

### 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 greater than \$0 but less than \$5,000 excluding costs, interest and attorney fees. Small claims cases should be filed in the County Civil Department. You can obtain information from the Clerk in the preparation of your claim by visiting our office during scheduled business hours, 8:00 a.m.- 5:00 p.m., Monday through Friday.

### Do I need an attorney?

You are not required to have an attorney. Clerk's office personnel will provide you with the necessary forms for filing a small claims case. However, it is recommended that you seek legal aid if you have questions about civil cases.

### Who can file small claims cases?

Any person 18 years or older or any individual doing business as a company can file a small claims case. A parent or guardian may file on behalf of a minor child. 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. Forms will also be accepted if they are properly notarized.

### How much does it cost to file a new case?

Filing fees for Small Claims actions are determined by Florida Statutes and are subject to change by legislative action. Fees also vary in accordance with the dollar amount of your claim and the type of action. Please see the attached fee schedule for more information.

### Summons and Service Fees:

Your summons must be served by a certified process server or by certified mail. Service by the Sheriff is \$40.00 per defendant in Washington County and payment is made by separate remittance in cash, cashier's check or money order made payable to the Washington County Sheriff. If the defendant does not reside in Washington County, you must contact the Sheriff in the county in which they reside for service instructions and fees.

If you desire to have your summons served by Certified Mail, you must pay the postal charges incurred by the Clerk. This option is only available for defendants that reside in the state of Florida.

If the defendant is not served, you may attempt service again by obtaining an alias summons from the Clerk. A fee of \$10.00 for each defendant is required for the issuance of an alias summons. The Sheriff charges \$40.00 for service of the summons within Washington County.

### What information do I need to file my case?

The first step is deciding if you want to move forward with your case. Remember, you must prove that the person or business you are suing owes you something. Do you have proof of the debt such as a receipt, note, bill of sale, warranty or a witness? In deciding to sue, consider whether you have any evidence. In addition, in order for the court to pass Judgment in your case, you have to sue the correct entity. The person you file the claim against is called the "defendant." If the defendant owns a business which is a sole proprietorship (not incorporated), and your claim is against the business, you may sue the person and the trade name he or she does business under in the county where

the owner resides, regardless of where the business is located. You can get the correct corporate name and the registered fictitious names of any Florida corporation by visiting [www.sunbiz.org](http://www.sunbiz.org).

If the defendant is a corporation, you must sue the corporation rather than someone who works for the corporation. Please note, the Clerk's office cannot give you legal advice. The Clerk's office cannot tell you who to sue or offer an opinion as to the validity of the claim.

### **What happens after I file my case?**

After you file your small claims case, each person or business you are suing must be served with a summons or notice to appear in court with the date and time of the hearing. You will have the opportunity to take advantage of the County Court Mediation Program. This program provides you the opportunity to resolve the dispute without returning to court for a trial. You should be prepared to present your case in court if you and the defendant do not select to mediate the case.

If the dispute cannot be settled at the pretrial conference a trial date will be scheduled by the court for your case to be heard. You must appear at the trial with all witnesses and documentation of your claim.

At the trial you will have an opportunity to explain your case to the Judge, ask the defendant(s) questions concerning your claim, present your documentation as discussed at the pretrial conference and call on your case.

### **What happens to my case if a settlement is reached?**

If at any time in the proceedings a settlement is reached between the parties, the plaintiff must notify the Clerk of Court's office in writing of the settlement.

### **How can I collect my judgment?**

The court does not collect money damages on your behalf. You may wish to consult with an attorney for advice on how to collect your judgment.

An alternative to hiring an attorney is to file your judgment with the Secretary of State. You can find more information at [www.sunbiz.org](http://www.sunbiz.org) or call 1-850-656-7463. The Department of State, Division of Corporations Judgment Lien Filings address is P.O. box 6250, Tallahassee, FL 32314

### **Can I file a lien against the defendant's property?**

If you choose to place a judgment lien against an individually owned real property of the defendant's following the award of a judgment in your favor, you should obtain a certified copy of your judgment and have it recorded in the official records at the Clerk of Courts recording division. Fees for recording are set by statute and are subject to change by legislative action. Contact the Clerk's office Recording department for current fees.