

# **SMALL CLAIMS PACKET**

Small Claims is a way to settle legal disputes in which the amount of damages or value of the property involved does not exceed \$8,000.00.

## **\*\*\*NOTICE\*\*\***

**Information or forms provided by the Clerk of Court should be considered as basic procedural only and may not be applicable to every situation. The information is not intended to be used as legal advice. Specific guidance concerning filing a lawsuit, answering a lawsuit or questions about your particular situation should be directed to a qualified attorney.**

Small Claims cases may be filed at either Clerk of Court location.

Walton County Courthouse 571 U.S. Highway 90 East DeFuniak Springs, Florida 32433	Walton County Courthouse Annex 31 Costal Centre Boulevard Santa Rosa Beach, Florida 32459
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## **Filing Fees**

<u>Amount of Claim</u>	<u>Filing Fee</u>
Claims \$99.00 or less	\$55.00
Claims \$100.00 to \$500.00	\$80.00
Claims \$500.01 to \$2500.00	\$175.00
Claims \$2500.01 to \$8000.00	\$300.00

Also add \$10.00 per defendant to issue summons.

## **Instructions for Filing the Claim**

In the space for the plaintiff, insert the name, address and telephone number of the person filing the lawsuit.

Insert the name and address of the person(s) or business you are suing in the space marked "defendant". You must have the defendant's complete name and address; do not use a post office box. If the defendant is a corporation, provide the name of an officer or registered agent of the corporation so that the notice can be served. This information is available from the Secretary of State, Corporation Filing Division, Tallahassee, FL 32304. you may search corporate filings online at the Department of State website at [www.sunbiz.org](http://www.sunbiz.org).

Briefly state your claim and the amount you are suing for in the spaces provided. If your claim is based on written documentation, attach it to the original Statement of Claim form.

The Statement of Claim form must be fully completed and must be signed before a notary public or deputy clerk. File the original Statement of Claim form with the Clerk of Court along with identical copies of the original document(s) for each defendant named.

The clerk will then prepare the Summons/Notice to Appear.

## **Serving the Summons/Notice to Appear**

The notice must be served in one of the following manners:

- By the sheriff, \$40.00 per service payable in cashier's check or money order to the Sheriff's department.
- By certified mail, return receipt requested; at actual postal price.
- Certified mail may only be used when the defendant(s) resides in Florida. If the defendant refuses the certified mail, the pre-trial conference will be delayed until the notice can be served.

## **Scheduling the Pre-trial Conference**

A pre-trial conference will be scheduled after you file your claim. Appearance at the pre-trial is mandatory. A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized by an officer of the corporation. This conference determines if a cause of action exists and allows a mediation opportunity to be taken advantage of, such as setting trial dates, as well as judgments to be entered by default. If the defendant contests the claim, the judge will schedule a trial date and the clerk will provide notice to each party.

If the defendant is not served the notice, the pre-trial conference will be cancelled. It will be re-scheduled if you provide additional information so that the notice can be served.

If there is more than one defendant and at least one of the defendants has been served, the pre-trial will be heard against that defendant only. If the other defendant(s) is served at a later date, another pre-trial date will be scheduled against that defendant.

The clerk's office is not authorized to waive your attendance. The judge can dismiss the plaintiff's action if they fail to appear at the pre-trial hearing. Only the judge is authorized to excuse parties from court appearances.

IN THE COUNTY COURT IN AND FOR WALTON COUNTY, FLORIDA  
SUMMARY CLAIMS DIVISION

CASE NO.: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s)  
\_\_\_\_\_  
Address, City, State, Zip  
( )  
Phone #

vs.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s)  
\_\_\_\_\_  
Address, City, State, Zip  
( )  
Phone #

**STATEMENT OF CLAIM**

Plaintiff claims these amounts to be due from defendant(s) for the reasons set forth below:	\$ _____	Principal
	\$ _____	Interest
	\$ _____	Court Costs
	\$ _____	TOTAL

\_\_\_\_\_ Money due Plaintiff on open account. (See attached copy of accounts.).

\_\_\_\_\_ Money due Plaintiff on accounts stated and agreed to between them or following business transactions between them; Plaintiff rendered a statement to Defendant who did not object. (See attached copy of state of accounts.).

\_\_\_\_\_ Money loaned by Plaintiff to Defendant on \_\_\_\_\_ with interest thereon since \_\_\_\_\_ . (Loan agreement attached.)

\_\_\_\_\_ Money due Plaintiff for labor and materials furnished to Defendant. (List time, materials and charges below.)

\_\_\_\_\_ Rent due Plaintiff for certain premises. (List below: address of premises and amount of rent past due, and attach copy of any written lease.)

\_\_\_\_\_ Other: (Explain below.) Additional Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF WALTON

Under penalties of perjury and upon my oath, I state that the facts contained in this statement are true and correct, and the Defendant is/is not in the military service. If corporate Plaintiff, the undersigned is an officer or an employee authorized by an officer of the corporation to represent it in this proceeding.

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s)

\_\_\_\_\_  
\_\_\_\_\_  
Office Held

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Deputy Clerk or Notary Public