PAY ACCORDING TO THE STIPULATION

If a defendant does not make payment according to the stipulation, the plaintiff must file an affidavit of non-compliance with the court. The judge will then be requested to enter a judgment for either the total amount of damages on the stipulation, or another amount, if specified in the stipulation, less any payments made. A judgment may be used to place liens against property or garnish wages, although there are some exemptions available to certain debtors under Florida law.

CONFIDENTIALITY

All information, not available through other methods, obtained during the mediation conference, is confidential. It cannot be used if your case goes to trial. Also, the mediator who facilitated the conference cannot be subpoenaed to court to testify on behalf of either party.

SOME ADVANTAGES TO COUNTY COURT MEDIATION

- Parties actively participate in the mediation process.
- Immediate resolution.
- Information is confidential.
- Avoid returning to the courthouse at a later date.
- Avoid preparing for a trial.
- Avoid subpoenaing witnesses and the expense of expert witnesses.
- The mediation process is informal.

CONCLUSION

We hope this information assists you in understanding the mediation process. Should you have any questions or would like further information about our program, please do not hesitate to call our office at (352) 742-4343.

County Court Mediation
Lake County Judicial Center
550 West Main Street
Tavares, Florida 32778

This Mediation Program has been established by your County Court Judges...

RICHARD W. BOYLSTON

and

DONNA F. MILLER