

SMALL CLAIMS PACKET

NASSAU COUNTY, FLORIDA

FOURTH JUDICIAL CIRCUIT

Robert M. Foster Justice Center

76347 Veterans Way

Yulee, FL 32097

904-548-4606

Nassau County Historic Courthouse

416 Centre Street

Fernandina Beach, FL 32034

904-491-6430

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 \$8,000 excluding costs, interest and attorney fees. Small claims cases should be filed in the County Civil department located at the Clerk of Court's Office. You can obtain information from the Clerk in the preparation of your claim by visiting our office during scheduled business hours, 8:30am- 5:00pm, 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.

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 sheriff or by certified mail. Service by the Sheriff is \$40.00 per defendant in Nassau County. If the defendant does not reside in Nassau 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 Nassau 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

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 mediation 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.

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 Court's 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.

Filing Fees Summary:

Claims in the amount of less than \$100.00	\$55.00
Claims in the amount of \$101.00 - \$500.00	\$80.00
Claims in the amount of \$501.00-\$2500.00	\$175.00
Claims in the amount of \$2501.00- \$8000.00	\$300.00
Replevin Claims in the amount of \$ less than \$1000.00	\$ 130.00
Replevin Claims in the amount of \$1001.00-\$2499.00	\$260.00
Replevin Claims in the amount of \$2500.00-\$8000.00	\$385.00
Summons Issuance Fee:	\$10.00 per defendant *(Except in Replevin cases)*
Certified Mail Fee:	Postage will vary

Any Claims in the amount of \$8,000.00- \$30,000.00 will need to supply their own forms, and schedule their cases for court hearings. PLEASE KEEP IN MIND THAT IT IS AGAINST THE LAW FOR THE CLERK'S OFFICE TO PROVIDE LEGAL ADVICE.

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

Telephone: _____, *Plaintiff*

VS.

Name: _____

Address: _____

Telephone: _____, *Defendant*

Statement of Claim

The Plaintiff _____ sues the Defendant _____ and alleges:

1. This is an action for damages which do not exceed the sum of \$8,000, exclusive of interest and costs.

2. _____

WHEREFORE Plaintiff _____ demands
judgment in the sum of \$_____.

(Print name)

(Signature)

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

Telephone: _____, *Plaintiff*

VS.

Name: _____

Address: _____

Telephone: _____, *Defendant*

Statement of Claim
(Auto Accident)

The Plaintiff sues the Defendant and says:

1. This is an action for damages not exceeding \$8,000.00.

2. On or about _____, in the vicinity of _____, on a public highway in Nassau

County Florida, Plaintiffs motor vehicle, being operated by _____, collided with

the Defendant's motor vehicle, being operated by _____ and the collision

with the Plaintiff's vehicle was caused by the negligent and careless operation of Defendant's vehicle, whereby

Plaintiff's vehicle was damaged and depreciated in value.

WHEREFORE, Plaintiff demands judgment in the sum of \$ _____ plus court costs.

(Print name)

(Signature)

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

City, State: _____

Telephone: _____, *Plaintiff*

VS.

Name: _____

Address: _____

City, State: _____

Telephone: _____, *Defendant*

Statement of Claim
(Money Lent)

The Plaintiff(s) sues the Defendant(s) and alleges:

1. This is an action for damages which does not exceed the sum of \$8,000, exclusive of interest and costs.
2. There is now due, owing and unpaid from the defendant to the Plaintiff \$_____ for money lent by the Plaintiff to the Defendant on _____, with interest thereon since _____.

WHEREFORE, Plaintiff demands judgment in the sum of \$_____ plus interest and court costs.

(Print name)

(Signature)

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

Telephone: _____, *Plaintiff*

VS.

Name: _____

Address: _____

Telephone: _____, *Defendant*

Statement of Claim
(In Replevin)

This is an action in replevin and Plaintiff alleges:

1. That he/she is the Plaintiff of the above styled case and that Plaintiff is/are lawfully entitled to the possession of the following described personal property located at _____
_____ in Nassau County Florida, to wit
_____.

2. Defendant came into possession of the above said goods by virtue of _____
_____.

3. To the best of my knowledge, information and belief the value of the said property is the sum of \$_____, that said property has not been taken for any tax assessment of fine levied by virtue of any law of the State of Florida, nor seized under any execution or attachment against the goods and chattels of said Plaintiff liable to execution and that the above named Defendant has/have possession of the above described personal property and wrongfully detains the same from Plaintiff in the County of Nassau, State of

Florida.

4. That said Plaintiff is the owner of said personal property and entitled to the possession thereof by virtue of _____
_____ that said Defendant in Nassau County, Florida wrongfully detains from said Plaintiff said personal property of the value as aforesaid; that said Plaintiff made demand upon said defendant for possession of said personal property prior to the institution of this claim, yet said Defendant continues to wrongfully withhold possession thereof from said Plaintiff for the reason being _____.

WHEREFORE Plaintiff demands judgment for possession of the property and for damages for the detention of it against defendant.

(Print name)

(Signature)

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

Telephone: _____, *Plaintiff*

VS

Name: _____

Address: _____

Telephone: _____, *Defendant*

Statement of Claim

(Back Wages)

The Plaintiff sues the Defendant(s) and alleges:

1. This is an action for damages which does not exceed the sum of \$8,000, exclusive of interest and costs.
2. There is now due, owing and unpaid from the Defendant to the Plaintiff monies in the sum of \$ _____, which represents _____ pay for on or about _____ through _____.
3. Although Plaintiff has made numerous demands to Defendant for payment, Defendant has failed and or refused to pay said monies. All as evidence by copies of exhibits attached hereto and made a part hereof.

WHEREFORE Plaintiff demands judgment In the sum of \$ _____ Plus court costs.

(Print name)

(Signature)

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

Telephone: _____, *Plaintiff*

VS.

Name: _____

Address: _____

Telephone: _____, *Defendant*

Statement of Claim
(Co-Signer)

The Plaintiff sues the Defendant(s) and alleges:

1. This is an action for damages which does not exceed the sum of \$8,000, exclusive of interest and costs.
2. That on or about _____, the Defendant did execute a Promissory Note in the amount of _____, a copy being attached hereto as Exhibit A. The Plaintiff was co-maker on said note and when the Defendant defaulted in the payments on said note the Plaintiff was obligated to pay, as evidence per the attached, Exhibit B.
3. Therefore, Plaintiff seeks to recover from the Defendant monies in the amount of \$ _____ to cover the portion of the note paid by the Plaintiff.

WHEREFORE Plaintiff demands judgment in the sum of \$ _____ plus court costs.

(Print name)

(Signature)

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

Telephone: _____, *Plaintiff*

VS.

Name: _____

Address: _____

Telephone: _____, *Defendant*

Statement of Claim
(Services Rendered upon Defendants Request)

The Plaintiff(s) sue the Defendant(s) and alleges:

1. This is an action for damages which does not exceed the sum of \$5,000, exclusive of interest and costs

2. Plaintiff is seeking to recover monies due from the Defendant for _____

_____ services rendered at Defendant's request on or about _____.

3. There is currently due, owing and unpaid the sum of \$_____ for said services as evidence per the attached.

WHEREFORE Plaintiff demands judgment in the sum of \$_____ plus court costs.

(Print name)

(Signature)

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

Telephone: _____, *Plaintiff*

VS.

Name: _____

Address: _____

Telephone: _____, *Defendant*

Statement of Claim
(Unpaid Rent)

The Plaintiff(s) sue the Defendant(s) and alleges:

This is an action for damages which does not exceed the sum of \$8,000.00, exclusive of interest and costs.

1. Plaintiff is the owner of those certain premises more commonly known as _____,

Nassau County, Florida. Plaintiff is seeking to recover monies due from the Defendant for the rental and use of the said premises.

2. There is now due and owing from the Defendant \$ _____ for a period covering _____ to _____ under an oral/written agreement to pay monthly rental of _____. Defendant vacated said premises on _____ leaving said rents due and owing.

WHEREFORE Plaintiff demands judgment In the sum of \$ _____ plus court costs.

(Print name/ signature)

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

Telephone: _____, *Plaintiff*

VS.

Name: _____

Address: _____

Telephone: _____, *Defendant*

Statement of Claim
(Unpaid Rent plus damages)

The Plaintiff(s) sue the Defendant(s) and alleges:

1. This is an action for damages which does not exceed the sum of \$8,000, exclusive of interest and costs.
2. On or about _____, Defendant vacated the premises more commonly known as _____, _____, Nassau County, Florida, being rented by the defendant at a monthly rental rate of \$ _____, as per copy of rental agreement attached hereto.
3. Upon vacating said premises, Defendant left monies due and owing in the amount of \$ _____ as rents for _____ to _____.
4. Therefore, Plaintiff is seeking to recover monies due for rent of said premises in the sum of \$ _____.
5. That during said tenancy of the Defendant certain damages were noted by the Plaintiff upon Defendant's vacating the premises. Plaintiff is seeking to recover from the Defendants monies in the amount of \$ _____, which represents the damages to wit.

WHEREFORE Plaintiff demands judgment In the sum of \$ _____ plus interest and costs.

(Signature)

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

Name: _____

Address: _____

Telephone: _____, *Plaintiff*

VS

Name: _____

Address: _____

Telephone: _____, *Defendant*

Statement of Claim
(Unpaid Rent-Early Termination)

The Plaintiff(s) sues the Defendant(s) and alleges:

1. This is an action for damages which does not exceed the sum of \$8,000, exclusive of interest and costs.
2. On or about _____ Defendant vacated the premises known as _____, Nassau County, Florida, being rented by Plaintiff and Defendant at a monthly rental rate of \$ _____ thereby breaking the lease agreement attached hereto.
3. Upon vacating said premises without proper notice, Defendant left rents due and owing in the amount of \$ _____ representing _____.
4. Therefore, Plaintiff is seeking to recover monies due for Defendant's unpaid rent.

WHEREFORE Plaintiff demands judgment in the sum of \$ _____ plus court costs.

(Signature)

Right to Venue

The law gives the person or company who has sued you the right to file suit 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, have the right to request that the case be removed 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 unsecured promissory note, where the note is signed or where 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 sued resides;
6. Any location agreed to in a contract.

If you, as a defendant believe the plaintiff has not sued in one of these correct places, you may appear on your court date and orally request a transfer or you may file a written request for transfer, in affidavit form (sworn to under oath) with the court, seven days prior to your first court date and send a copy to the plaintiff or plaintiff's attorney, if any.

NOTICE OF LEGAL ASSISTANCE REGARDING COLLECTION CASES

You have been served with Small Claims legal papers. There is a date on the summons for your Pretrial Conference. If you believe you have defenses to the lawsuit, you **must** attend this court date. If you do not attend the hearing date listed on the summons, a default judgment will likely be entered against you. A telephone call will not protect you.

If your case involves the collection of a debt, you may also attend a free legal workshop for people being sued for debt collection which is held at **Jacksonville Area Legal Aid (JALA)**, 126 West Adams Street, Jacksonville, Florida. This workshop is held the third Wednesday of every month beginning at 5:00 p.m. You will learn about defenses you might have in your case and an attorney will be available to review your paperwork if you bring it with you. For information on this clinic please call **JALA** at 904 -356-8371 (Voice only). Deaf and Hard of Hearing callers please call 904-353-1320 V/TTY). If you are a person with a disability and need an accommodation to attend the JALA workshop please call 904-353-1320 with at **least 5 days business** notice to request accommodations.

You may hire an attorney to represent you. To find an attorney, you can visit the Florida Bar website at www.flabar.org or contact the Lawyer Referral Service which is run by the Jacksonville Bar Association at (904) 399-5780. If you cannot afford to hire an attorney, you may want to apply for services at **JALA**. For more information, you can call **JALA at 356- 8371** (Deaf and Hard of Hearing callers please call 904-353-1320 V/TTY).

You need to act RIGHT AWAY if you want legal help with your case. If you delay you may lose your right to defend your case.

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

(Plaintiff)

VS.

(Defendant)

AUTHORIZATION OF CORPORATE OFFICER

_____ is an employee of _____.

This individual has authority to represent the corporation at any stage of the trial court proceedings, including mediation.

The undersigned giving the authority is an officer of the corporation. Pursuant to section 92.525, Florida Statutes, under penalty of perjury, I declare that I have read the foregoing Corporate Authorization and that the facts stated in it are true.

Date: _____

SIGNING AUTHORITY: _____

Print name and title: _____
(President, Vice-President, Secretary, Treasurer)

Address: _____

Phone number: _____

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

(Plaintiff)

VS.

(Defendant)

Proof of Claim

STATE OF FLORIDA
COUNTY OF
NASSAU

Before me, the undersigned authority, personally appeared _____
_____ who, being first dully sworn, deposes and says; that he (she)(they) is
(are) the Plaintiff(s) or Plaintiff's agent named in the Statement of Claim filed herein; that the balance
due to the 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 Nassau County where venue is proper. At
_____, Florida this ___ day of _____, _____.

(Signature)

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

(Title)

JOHN A. CRAWFORD
CLERK OF THE CIRCUIT AND COUNTY COURT
NASSAU COUNTY, FLORIDA

BY: _____
DEPUTY CLERK/NOTARY

INSTRUCTIONS FOR AFFIDAVIT OF NON-MILITARY STATUS

An affidavit of Non-Military is a sworn statement stating that you know that the defendant(s) are not currently in the military service. Without the non- military affidavit, the Judge will not accept the default. A default CANNOT be entered against a person in the military. If a defendant is in the military you are required to motion to the courts asking the Judge to appoint an Attorney Ad-Litem. This is an attorney who will appear on behalf of the person who is in the military. If the defendant is not in the military you will need to state where the defendant is employed or what type of work they perform.

IN THE COUNTY COURT IN AND FOR
NASSAU COUNTY, FLORIDA

CASE NUMBER:

DIVISION:

(Plaintiff)

VS.

(Defendant)

AFFIDAVIT OF NON-MILITARY SERVICE AND VENUE

STATE OF FLORIDA
COUNTY OF NASSAU

Before me, the undersigned authority personally appeared _____ who is
being duly sworn, deposes and says: that he (she) (they) is (are) the Plaintiff(s) or Plaintiff's agent named
in the Statement of Claim filed herein, that the Defendant _____
is not now in the military service of the United States of America, that said Defendant lives at the specific
street address of _____
and is employed at _____
this action Has been brought in Nassau County where venue is proper.

(Signature)

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

JOHN A. CRAWFORD
CLERK OF THE CIRCUIT AND COUNTY COURT
NASSAU COUNTY, FLORIDA

BY: _____
DEPUTY CLERK/NOTARY

IN THE COUNTY COURT IN AND FOR NASSAU COUNTY, FLORIDA

(Name and Address)
Plaintiff(s)

Case No. _____

Vs.

(Name and Address)
Defendant(s)

NOTICE OF PERMANENT MAILING ADDRESS

I, We, _____, the Plaintiff(s) in the above styled cause of action hereby certify that my/our permanent mailing address is as follows:

Phone: _____

I/WE UNDERSTAND THAT ONLY THIS ADDRESS WILL BE USED BY THE COURT, THE OPPOSING PARTY, AND ANY INTERVENING PARTIES TO THIS CASE FOR THE PURPOSE OF PROVIDING ME WITH:

- a. Notice of all future hearings in this case, and
- b. Any court documents and papers pertaining to this case.

I/We understand that all notices and court papers in this case will be sent to me/us only at the above address and that in the event personal service of any court documents is necessary that they will first be attempted to be served at the above listed address unless and until I/We notify the court of my/our new address. I/We also understand that if I/We change my/our new address **in writing** by completion of another form similar to this form at the following address within one week of the change of address and with a copy being furnished to all parties:

CLERK OF COURT
County Civil/Small Claims Division
76347 Veterans Way
Yulee, FL 32097

I/We have read this document and I/We understand that it is my/our responsibility to keep the Court informed of any change in my/our current address. I/We understand that copies of any court documents and notice of all future hearings which are mailed to my/our current address set forth herein will constitute proper notice and service, and the court may proceed on all matters noticed and mailed to the above address even if I/We do not appear for said hearing.

Dated: _____

Signature

IN THE COUNTY COURT IN AND FOR NASSAU COUNTY, FLORIDA

(Name and Address)
Plaintiff(s)

Case No. _____

Vs.

(Name and Address)
Defendant(s)

STATEMENT OF RESPONSIBILITY
(Small Claims Case \$ 8,000.00 or less)

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 Small Claims 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: _____