

INSTRUCTION SHEET
FOR SMALL CLAIMS CASES

1. The Small Claims Court hears all cases at law in which the demand or value of property involved does not exceed \$5,000.00, exclusive of costs, interest and attorney's fees.
2. Washington County Small Claims Court uses a two (2) hearing procedure: A pre-trial conference and a final hearing, if required.
3. Plaintiff is the party who brings the lawsuit. Defendant is the party being sued.
4. If you are the Plaintiff, you must give the Clerk the following information, if you are filing suit as:
 - (a) Individuals (18 years or older): Your full name, address and phone number.
 - (b) Partnership: Each partner's full name doing business as (dba) (name of partnership).
 - (c) Corporation: Full legal name under which you do business followed by (a corporation organized and existing under the laws of the State of _____).
 - (d) Other: Ask the Clerk for assistance.
4. (e) You must then give the Clerk the same information as above for the party who is to be the defendant. Defendants may be sued in any of the capacities in (a), (b), and (c) above, or a combination thereof.
5. Information for partnership and partners' name, corporation, etc., may be found:
 - (a) Clerk's Office at the city where the business office is located (license division).
 - (b) Office of the Secretary of State (Tallahassee) - (850) 488-9000.
 - (c) From contracts, bills, etc., you received.
6. If the claim is based upon a written document, a copy or the material part thereof, shall be attached to the statement of claim.
7. Always bring originals of documents to be used in your case to all designated court appearances. Remember, originals are retained by the court as evidence in proof of claims or defense so have copies to offer if you wish to retain originals.
8. You may be ordered to mediate at the pretrial conference. Mediation means "a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement." **YOU OR YOUR ATTORNEY MUST HAVE FULL AUTHORITY TO SETTLE WITHOUT FURTHER CONSULTATION AT PRE-TRIAL MEDIATION.**
9. If the controversy is not settled at the pre-trial conference, you must appear at trial date assigned for your case by the court with all witnesses and proof that you need to present or defend your case.
10. If you are a defendant and fail to appear on the designated date, in person or by an attorney, a judgment may be entered against you. If you are a plaintiff and fail to appear on the designated date, in person or by an attorney, your case may be dismissed for want of prosecution.
11. A corporation must be represented at every proceeding by an attorney, a corporate officer, or an authorized employee. Appearance by anyone else may result in the corporation having its case dismissed or having a default judgment entered against it. An employee's authorization to represent a corporation must be in a notarized statement by a corporate officer or a notarized Board of Directors' resolution.
12. Any claims of the Defendant against the Plaintiff arising out of the same transaction or occurrence which is the subject matter of Plaintiff's claim, shall be filed in writing not less than five (5) days prior to the pre-trial conference appearance date, or within such time as the court designates at pre-trial conference. When a counterclaim or set-off exceeds the jurisdiction of the court (\$5,000.00) exclusive of costs, interest, and attorney's fees, it shall be filed in writing before or at the pre-trial hearing, and the action shall then be transferred to the court having jurisdiction thereof. As evidence of good faith, the counterclaimant shall deposit with the Clerk a sum sufficient to pay the filing fee in the court to which the case is to be transferred with the Counterclaim. **FAILURE TO MAKE THE DEPOSIT WAIVES THE RIGHT TO TRANSFER.**
13. A copy of any paper that you file at any time with the Clerk or the Judge, other than the Statement of Claim, **MUST** be sent by you to each attorney appearing in the case and to each party not represented by an attorney. You must set forth the date and to whom you sent the copy (or copies) of the paper filed, which should be followed by your signature.

EXAMPLE: I certify that a copy hereof has been furnished to (name of all other parties or their attorneys with their (addresses) by (mail) or (hand delivery) this _____ day of _____, _____.

Your signature