

# Information & Instructions

**JURISDICTION:** The jurisdiction of this division of the Court is \$5000.00 exclusive of costs. If your claim is more than this amount and you wish to bring suit in County Court you should add the following statement to your claim: (EXCEPT FOR COSTS, ALL SUMS DUE IN EXCESS OF \$5000.00 ARE HEREBY WAIVED.)

**PREPARING CLAIM:** In preparing your claim, be sure to state:

1. The full name of the person(s) involved:
2. If the claim is against both husband and wife use the full name of each.
3. Avoid "Mr." and "Mrs."
4. If the Defendant is a business, you can go to Florida State Department of Corporations website at [www.sunbiz.org](http://www.sunbiz.org) to find out their Registered Agent's name and address. If your Defendant has a Registered Agent, you would style your case as Defendant's name (*the business name*) in care of the Registered Agent's name.
5. What was done or not done that gives rise to the claim
6. When it occurred (*day, month, and year*)
7. Where is occurred (*City, County, and State*)
8. How much money is due you
9. If you are entitled to interest on the money due you, you must state it separately showing the amount of interest due you to the date you filed the claim and also give a per diem interest rate so that the Court may easily compute the amount of interest due from the date the claim is filed to the date the judgment is entered. (*Note: The Clerk can not advise you on claiming interest.*)
10. The form should be typed or printed in black/blue ink.

**COPIES:** You will need the original of the Statement of Claim form for the Court, a copy for each Defendant, and a copy for yourself. If you have any attachments (*contracts, leases, receipts, etc.*) to attach to your claim form, you will need to supply the Court with a copy for the court file and a copy to be served on each of your Defendants. Originals must be brought to the first court appearance. If filing against two or more defendants, additional copies of the claim & attachments are required. Be sure to advise the Clerk how many defendants you have when obtaining forms. If the Clerk is required to make additional copies, a fee will be charged for each copy.

**OTHER PAPERS:** If your claim is founded on an instrument in writing such as a sales contract, promissory note, written warranty, lease, etc. it will be necessary for you to furnish one copy of such instrument for attachment as an exhibit to EACH CLAIM FORM to be filed. When insufficient copies are furnished by you, the Clerk will make the necessary copies and a fee will be charged. This charge will have to be paid at the time of filing.

**SERVICE:** To have the defendant personally served by the Sheriff of the appropriate county, the fee must be paid in advance and in addition to the filing fee. This fee must be made payable to the appropriate Sheriff's office & must be in the form of a money order or cashier's check. In addition, service on the defendant(s) who are Florida residents may be completed by certified mail, return receipt signed by the defendant or someone authorized to receive mail at the defendant's residence or principal place of business. A defendant must be served with process before a Judgment can be entered.

**ADDRESS:** The address of each Defendant must be given in sufficient detail for delivery of the Notice by mail or to find the Defendant for personal service.

**NOTICE:** The law requires that the defendant be served with a Notice of the claim not less than fifteen (15) days; unless the defendant resides outside Flagler County, in which case the minimum notice is twenty (20) days.

**COSTS:** Where costs are to be awarded, they are added by the Court at the time judgment is entered. **DO NOT INCLUDE SUCH COSTS IN THE AMOUNT STATED BY YOU AS THE AMOUNT BEING CLAIMED IN THE STATEMENT OF CLAIM.**

**UNLESS THE SUIT IS FILED & SIGNED BY AN ATTORNEY, YOUR STATEMENT OF CLAIM MUST BE SIGNED AND SWORN TO BEFORE A DEPUTY CLERK OR NOTARY PUBLIC WHO MUST AFFIX HIS/HER SEAL.**

## FILING & OTHER FEES:

- Claims less than \$100.00..... \$55.00
- Claims of \$101.00 to \$500.00..... \$80.00
- Claims of \$501.00 to \$2,500.00..... \$175.00
- Claims of \$2,501.00 to \$5,000.00..... \$300.00
- Service by Flagler Cty Sheriff's Office for a Flagler address ..... \$40.00 per defendant (*money order or cashier's check*)
- Summons **preparation and issuance** by the Clerk's Office.....\$17.00 per defendant
- **Additional Oath Administering Fee:** **\$ 3.50**

## Notice To Plaintiff And Defendant

**ATTENDANCE:** After the claim is filed, the Court will schedule a pre-trial conference. You may come with or without an attorney but you are expected to be present even if represented by counsel. Witnesses need not be brought to this court session. One purpose of this hearing is to enable the court to determine the nature of this case and to set the trial date, if necessary. **Special Note: Please call the Flagler County Clerk's Office at (386) 313-4483 to ensure the defendant has been served before coming to your scheduled pre-trial. A defendant must be served with process before a Judgment can be entered.**

**SETTLEMENT:** The Plaintiff and Defendant are expected to make a sincere effort, with the assistance of the Court, to resolve this matter at the pretrial hearing. In addition, both parties are encouraged to contact the opposing party to determine if an out-of-court settlement can be reached before the hearing or at anytime before a judgment is entered. If settlement is reached, the Plaintiff must advise the Clerk in writing of the settlement, so the case can be removed from the Court's docket. The Plaintiff must file a Notice of Voluntary Dismissal with the Clerk and furnish the Defendant with a copy.

**PLEADINGS:** Unless required of the Court, written defensive pleadings shall be served on all other parties to the action before or at the hearing. Any counterclaim or setoff must be filed not less than five days prior to the appearance date or within such time as the court designates or it is deemed to be abandoned.

**DOCUMENTS:** If you have books, receipts, or other writings bearing on this claim, you should bring them with you at the time of the hearing.

**CONTINUANCES OR POSTPONEMENTS:** If one party wants a continuance, he should contact the other party. If the parties agree, notify the Clerk of Flagler County at 1769 E. Moody Blvd. Bldg 1, Bunnell, FL 32110 or call 386-313-4483. **THE COURT WILL NOT CONTINUE CASES EXCEPT FOR EXTRAORDINARY CAUSE.**

**FAILURE TO PROSECUTE:** Any case in which no action is taken for a period of six months is subject to dismissal.

**ENTRY OF A JUDGMENT AT PRE-TRIAL OR TRIAL:** If the court enters a Judgment at Pre-trial or Trial, a copy of the Judgment will be mailed to each party within 7 to 10 business days. A final judgment in the case does not mean the Defendant will automatically pay off the amount due under the judgment. While there may have been a settlement of the debt, enforcement of the judgment is the responsibility of the person who filed the suit. Florida law prohibits the Clerk's Office from offering legal advice about how to enforce the judgment. However, the following procedures may help you collect.

1. Obtain a Certified Copy of the Judgment from the Clerk's Office where the claim was filed. (note, there is a fee for this)
2. The certified copy may be recorded with the Clerk's Office in the Florida county where the Defendant resides or any Florida county where the Defendant owns real property.
3. The recorded judgment becomes a lien against the Defendant's real property for a set number of years & may need to be re-recorded after a set number of years. (See Florida Statute 55)