

Lora C. Bell
Clerk of Court, Washington County
Post Office Box 647
Chipley, FL 32428
(850) 638-6285

REPLEVIN PACKET

The cost is \$1.80 per packet

Claims less than \$1,000.00	\$130.00 Filing Fee
\$1,001.00 - \$2,500.00	\$ 240.00 Filing Fee
\$2,501.00 - \$15,000.00	\$ 385.00 Filing Fee
\$15,001.00-\$30,000.00	\$ \$485.00 Filing fee
\$10.00 summons (Each defendant)	\$ 40.00 Sheriff Fee (Must be separate check)
Writ of Replevin Service	\$ 90.00 Sheriff Fee

Notarization Fee: \$10.00

Copy Fee: \$1.00 per copy

A service charge of 3.5 % will be added when using credit card

NOTICE: Information or forms provided by the Clerk of Court should be considered as basic information only and may not be applicable to every situation. The information is not intended to be used as legal advice but as basic and general information only. It is a brief statement and does not explain all of your options and/or rights. Specific guidance as to how to proceed with filing a lawsuit or answering a lawsuit and questions about your particular situation should be directed to an attorney.

Please research and become familiar with the Florida Statutes, Chapter 78 for further instructions in a replevin case or contact an attorney.

Filing your complaint

Please type or print the complaint.

The Person filing the case is the Plaintiff and the Defendant is the person you are suing.

The proper venue for filing may be one of the following:

1. Where the property sought is located within the State of Florida.
2. Where the contract was signed within the State of Florida.
3. Where the defendant resides within the State of Florida.
4. Where the cause of action accrued within the State of Florida.

You can sue an individual, a business or a corporation. You have the burden of investigating to determine whether or not you are filing against the correct parties.

Individual- You will need the exact name and address of the person. If the defendant is married and you feel the spouse is also responsible, list the spouse as a defendant as well. Avoid using Mr. and Mrs.

Corporation- Obtain the name and address of an officer of the corporation; the president, vice-president, ect., or in the absence of any of these, the name and address of the business agent residing in this state, or the name of the resident agent for the business in this state. To find this information, you may write or call the Secretary of State at the following address and phone number.

SECRETARY OF STATE OF FLORIDA
ATTN: CORPORATION DIVISION
TALLAHASSEE, FL 32604
PHONE: 1-800-755-5111
<http://www.sunbiz.org>

Business- You will need the name and address of the person that owns the business.

It is important to style your case correctly: (example)

Bill Jones d/b/a Book World

Bill Jones and Joe Smith, a partnership d/b/a The Book Store, by serving Bill Jones

Book World Inc., a Florida Corporation, d/b/a Book World

Book World Ink., by serving John Davis, Registered Agent

Upon payment of the filing fee, the deputy clerk will assign a case number and judge. You may be notified of the court date upon filing the case or by mail.

HAVING YOUR COMPLAINT SERVED ON THE DEFENDANT:

A copy of the complaint must be legally served on each defendant by the Sheriff or process server in the county where the defendant resides. Once the case is filed you will be given the appropriate documents to take to the Sheriff's Office. The Sheriff's Office charges \$40.00 (per defendant) to serve the complaint on the defendant(s).

If you do not receive notification from the Sheriff's Office of the service of the complaint within 2 weeks, you should call the Clerk's Office to check on the return of service. THE CLERK'S OFFICE WILL NOT CALL YOU.

ORDER TO SHOW CAUSE HEARING

A date for this hearing will be scheduled when the case is filed. Arrive on time and give yourself ample time to find parking and to find your way to the appropriate courtroom. You do not need to bring witnesses. At the hearing the Judge will determine who should have possession of the property until the final hearing.

REPLEVIN FINAL HEARING

At this hearing the Judge will listen to both sides, review the evidence and determine who will have possession of the property. Should the Judge rule for the Plaintiff, a Writ of Possession will be signed and you should have it served by the Sheriff. The costs for this service will be **\$90.00** and will be paid to WCSO.

You may also be awarded a Final Judgment for costs. You may want to research the methods of collecting on your judgment by searching the Florida Statutes, Chapter 55 or contacting an attorney.

SATISFACTION OF JUDGMENT

If the defendant pays the judgment in full, you are required to file and record a Satisfaction of Judgment (form Included). The cost for recording this satisfaction to remove the judgment against the defendant is **\$10.00** made payable by cashier's check or money order to the Clerk of the Court.

NOTICE OF DISMISSAL

Should you, at any time, wish to dismiss the case against the defendant, you should file a Notice of Dismissal (form included). You must also send a copy of the dismissal to the defendant.

LIST OF FORMS INCLUDED IN YOUR PACKET

FORM A- STATEMENT OF RESPONSIBILITY

FORM B- COMPLAINT (**NEEDS TO BE NOTARIZED**)

FORM C- ORDER TO SHOW CAUSE

FORM D- SUMMONS TO APPEAR FOR REPLEVIN

FORM E- MOTION FOR DISMISSAL

FORM F- SATISFACTION OF JUDGMENT (NEEDS TO BE NOTARIZED)

**IN THE COUNTY COURT IN AND FOR
WASHINGTON COUNTY, FLORIDA**

(Name and Address)
Plaintiff(s),

vs.

CASE NO. _____

(Name and Address)
Defendant(s).

STATEMENT OF RESPONSIBILITY

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(s), 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.

Dated: _____

Signature

Address

Phone: _____

**IN THE COUNTY COURT IN AND FOR
WASHINGTON COUNTY, FLORIDA**

(Name and Address)
Plaintiff(s),

vs. **CASE NO.** _____

(Name and Address)
Defendant(s).

COMPLAINT

Plaintiff, _____, sues Defendant, _____
and alleges:

1. This is an action to recover possession of personal property in Washington County, Florida and value of which is \$ _____.
2. The description of the property is: _____

(Attach an additional sheet if necessary.)

3. Plaintiff(s) is the owner or is entitled to possession of the property by reason of: _____

(If based on a written instrument, a copy must be attached.)

4. Defendant came into possession of the property by: _____

5. The property is wrongfully detained by Defendant(s), and to Plaintiff's best knowledge, information, and belief, the cause of such detention by Defendant(s) is because (give reason): _____

6. The property has not been taken for a tax, assessment, or fine pursuant to the law, nor been taken under an execution or attachment against the property of the Plaintiff(s) or, if so taken, that it is by law exempt from such taking because: _____

WHEREFORE, Plaintiff(s) demand(s) judgment against Defendant(s) for possession of the property, and in the alternate, for the amount of its outstanding special interest in the property herein described, and for costs of suit.

Signed this _____ day of _____, 20____.

Plaintiff's signature

(Address)
Phone: _____

SWORN TO and subscribed before me by _____
this _____ day of _____, 20____.

Notary Public

**IN THE COUNTY COURT IN AND FOR
WASHINGTON COUNTY, FLORIDA**

Plaintiff(s),

vs.

CASE NO. _____

Defendant(s).

ORDER TO SHOW CAUSE

THE STATE OF FLORIDA:
To Each Sheriff of the State:

YOU ARE COMMANDED to serve this order on Defendant(s), _____, by personal service as provided by law, if possible, or, if you are unable to personally serve Defendant(s) within the time specified, by placing a copy of this order with a copy of the Summons on the claimed property located at _____, **FLORIDA**, at least 5 days before the hearing scheduled below, excluding the day of service and intermediate Saturdays, Sundays, and legal holidays. Non-personal service as provided in this order shall be effective to afford notice to Defendant(s) of this order, but for no other purpose.

Defendant(s) shall show cause before the Honorable Judge Colby Peel on _____, **in the Washington County Courthouse at 1293 Jackson Avenue Chipley, Florida**, why the property claimed by Plaintiff(s) in the complaint filed in this action should not be taken from the possession of Defendant(s) and delivered to Plaintiff(s).

Defendant(s) may file affidavits, appear personally or with an attorney and present testimony at the time of the hearing, or, on a finding by the court pursuant to Section 78.067(2), Florida Statutes (1979), that Plaintiff is entitled to possession of the property described in the complaint pending final adjudication of the claims of the parties, file with the court a written undertaking executed by a surety approved by the court in an amount equal to the value of the property to stay an order authorizing the delivery of the property to Plaintiff(s).

If Defendant(s) fails to appear as ordered, Defendant(s) shall be deemed to have waived the right to a hearing. The court may thereupon order the Clerk to issue a Writ of Replevin.

ORDERED at Chipley, Florida, on _____, 20__.

COLBY PEEL
COUNNY COURT JUDGE

**IN THE COUNTY COURT IN AND FOR
WASHINGTON COUNTY, FLORIDA**

(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

(Name and Address)
Defendant(s).

SUMMONS TO APPEAR FOR REPLEVIN

STATE OF FLORIDA:

TO: _____
DEFENDANT'S NAME

ADDRESS

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the Washington County Courthouse, **located at 1293 Jackson Avenue, Chipley, Florida**, on the _____ day of _____, 20____, at _____ p.m. for a HEARING before a Judge of this court.

The Defendant(s) must appear in court on the date specified in order to avoid a default judgment. The Plaintiff(s) must appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the Plaintiff(s) of the Defendant(s) shall not excuse the personal appearance of a party or its attorney in the HEARING. The date and time CANNOT be rescheduled without good cause and prior court approval.

The purpose of the HEARING is to record your appearance, to determine who should have possession of the property until the final hearing.

RIGHT TO VENUE. The law gives the person of company who has sued you the right to file in any one of several places as listed below. However, if you have been sued in any place other than one of these places, you, as the Defendant(s), have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following: (1) where the contract was entered into; (2) if the suit is on an unsecured promissory note, where the note is signed or where the maker resides; (3) if the suit is to recover property

or to foreclose a lien, where the property is located; (4) where the event giving rise to the suit occurred; (5) where any one or more of the Defendant(s) sued reside; (6) any location agreed to in a contract; (7) in an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made.

If you, as the Defendant(s), believe the Plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer, or you must file a WRITTEN request to transfer in affidavit form (sworn to under oath) with the court 7 days prior to your first court date and send a copy to the Plaintiff(s) or Plaintiff's(s') attorney, if any.

A copy of the Complaint shall be served with this Summons.

DATED at Chipley, Washington County, Florida, this _____ day of _____, 20____.

LORA C. BELL
CLERK OF THE COURT
WASHINGTON COUNTY, FL

By: _____
Deputy Clerk

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 ADA Coordinator by mail at P. O. Box 1089, Panama City, FL 32402 or by phone at (850) 747-5338 at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days. If you are hearing impaired, please call 711 or email ADARquest@jud14.flcourts.org.

FORM D

**IN THE COUNTY COURT
IN AND FOR WASHINGTON COUNTY, FLORIDA**

**CIVIL DIVISION
CASE NO.**

Plaintiff(s)

VS

Defendant(s)

MOTION FOR DISMISSAL

The Plaintiff hereby requests the above styled case be dismissed for the reason (s):

_____ Defendant has returned said property.

_____ Other (explain) _____

Dated this _____ day of _____, 20_____.

Plaintiff

IN THE COUNTY COURT IN AND FOR
WASHINGTON COUNTY, FLORIDA

Plaintiff (s),

Vs.

Case No. _____

Defendant (s),

PROOF OF CLAIM (REPLEVIN)

STATE OF FLORIDA
COUNTY OF

Before me, the undersigned authority, personally appeared _____
_____ who being first duly sworn, deposes and says; the he (she) (they) is (are) the
Plaintiff's agent named in the Statement of Claim filed herein; that the balance due to Plaintiff (s) from the
Defendant (s) is the sum of \$ _____, plus court costs, which is a true and correct statement of the
account as of _____ and that no set-offs exist. This action has been brought in
Washington County where venue is proper. At Chipley, Florida this ____ day of _____, _____.

Further that the Plaintiff(s) is (are) entitled to possession of the personal property which is the subject of this
suit; that the Plaintiff (s) has (have) made demand upon Defendant (s) for possession of said personal property,
but Defendant (s) refuses to surrender possession to the Plaintiff(s), and wrongfully retains possession of said
property;

This action has been brought in Washington County where venue is proper. As Chipley, Florida this
_____ day of _____, _____.

(Signature)

SWORN TO AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, _____.

LORA C. BELL
CLERK OF THE COURT
WASHINGTON COUNTY, FLORIDA

BY: _____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR
WASHINGTON COUNTY, FLORIDA

Plaintiff (s),

Vs.

Case No. _____

Defendant (s),

FINAL JUDGMENT REPLEVIN

This cause came on to be heard and the Court finding that the Plaintiff (s) is/are entitled to final judgment against the Defendant (s) _____ and that the Plaintiffs was/were in the date of the institutions of the suit entitled to possession of the personal property sought to be replevied hereink, which goods are now in the possession of the above named defendant(s), in Washington County, Florida, of the value of \$ _____ Describe as follows, to-wit: _____

And the court being otherwise fully advised in the premises, it is, upon consideration thereof

ADJUDGED as follows:

Plaintiff (s) do have and recover of and from the Defendant (s) the said personal property to-wit:

1. _____ together with attorney's fees in the sum of \$ _____ and the costs in this behalf expended and herein taxed at \$ _____ and the costs in this behalf expended and herein taxed at \$ _____, OR that the Plaintiff (s) do have and recover of and from that the Defendant(s) in the sum of \$ _____ and the costs in this behalf expended and herein taxed at \$ _____

At the option of the said Plaintiff(s):

- A. Let Writ of Possession issue for said personal property, and execution issue for said attorney's fees and costs; OR
- B. Let execution issue for said damages, attorney's fees and costs

DONE AND ORDERED at Chipley, Washington County Florida, this _____ day of _____,

Judge