

SMALL CLAIMS COURT PROCESS



PRESENTED BY THE
MIAMI-DADE COUNTY

OFFICE OF CONSUMER
PROTECTION

Consumer Resources

- Office of Consumer Protection Mediation Center – 786-469-2333
 - <http://www.miamidade.gov/business/consumer-protection.asp>
- Small Claims Court Presentation:
 - <http://www.miamidade.gov/business/consumer-protection-small-claims.asp>
- Miami-Dade Building Department – 786-315-2424
- Florida Department of Financial Services Hotline 877-693-5236
- Florida Department of Agriculture and Consumer Services 1-800-435-7352
 - <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Consumer-Resources/Consumer-Protection/File-a-Complaint>
- Florida Attorney General 1-866-966-7226
 - <http://myfloridalegal.com/pages.nsf/Main/030e31f06ef0184d85256cc600706904>
- Florida Department of Business and Professional Regulation 1-850-487-1395
- Dade County Bar Association Lawyer Referral Service <http://www.dadecountybar.org/page/lrs>
- Florida Bar Consumer Information:
<https://www.floridabar.org/tfb/TFBConsum.nsf/48e76203493b82ad852567090070c9b9/7adaf9c3481ead7685256b2f006c53fa?OpenDocument>

What is Small Claims Court?

- Simplified court process
- Disputes of \$5,000 or less
- Small Claims Rules

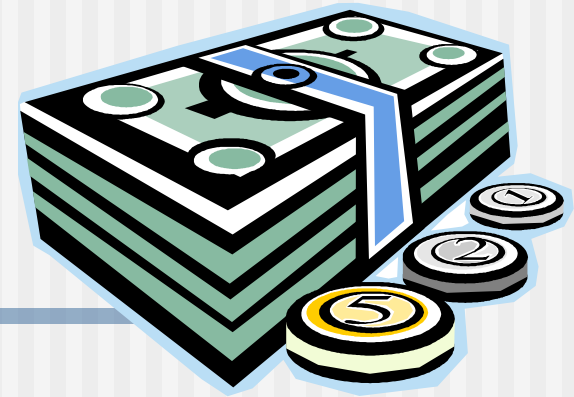


Jurisdictional Amounts

- Small Claims Court
 - \$5000.00 or less
- County Court
 - \$5,000.01 - \$15,000.00
- Circuit Court
 - \$15,000.01 and up
- In County and Circuit Courts, the rules of evidence and procedure are applied more stringently.



Costs to File



- Small Claims Court
 - \$99.99 and less \$55.00
 - \$100.00 - \$500.00 \$80.00
 - \$500.01 - \$2,500.00 \$175.00
 - \$2,500.01 - \$5,000.00 \$300.00
- County Court:
 - \$5,000.01 - \$15,000.00 \$300.00
 - Evictions/removal of tenant actions \$185.00
- Circuit Court:
 - \$15,000.01 and up \$401.00
- Filing fee for reopening a case for claims <\$500.01 \$25.00
- Filing fee for reopening a case for claims >\$500 \$50.00

When to sue in small claims?

- Always attempt a resolution.
- Is there a valid legal claim?
- Is there sufficient evidence to prove the claim in court?



When to sue in small claims?

- Do I know the correct legal name and address of the other party?
- Evaluate the claim:
 - Can I get more than \$5,000?
 - Is it worth my time & money to file?

Who may sue in small claims?

- Any person eighteen (18) years of age or older.
- A person under 18 years old may also sue in small claims, but only if his parent(s) or guardian files the suit for him/her.
- A business, whether or not owned by an individual, a partnership, or a corporation.

Statute of Limitations



- Section 95.11, Florida Statutes
 - 5 years – written contract
 - 4 years – verbal contract
 - 4 years – negligence
 - 2 years – recovery of wages/overtime

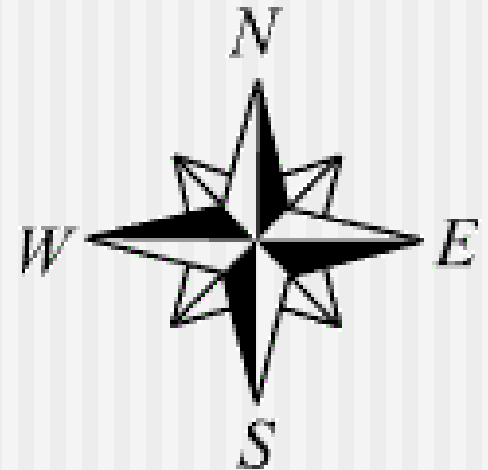
Where to file your case

- ❖ Where did the incident happen?
 - ❖ You can sue here.
- ❖ Where does the defendant reside?
 - ❖ You can sue here.
- ❖ Where is the property located?
 - ❖ You must sue here.



Filing Locations

- Dade County Courthouse - Downtown
73 West Flagler Street, Rm 137
Miami, FL 33130
- Coral Gables District Court
3100 Ponce de Leon Blvd.
Coral Gables, FL 33134



Filing Locations

- Miami Beach District Court
1130 Washington Avenue, Rm 224
Miami Beach, FL 33139
- North Dade Justice Center
15555 Biscayne Blvd., Rm 100
Miami, FL 33160
- South Dade Justice Center
10710 SW 211th Street, Rm 1200
Miami, FL 33189

Filing Locations

- Sweetwater Branch – Filing Only
500 SW 109th Avenue
Sweetwater, FL 33142
- Hialeah Branch
11 East 6th Street
Hialeah, FL 33010

Clerk's Office

- File the case with the Clerk of Courts
- 9:00 a.m. – 4:00 p.m. (Monday – Friday, excluding holidays)
- Clerks must assist the public
 - http://www.miami-dadeclerk.com/property_small_claims.asp
 - Do Small Claims
 - Acquire Online Forms
 - Search for cases and view case dockets:
Click on Civil/Family/Probate Record

Statement of Claim

- Filed with Clerk's Office
- How to complete Statement of Claim
 - Filed in Duplicate plus one for each Def.
 - Mark Civil Division ☒
 - Case No. -- Leave Blank
 - State legal name of Plaintiff(s) and Defendant(s)
 - State Defendant's Address and Phone #
 - Indicate type of claim ☒
 - Provide narrative, if necessary
 - State name, address, and phone # of plaintiff
 - Notarized signature if suing an individual
 - Indicate how Defendant will be served (Back Page)

Statement of Claim Form

- Right click [Statement of Claim](#) and select open hyperlink to view the Statement of Claim Form

Notice to Appear (Downtown)

- Right Click on [Notice to Appear \(Downtown\)](#) and select open hyperlink to view Notice to Appear form.

Statement of Claim Form

Division

Plaintiff

Reason for Suit

Amount

| IN THE COUNTY COURT IN AND FOR DADE COUNTY, FLORIDA. | | |
|--|--|--|
| DIVISION <input type="checkbox"/> CIVIL <input type="checkbox"/> OTHER | STATEMENT OF CLAIM (File in Duplicate Plus One For Each Defendant) | CASE NUMBER SECTION NO. |
| PLAINTIFF The Plaintiff sues the Defendant for money owed Plaintiff by Defendant; and which is past due and unpaid; for (As marked (x) below): <input type="checkbox"/> Good, wares and merchandise sold by plaintiff, to defendant; <input type="checkbox"/> Work done and materials furnished by plaintiff, to defendant; <input type="checkbox"/> Money lent by plaintiff to defendant which is due and payable; <input type="checkbox"/> Money due to plaintiff upon accounts stated and agreed to between them; <input type="checkbox"/> On a written instrument, copy of which is attached hereto; <input type="checkbox"/> Rent for certain premises in Dade County, Florida, Viz; <input type="checkbox"/> Other (Explain) <input type="checkbox"/> Any additional facts in connection with any of the above: (USE ADDITIONAL SHEET IF NECESSARY) | VS. DEFENDANT(S) Address | PHONE NUMBER CLOCK IN |
| Where Plaintiff demands judgment in the sum of \$ _____ together with court costs and any further costs which the Court may assess. | | |
| The Plaintiff, _____ says the foregoing is a just and true statement of the amount owed by defendant to plaintiff, exclusive of all lawful setoffs, and that defendant has no lawful defenses which would preclude the collection of said amount. | | |
| Affiant states that the defendant(s) is/are not in the military service of the United States. | | |
| Attorney /Plaintiff | Signature | Attorney's Bar No. |
| Address of Attorney/Plaintiff | | Telephone No. |
| The foregoing instrument was acknowledged before me this _____ day of _____, 19____ by _____ who is personally known to me or who has produced _____ as identification and did <input type="checkbox"/> / did not <input type="checkbox"/> take an oath. | | |
| SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____, 19____. | | |
| HARVEY RUVIN CLERK OF COURTS | Deputy Clerk | NOTARY PUBLIC, State of Florida My Commission Expires: |

Defendant

Phone

Explanation

Statement of Claim Form

| | | |
|--|-------------------|----------------|
| SERVICE OF PROCESS <input type="checkbox"/> PROCESS SERVER <input type="checkbox"/> SHERIFF <input type="checkbox"/> MAIL | FILING FEE AMOUNT | RECEIPT NUMBER |
| <p>NOTE: If the claim is based upon a written document, a copy, or the material part thereof, shall be attached to the statement of claim.</p> <p style="text-align: center;">INSTRUCTION SHEET IMPORTANT</p> <p>YOU MUST advise the Clerk, in writing, of any change in your mailing address.</p> <p>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.</p> <p>Plaintiff(s) will not be entitled to a default or judgment in the absence of an affidavit regarding the defendant's military status in compliance with applicable law. This form, if sworn to, will meet the above requirements.</p> <p>If you are a PLAINTIFF and fail to appear on the designated date, in person or by an attorney, this case may be dismissed for Want of Prosecution.</p> <p>Any claim 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 not less than 5 days prior to the appearance date, or within such time as the Court designates. When a counterclaim or set-off exceeds the jurisdiction of the Court, 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 counter-claimant shall deposit a sum sufficient to pay the filing fee in the Court to which the case is to be transferred with his counterclaim.</p> <p>FAILURE TO MAKE THE DEPOSIT WAIVES THE RIGHT TO TRANSFER.</p> <p>TRIAL BY JURY may be had upon written demand by Plaintiff made at the commencement of the action or by any defendant within 5 days after service of the notice to appear or at the Pretrial Conference. If the demand is not made, the right to trial by jury is waived.</p> <p>If at any time in the proceedings a settlement is reached between the parties, this office should be notified in writing by the Plaintiff.</p> <p>If you have any questions regarding procedures, this office will assist you. This office cannot furnish legal advice to you. Please consult your attorney for legal advice.</p> | | |
| <p style="text-align: center;">CAUTION</p> <p>A copy of any paper that you file at any time with the Clerk or Judge MUST be sent by you to each attorney appearing in the case, if any, or to all parties 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 would be followed by your signature.</p> | | |
| <p style="text-align: center;">AMERICANS WITH DISABILITIES ACT OF 1990</p> <p>IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE DADE COUNTY COURT'S ADA COORDINATOR AT 73 WEST FLAGLER STREET, ROOM 1600, MIAMI, FLORIDA, 33130, TELEPHONE NUMBERS (305) 375-2006 FOR VOICE, (305) 375-2007 FOR TDD AND (305) 350-6205 FOR FAX, WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS DOCUMENT. TDD USERS MAY ALSO CALL 1-800-955-8771, FOR THE FLORIDA RELAY SERVICE.</p> | | |

Notice to Appear

| IN THE COUNTY COURT IN AND FOR DADE COUNTY, FLORIDA | | |
|---|---|---|
| DIVISION <input type="checkbox"/> CIVIL <input type="checkbox"/> OTHER | SUMMONS/NOTICE TO APPEAR FOR PRETRIAL CONFERENCE <small>(File in Quadruplicate)</small> | CASE NUMBER <div style="text-align: right;">SP05</div> |
| PLAINTIFF(S) _____ _____ _____ | VS. DEFENDANT(S) _____ _____ _____ | SERVICE |
| DEFENDANT(S) TO BE SERVED AT: _____ _____ _____ _____ | | Clock In |
| STATE OF FLORIDA NOTICE TO PLAINTIFF(S) AND DEFENDANT(S) YOU ARE HEREBY NOTIFIED to appear in person or by attorney at: 73 West Flagler St., Miami, Florida, Sixth Floor, Courtroom 6-4 on _____, 20____, at ____M., for a pretrial conference before a Judge of this Court. Section # _____. <div style="text-align: center;"> IMPORTANT - READ CAREFULLY THE CASE WILL NO BE TRIED AT THAT TIME/DO NOT BRING WITNESS APPEAR IN PERSON OR BY ATTORNEY </div> <p>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) or the defendant(s) shall not excuse the personal appearance of a party or its attorney in the PRETRIAL CONFERENCE. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.</p> <p>The purpose of the pretrial conference is to record your appearance, to enable the court to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pretrial conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state the names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.</p> <p>If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may or may not approve a payment plan and withhold judgment or execution or levy.</p> | | |

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 MOVED TO PROPER LOCATION OR VENUE. A PROPER LOCATION OR VENUE MAY BE ONE OF THE FOLLOWING:

1. WHERE THE CONTACT WAS ENTERED INTO;
2. IF THE SUIT IS ON 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 DEFENDANTS SUED RESIDE;
6. ANY LOCATION AGREED TO IN A CONTRACT.
7. IN ANY 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 THAT 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 FOR 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) ATTORNEY, IF ANY. A COPY OF THE STATEMENT OF CLAIM SHALL BE SERVED WITH THIS SUMMONS.

| | | |
|---|---------------------------|-----------------------|
| HARVEY RUVIN CLERK OF COURTS | By: _____ DEPUTY CLERK | DATE |
| COPY <input type="checkbox"/> Mailed <input type="checkbox"/> Hand-Delivered TO <input type="checkbox"/> Plaintiff <input type="checkbox"/> Attorney <input type="checkbox"/> Sheriff <input type="checkbox"/> Process Server | | COURT SEAL |
| FILED BY: _____ | | |
| ADDRESS: _____ | | |
| TELEPHONE: _____ | | |
| AMERICANS WITH DISABILITIES ACT OF 1990 IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE DADE COUNTY COURT'S ADA COORDINATOR AT 73 WEST FLAGLER STREET, SUITE 1600, MIAMI, FLORIDA 33130, TELEPHONE NUMBERS (305) 375-2006 FOR VOICE, (305) 375-2007 FOR TDD AND (305) 350-6205 FOR FAX, WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS DOCUMENT. TDD USERS MAY ALSO CALL 1-800-955-8771, FOR THE FLORIDA RELAY SERVICE. | | |

IMPORTANT-- SEE REVERSE

Notice To Appear

- Right Click on [Notice to Appear](#) ([Branch](#) Courts) and select open hyperlink to view Notice to Appear form.

Jury Trial

- Jury trials may be had upon written demand of the plaintiff at the time of the commencement of the suit, or by the defendant within 5 days after service of notice of suit or at the pretrial conference, if any. Otherwise jury trial shall be deemed waived.

Locating the Defendant

- County & municipal occupational license offices
 - Local Business Tax Receipt 305-270-4949
- Miami-Dade County Public Library - 305-375-BOOK
- Online Telephone Directory:
 - <http://www.yellowpages.com/search>
- Voter's Registration Search:
 - <http://registration.elections.myflorida.com/CheckVoterStatus>
- Marriage License Search
 - <https://www2.miami-dadeclerk.com/mlsweb/LicenseSearch.aspx>
- Miami-Dade County Property Appraiser (305-375-4712)
 - Real property search: <http://www.miamidade.gov/propertysearch/#/>
- Miami-Dade County Clerk of Courts
 - Public records search: <https://www2.miami-dadeclerk.com/public-records/Search.aspx>
 - Court records search: http://www.miami-dadeclerk.com/online_services.asp

Locating the Defendant

Cont'd

- Florida Dept. of State Division of Corporations:
 - Entity Search: <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>
 - Fictitious Name Search: <http://www.sunbiz.org/ficinam.html>
 - Judgment Lien Search: <http://www.sunbiz.org/jlilist.html>
- Florida Dept. Agriculture & Consumer Services
 - Business or Individual License/Complaint Lookup: <https://csapp.800helpfla.com/cspublicapp/businesssearch/businesssearch.aspx>
- Florida Dept. of Business & Professional Regulation
 - License Search: <https://www.myfloridalicense.com/wl11.asp?mode=0&SID=&brd=&typ=>
- Florida Office of Financial Regulation License Search
 - <http://www.flofr.com/StaticPages/VerifyALicense.htm>
- Florida Dept. of Health - Provider License Search
 - <https://appsmqa.doh.state.fl.us/IRM00PRAES/PRASLIST.ASP>

Locating Active Duty Military Personnel

- U.S. Army Enlisted Records and Evaluation Center
ATTN: PCRE-RP
8899 E. 56th Street
Indianapolis IN 46249-5301
Phone: (866)-771-6357
- Bureau of Naval Personnel
PERS 312F
5720 Integrity Drive
Millington, TN 38055-3120
 - Phone: (901)-874-3388 26

Locating Active Duty Military Personnel

- Air Force Worldwide Locator
AFPC /MSIMDL
550 C Street West Suite 50
Randolph AFB TX 78150-4752
Phone: (210) 565-2660
- US Marine Corps
Personnel Mgmt Support Branch
(MMSB-17)
2008 Elliot Road
Quantico, VA 22134-5030
Phone: (703) 640-3941
- For more information on locating members of the military: <https://www.usa.gov/military-personnel-and-installations#item-35672>

Service of Process



- By agreement
- Certified Return Receipt Mail (\$)
 - Restricted Delivery
- Sheriff (\$40)
 - Miami-Dade Police -Service of Process
 - (305) 375-5100
- Private Process Server (\$\$\$\$)

Counter, Cross & Third Party Claims



- Counterclaim - a claim made by the defendant in a civil lawsuit against the plaintiff.
 - The case may be transferred if the amount exceeds the jurisdictional amount.
 - The counterclaim must be filed 5 days before the Pre-Trial Conference.
- Cross Claim - a claim asserted between co-defendants in a case and that relates to the subject of the original claim
 - The judge will permit or disallow based upon a motion at the Pre-Trial Conference.
- Third Party Claim - a claim made by a defendant against a non-party alleging this "third party" is responsible for all or part of the Plaintiff's claim

Pre-Trial Conference

- Within 50 days of filing.
- The summons and statement of claim must be served.
- Parties may appear personally or by counsel
 - Where all parties are represented by an attorney, counsel may agree to waive personal appearance at the initial pretrial conference
- Plaintiff does not show: case dismissed
- Defendant does not show: default
- Judge may dismiss case for failure to state a legal claim of action
- If business is represented by employee, written authorization must be filed.
- Plaintiff and Defendant show:
 - Brief explanation of the case.
 - A Mediator will try to settle the case.
 - Stipulate to documents.

Pre Trial Conference Order and Notice of Trial

FORM 7.323. PRETRIAL CONFERENCE ORDER AND NOTICE OF TRIAL

IN THE COUNTY COURT FOR COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.

| | |
|---------------------------|-----------------------|
| | ___ by self |
| | ___ by agent |
| Plaintiff Telephone | ___ by attorney |
| vs. | |
| | ___ by self |
| | ___ by agent |
| Defendant Telephone | ___ by attorney |

PRETRIAL CONFERENCE ORDER AND NOTICE OF TRIAL

- | | |
|---|---------------------------|
| 1. DEFENDANT: | ISSUES: |
| ___ denies liability and damages | ___ Liability and damages |
| ___ admits liability/denies damages | ___ Liability only |
| ___ granted days to file a counterclaim and/or third-party complaint | ___ Damages only |
| ___ advised of probable need for expert testimony from | |

Pre Trial Conference Order and Notice of Trial

2. WITNESSES (total)

___ Plaintiff ___ Defendant ___ Parties advised of availability of subpoena power

3. EXHIBITS, DOCUMENTS, AND TANGIBLE EVIDENCE

Plaintiff

Parties instructed that they must permit inspection
after notice or furnish copies to opposite party within

.....

Defendant

.... days:

.....

___ Witnesses' names and addresses

___ Documents and things to be used at trial

4. DISCOVERY MAY BE HAD IN ACCORDANCE WITH SMALL CLAIMS RULE 7.020.

5. STIPULATION OR OTHER:

TRIAL DATE:(date)...., atm., for hour(s)

PLACE: County Courthouse,, Courtroom No.,, FL

JUDGE:, Telephone No.:

ORDERED ON(date).....

IMPORTANT — TURN OVER AND READ TRIAL INSTRUCTIONS ON REVERSE SIDE.

RECEIVED FOR: _____

For Plaintiff

For Defendant

[The following instructions are to be placed on the reverse side of the order and notice of trial.]

Pre-Trial Discovery



- Discovery is not permitted, unless a party is represented by an attorney, or the court authorizes.
- Types:
 - Interrogatories
 - Request for Production of Documents
 - Deposition
 - Request for Admission
- Other Pre-Trial Preparation:
 - Subpoena witnesses
 - Collect/subpoena documents

Trial

- Scheduled within 60 days from the Pre-Trial Conference.
- A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized with written authorization.

Trial

- You must advocate on your own behalf. A judge cannot advocate on behalf of either party, but a judge can assist in explaining courtroom decorum.
- Photos, documents and witnesses are your evidence, and without them you have a weak case.
- Burden of Proof – Preponderance of the evidence (>50%)

Trial

- If witnesses won't appear voluntarily, you must subpoena them. The sheriff or process server will serve the subpoena and you must pay a travel fee.
- You need proof that your witness was subpoenaed in case they don't show up in court.
- Telephonic Testimony – Prior to the trial file a motion to permit testimony by phone, if the witness is not available to appear at the trial.
- If you plan to appeal the case, hire a court reporter (\$100.00, plus fees per page).

Subpoena

| | | |
|--|--|--------------------|
| <input type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR DADE COUNTY, FLORIDA. | | |
| DIVISION <input type="checkbox"/> CIVIL <input type="checkbox"/> FAMILY <input type="checkbox"/> CRIMINAL <input type="checkbox"/> OTHER | SUBPOENA DUCES TECUM FOR TRIAL (Order to appear for trial with the items listed) | CASE NUMBER |
| PLAINTIFF(S)/PETITIONER | VS. DEFENDANT(S)/RESPONDENT | CLOCK IN |

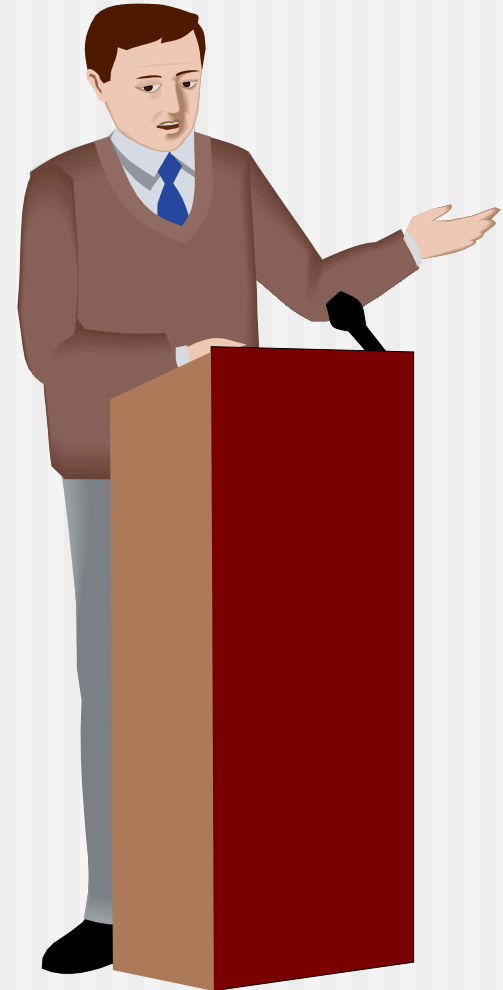
THE STATE OF FLORIDA:

TO:

YOU ARE COMMANDED to appear before the HONORABLE _____, Judge of the Court at, _____
In Dade County Florida, on _____, 19 _____, at _____m.,
to testify in this action and to have with you at that time and place the following:

Courtroom Procedures

- Be prepared
- Speak clearly
- Be concise
- Do not play lawyer
- Dress appropriately

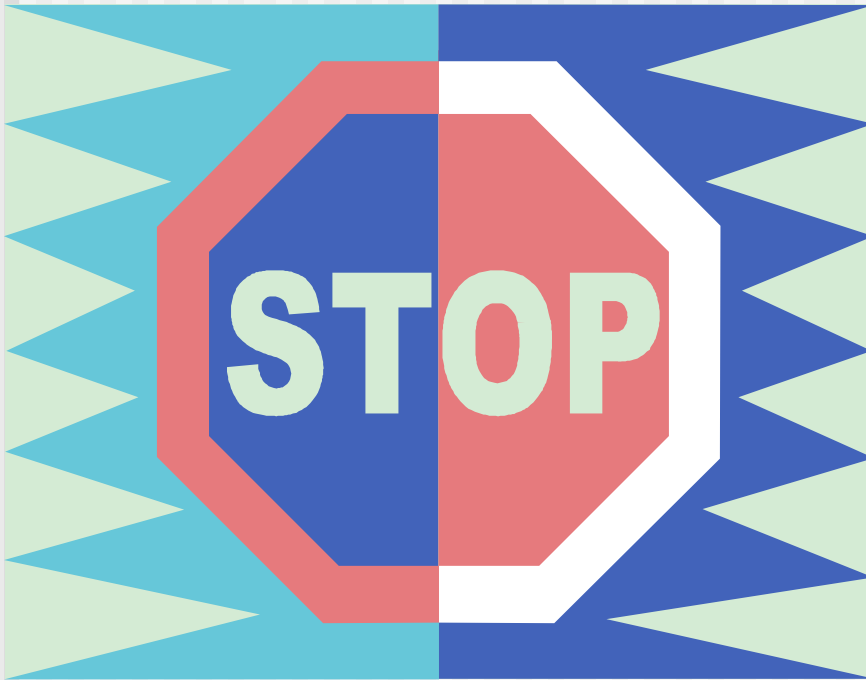


Trial Procedures

1. Introduce yourself
2. Give a brief opening statement
3. Plaintiff proceeds first
4. Defendant cross-examines Plaintiff's witnesses
5. Defendant may move for a Directed Verdict
6. Defendant then presents his case and witnesses
7. Plaintiff rebuts and cross-examines Defendant

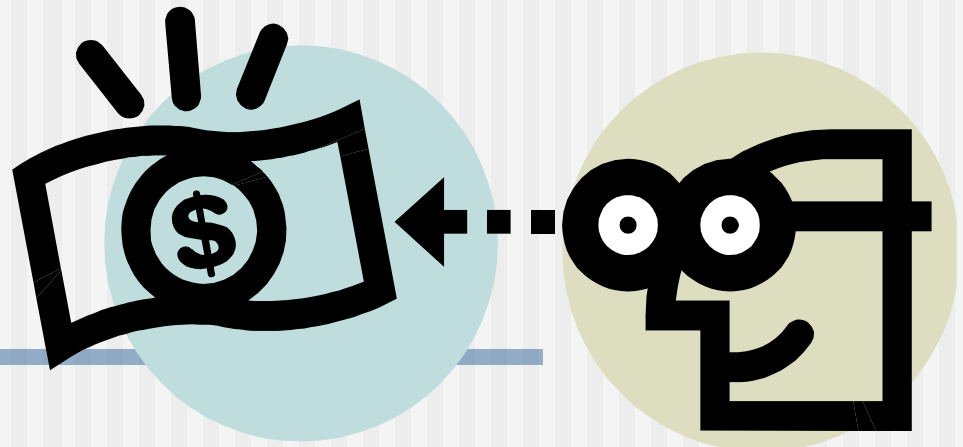
Wait your turn!

Objections



- Hearsay
- Opinion
- Irrelevant or immaterial

Judgment



- For the Plaintiff
 - Record Judgment
 - Amount
 - Interest –
 - 2014 – 4.75% per annum or .000130137 per day
 - 2013 – 4.75% per annum or .000130137 per day
 - 2012 – 4.75% per annum or .000130137 per day
 - 2011 - 6% per annum or .0001644 per day
 - 2010 - 6% per annum or .0001644 per day
 - Indicate addresses of parties
 - Check off Fact Information Sheet Request
 - Good for 20 years, but it must be re-recorded every 10 years with the Recorder's Office and 5 years with the Department of State to stay in effect.
- For the Defendant
- Attorney's fees

Judgment Form

| | | | |
|--|--|-----------------|--------------------|
| <input type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR DADE COUNTY, FLORIDA. | | | |
| DIVISION <input type="checkbox"/> CIVIL <input type="checkbox"/> OTHER | FINAL JUDGMENT AGAINST DEFENDANT(S) | | CASE NUMBER |
| PLAINTIFF(S) | VS. DEFENDANT(S) | CLOCK IN | |
| IT IS ADJUDGED that the Plaintiff(s): _____ _____ recover from the Defendant(s): _____ _____ the sum of \$ _____ on principal pre-judgment interest of \$ _____ attorney's fees \$ _____ with costs of \$ _____ making a total of \$ _____ | | | |
| All of which shall bear interest at the rate of _____ % per year as provided for by Florida Statute, for all of which let execution issue. | | | |

Judgment Form

All of which shall bear interest at the rate of _____ % for the current year and thereafter at the prevailing rate per year as provided for by Florida Statute, for all of which let execution issue.

OPTIONAL

- ☐ It is further ordered and adjudged that the defendant(s) shall complete Florida Small Claims Rules Form 7.343 (Fact Information Sheet) and return it to the plaintiff's attorney, or to the plaintiff if the plaintiff is not represented by an attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or a motion for new trial or notice of appeal is filed.

Jurisdiction of this case is retained to enter further orders that are proper to compel the defendant(s) to complete form 7.343 and return it to the plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney.

ORDERED in Miami-Dade County, Florida, this _____ day of _____, 20____.

County Court Judge

COPIES FURNISHED TO PLAINTIFF(S)

Plaintiff(s)'s Address

Plaintiff(s)'s Address

COPIES FURNISHED TO DEFENDANT(S)

Defendant(s)'s Address

Social Security # (if known)

Defendant(s)'s Address

Social Security # (if known)

Post Judgment Motions

- 10 days to file a Motion For Rehearing (and 30 days to appeal the court's decision on this motion)
- 1 year to file a Motion for Rehearing based on:
 - Fraud
 - Excusable Neglect
 - Newly Discovered Evidence
 - Clerical Mistake
 - Inadvertence

Appeal

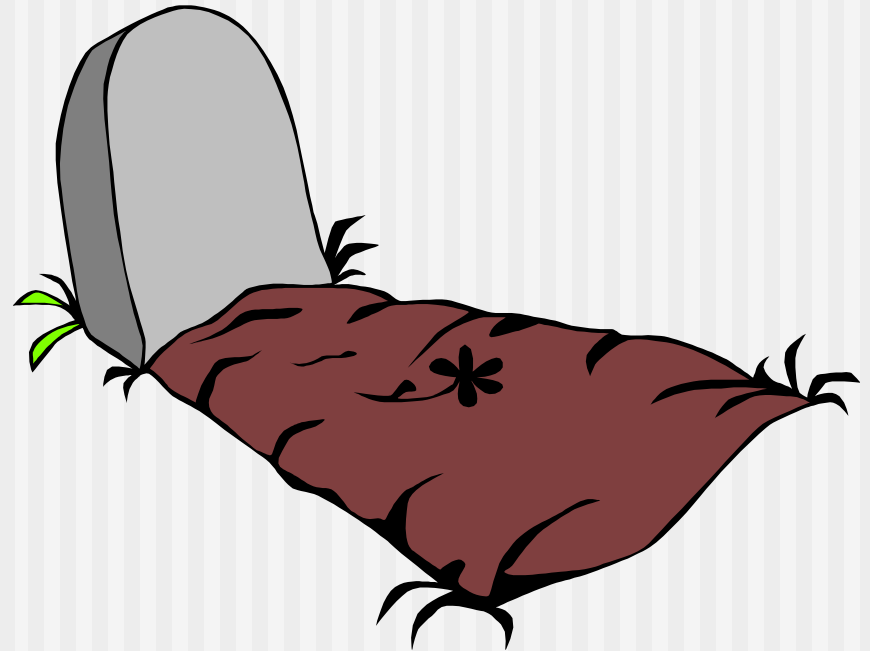
- 30 days to file an appeal to the Appellate Division of the Circuit Court
- Filing Fee to Appellate Division of the Circuit Court
 - \$281.00 for the appeal
 - \$100.00 deposit for preparing the record on appeal and \$1.00 for each additional page. Refundable if less and more \$\$\$ if more preparation is involved.

Collecting on a Judgment

- Obtain a Certified Copy the Judgment
 - \$1.00 for each page copied
 - \$2.00 for certifying the copy
- Record the Certified Copy (becomes a lien)
22 N.W. 1st Street, Miami, FL
 - \$10.00 for a one page document
 - \$8.50 for each additional page
- Judgment Lien Recording (Dept. of State)
 - \$20 & \$5 each additional page - gives you priority
 - www.sunbiz.org

Effect of a Judgment Lien

- Defendant will be “stigmatized”
- A judgment may hurt defendant’s credit
- The judgment will follow Defendant to his grave



How To Collect

- Fact Information Sheet
 - Select “Individual” or “Business Entity”
 - Check box in Final Judgment or file Ex Parte Motion & Order For Hearing In Aid Of Execution
 - Defendant must answer questions within 45 days and bring all financial documents and papers to court at a hearing scheduled 45 or more days after judgment.
 - If Defendant does not answer, he may be held in contempt.

Fact Information Sheet

FACT INFORMATION SHEET — INDIVIDUAL

Full Legal Name: _____
Nicknames or Aliases: _____
Residence Address: _____
Mailing Address (if different): _____
Telephone Numbers: (Home) _____ (Business) _____
Name of Employer: _____
Address of Employer: _____
Position or Job Description: _____
Rate of Pay: \$ _____ per _____. Average Paycheck: \$ _____ per _____
Average Commissions or Bonuses: \$ _____ per _____. Commissions or bonuses are based on _____
Other Personal Income: \$ _____ from _____
(Explain details on the back of this sheet or an additional sheet if necessary.)
Social Security Number: _____ Birthdate: _____
Driver's License Number: _____
Marital Status: _____ Spouse's Name: _____
Spouse's Address (if different): _____
Spouse's Social Security Number: _____ Birthdate: _____
Spouse's Employer: _____
Spouse's Average Paycheck or Income: \$ _____ per _____
Other Family Income: \$ _____ per _____ (Explain details on back of this sheet or an additional sheet if necessary.)
Names and Ages of All Your Children (and addresses if not living with you): _____
Child Support or Alimony Paid: \$ _____ per _____
Names of Others You Live With: _____
Who is Head of Your Household? _____ You _____ Spouse _____ Other Person _____
Checking Account at: _____ Account # _____
Savings Account at: _____ Account # _____

Fact Information Sheet

Monthly Payment: \$_____ (List all other automobiles, as well as other vehicles, such as boats, motorcycles, bicycles, or aircraft, on the back of this sheet or an additional sheet if necessary.)

Have you given, sold, loaned, or transferred any real or personal property worth more than \$100 to any person in the last year? If your answer is "yes," describe the property and sale price, and give the name and address of the person who received the property.

Does anyone owe you money? Amount Owed: \$_____

Name and Address of Person Owning Money: _____

Reason money is owed: _____

Please attach copies of the following:

- a. Your last pay stub.
- b. Your last 3 statements for each bank, savings, credit union, or other financial account.
- c. Your motor vehicle registrations and titles.
- d. Any deeds or titles to any real or personal property you own or are buying, or leases to property you are renting.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

Judgment Debtor

STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me on(date)....., by, who is personally known to me or has produced as identification and whodid/did not..... take an oath.

WITNESS my hand and official seal, on(date).....

Notary Public
State of Florida

My Commission expires:

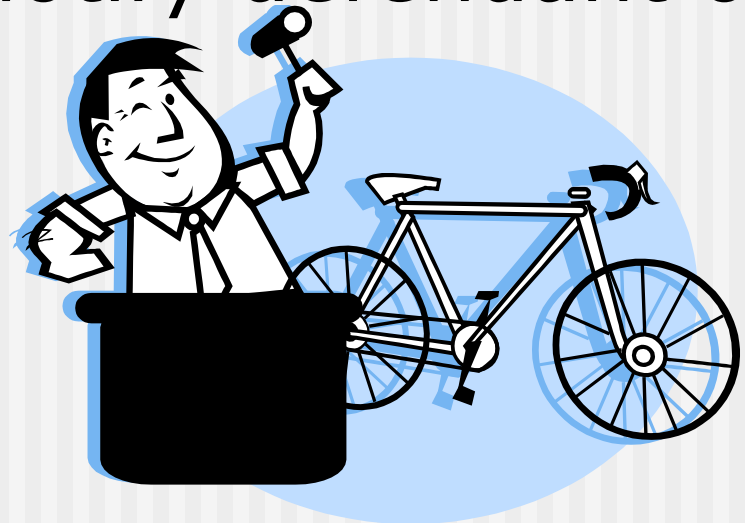
MAIL OR DELIVER THIS FORM TO THE CLERK OF THE COURT, AND MAIL OR DELIVER A COPY OF THE COMPLETED FORM TO THE JUDGMENT CREDITOR OR THE CREDITOR'S ATTORNEY

How To Collect

- Deposition in Aid of Execution
 - Corporation or Individual
- Interrogatories In Aid of Execution
 - Corporation or Individual
 - 35 days to answer (30 + 5 mailing days).

How to Collect

- Writ of Execution
 - Expensive process.
 - Sheriff will seize debtor's property.
 - Plaintiff must notify defendant of pending sale.
 - Auction.



How to Collect

- Writ of Garnishment
 - Separate proceeding initiated with a motion filed with the Clerk.
 - You are “suing” someone who has control over Defendant’s money (e.g., a bank or employer).
 - \$188 = \$85 service fee; \$100 deposit for garnishee; & \$3 clerk fee are required for first writ. \$103 extra for each additional writ.
 - Defendant may assert defenses.

Collecting on Your Judgment

- Settling your case early could save a lot of time and money, even if you only receive a fraction of the damages.
- The Defendant is more likely to pay if she/he agrees to the payment amount and terms.

Good Luck!

