

REPLEVIN PACKET

(\$1.80)

NOTICE

Information or forms provided by the Clerk of Court should be considered as basic information only and may not be applicable to every situation. The information is not intended to be used as legal advice but as basic and general information only. It does not explain all your options and/or rights.

Specific guidance as to how to proceed with filing a lawsuit or answering a lawsuit and legal questions about your particular situation should be directed to a qualified attorney.

Because of the complexity, at times, of this type of case, you should research the Florida Statutes, Chapter 78, for further instructions in a replevin case or contact an attorney.

Filing fees for Replevin:

Claims less than \$500	\$165.00
Claims \$500 to \$2,500	\$240.00
Claims \$2,500 to \$15,000	\$385.00

To issue summons: \$10.00 per defendant

No personal checks accepted

Cash, Money Order, Cashier's Check, Visa, Mastercard, Discover
(\$2.50 service charge will be added when using credit card)

THIS PACKET CONTAINS THE FOLLOWING FORMS:

- (form AA) COMPLAINT (type or print neatly)
 - (form BB) ORDER TO SHOW CAUSE (complete everything with the exception of any dates or times)
 - (form CC) NOTICE TO APPEAR (names only)
 - (form DD) REQUEST FOR ALIAS OR PLURIES (complete only if Sheriff's Office cannot locate defendant with the 1st address provided)
 - (form EE) NOTICE OF DISMISSAL (complete only if you wish to dismiss the case)
 - (form FF) SATISFACTION OF JUDGMENT (complete only if money judgment is received and subsequently paid by defendant)
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FILING YOUR COMPLAINT

Please type or print the complaint.

The person filing the case is the Plaintiff and the Defendant is the person you are suing.

The proper venue for filing may be one of the following:

1. Where the property sought is located.
2. Where the contract was signed.
3. Where the defendant resides.
4. Where the cause of action accrued.

You can sue an individual, a business or a corporation. You have the burden of investigating to determine whether you are filing against the correct parties.

Individual – you will need the exact name and address of the person. If the defendant is married and you feel the spouse is also responsible list them as a defendant as well. Avoid using Mr. and Mrs.

Corporation – Obtain the name and address of an officer of the corporation; the president, vice-president, etc. or in the absence of any of these, the name and address of the business agent residing in this state, or the name of the resident agent for the business in this state. To find this information, you may write or call the Secretary of State at the following address and phone number.

SECRETARY OF STATE OF FLORIDA
ATTN: CORPORATE DIVISION
TALLAHASSEE, FL 32304
1-800-755-5111
<http://www.sunbiz.org>

Business – You will need the name and address of the person that owns the business.

It is important to style your case correctly: (example)

Bill Jones d/b/a Book World

Bill Jones and Joe Smith, a partnership d/b/a Book World

Book World Inc., a Florida Corporation, d/b/a The Book Store by serving Bill Jones

Book World Inc., by serving John Davis, registered agent

Upon payment of the filing fee, the deputy clerk will assign a case number and judge. You may be notified of the court date upon filing the case or by mail.

HAVING YOUR COMPLAINT SERVED ON THE DEFENDANT:

A copy of the complaint must be legally served on each defendant by the Sheriff or process server in the county where the defendant resides. Once the case is filed you will be given the appropriate documents to take to the Sheriff's Office. The Sheriff's Office charges \$20.00 to serve the complaint on the defendant(s).

If you do not receive notification of service of the complaint within 2 weeks from the Sheriff's Office, you should call the Clerk's Office to check on the return of service. THE CLERK'S OFFICE WILL NOT CALL YOU. If the action is returned un-served, you will need to find a better address or place the person can be served. Request in writing (form included) an Alias Order to Show Cause and Replevin Notice to Appear. We will need the forms to be provided or we will charge \$6.00 for preparation and 15¢ for copies needed.

ORDER TO SHOW CAUSE HEARING

A date for this hearing will be scheduled when the case is filed and is usually about 2 months from the date you file your case. Arrive on time and give yourself ample time to find parking and to find your way to the appropriate courtroom. You do not need to bring witnesses. At the hearing the Judge will determine who should have possession of the property until the final hearing.

REPLEVIN FINAL HEARING

At this hearing the Judge will listen to both sides, review the evidence and determine who will have possession of the property. Should the Judge rule for the plaintiff, a Writ of Possession will be signed and you should have it served by the Sheriff. The costs for this service will be \$70.00 to the BCSO.

You may also be awarded a Final Judgment for costs. You may want to research the methods of collecting on your judgment by searching the Florida Statutes, Chapter 55 or contacting an attorney.

SATISFACTION OF JUDGMENT

If the defendant pays the judgment in full, you are required to file and record a satisfaction of judgment (form included). The cost for recording this satisfaction to remove the judgment against the defendant is \$10.00 made payable by cashier's check or money order to the Clerk of the Court.

NOTICE OF DISMISSAL

Should you at anytime wish to dismiss the case against the defendant, you should file a Notice of Dismissal (form included). You must also send a copy of the dismissal to the defendant.

**CHECK LIST FOR NUMBER OF COMPLETED FORMS NEEDED FOR
FILING YOUR REPLEVIN CASE**

Number of defendants	Complaint (form AA)	Order to Show Cause (form BB)	Notice to Appear (form CC)	Attachments (if any)	Envelopes for the file (self-addressed and stamped)
One Defendant	Original plus 2 copies	Original plus 3 copies	Original plus 2 copies	2 copies	2 to plaintiff 2 made out to defendant
Two Defendants	Original plus 3 copies	Original plus 5 copies	Original plus 3 copies	3 copies	2 to plaintiff 3 made out to defendant
Three Defendants	Original plus 4 copies	Original plus 7 copies	Original plus 4 copies	4 copies	2 to plaintiff 4 made out to defendant
Four Defendants	Original plus 5 copies	Original plus 9 copies	Original plus 5 copies	5 copies	2 to plaintiff 5 made out to defendant

The envelope requested by the Clerk's Office will be used to mail copies of the orders, notices and final disposition.

**IN THE COUNTY COURT
IN AND FOR BAY COUNTY, FLORIDA**

Case No. _____

Judge: _____

Plaintiff

Defendant

Address

Address

City, State & Zip

City, State & Zip

Phone Number

Phone Number

COMPLAINT

Plaintiff, _____, sues defendant, _____
and alleges:

1. This is an action to recover possession of personal property in Bay County, Florida, the value of which is \$_____.
2. The description of the property is:
(List Property)

3. _____ Plaintiff is entitled to the possession of the property under a security agreement dated _____.
_____ A copy of the agreement is attached.

4. To plaintiff's best knowledge, information, and belief, the property is located at _____.

5. The property is wrongfully detained by defendant. Defendant came into possession of the property by (method of possession) _____.
To plaintiff's best knowledge, information, and belief, defendant detains the property Because (give reasons).

6. The property has not been taken for any tax, assessment, or fine pursuant to law.
7. The property has not been taken under an execution or attachment against plaintiff's property.

WHEREFORE plaintiff demands judgment for possession of the property.

Dated: _____

Signature of Plaintiff

IN THE COUNTY COURT
IN AND FOR BAY COUNTY, FLORIDA

Case No. _____

Plaintiff

Address

City, State and Zip

Vs

Defendant

Address

City, State and Zip

ORDER TO SHOW CAUSE
DIRECTED TO DEFENDANT

A replevin statement of claim has been filed in this Court against you alleging that you are wrongfully detaining from plaintiff personal property of the value of \$ _____, described as follows:

list items giving description (color, vin number, etc) for identification

A. this Court orders that you shall appear before it at _____ am/pm on _____, in the Bay County Court, Courtroom, to show cause why the claimed property should not be taken from you and delivered to the plaintiff.

B. Service of this order and the statement of claim shall be made upon the defendant not later than _____.

C. Personal service as provided by law shall be made on the defendant if such service is possible. In the event the officer serving the Order is unable to personally serve a defendant within the time specified above, the office shall place the Order, together with the summons, on or in the claimed property or on the main entrance of the defendant's residence; the officer's return shall state the officer was unable to locate the defendant and how the Order was served.

D. Non personal service as provided herein shall be effective to afford notice to the defendant of the show cause order, but for no other purpose.

E. You have the right to file affidavits on your behalf with the Court, and you may appear personally or by way of an attorney and present testimony on your behalf at the time of the hearing. Upon a finding by the court, pursuant to Fl St 78.067(2) that the plaintiff is entitled to the possession of the claimed property pending final adjudication of the claim of the parties, you may file with this Court a written undertaking executed by a surety approved by the Court in the amount equal to the value of the property to stay an order authorizing the delivery of the property to the plaintiff.

F. If you fail to appear you shall be deemed to have waived your rights to a hearing and in Such case the Court may order the Clerk of the Court to issue a Writ of Replevin.

PLEASE BE GOVERNED ACCORDINGLY.

DONE AND ORDERED in the Bay County Court, Panama City, Florida, this _____ day of _____, 20____.

County Judge

**** THE HEARING DATE SHALL NOT BE SET SOONER THAN FIVE DAYS AFTER SERVICE OF THIS ORDER****

If you are a person with a disability who needs any accommodation in order to participate in this proceeding you are entitled at no costs to you to the provision of certain assistance. Please contact Jan Shadburn, Court Administrator, 14th Judicial Circuit PO Box 1089, 301 McKenzie Ave, Panama City, Fl 32402, 850-747-5370 within two working days of this notice. If you are hearing impaired call 1-800-955-8771. If you are voice impaired call 1-800-955-8770.

IN THE COUNTY COURT IN AND FOR
BAY COUNTY, FLORIDA

Plaintiff

Case No. _____

Vs

Defendant

NOTICE TO APPEAR REPLEVIN

THE STATE OF FLORIDA

TO: _____
Defendant's Name

You are hereby notified that the above named Plaintiff(s) (has) (have) made a claim and is requesting judgment against you for possession of the property, damages and court costs, as shown by the statement of claim served herewith.

The Court will hold a final hearing on _____, at _____ am/pm, in the Judge's chambers, in the Bay County Courthouse, Bay County Court, Panama City, Florida.

You are required to be present at this hearing in order to avoid a judgment by default against you. Please bring this notice with you.

If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them with you at the time of this hearing.

If you wish to have witness subpoenas, see the Clerk at once for assistance.

If you desire to file any counter-claim or set-off to Plaintiff's claim, it must be filed with the Clerk of this Court by you or your attorney in writing at least five (5) days prior to the above date set for trial for this claim.

****YOU ARE FURTHER NOTIFIED THAT THIS COURT WILL HOLD A HEARING ON THE ORDER TO SHOW CAUSE SERVED HEREWITH ON THE DATE AND AT THE TIME STATED THEREIN IN THE RELIEF REQUESTED BY THE PLAINTIFF PRIOR TO THE ABOVE STATED DATE.**

You may come to either hearing with or without an attorney.

Dated, _____ at Panama City, Bay County, Florida.

BILL KINSAUL
Clerk of the Court

Deputy Clerk of Court

If you are a person with a disability who needs any accommodation in order to participate in this proceeding you are entitled at no costs to you to the provision of certain assistance. Please contact Jan Shadburn, Court Administrator, 14th Judicial Circuit, P.O. Box 1089, 301 McKenzie Ave, Panama City, Florida, 32402, 850-747-5370 within two working days of this notice. If you are hearing impaired call 1-800-955-8771. If you are voice impaired call 1-800-955-8770.

Form CC

IN THE COUNTY COURT IN AND FOR
BAY COUTNY, FLORIDA

Plaintiff

Vs

Case No. _____

Defendant

REQUEST FOR ALIAS OR PLURIES
ORDER TO SHOW CAUSE & REPLEVIN
FINAL HEARING

I hereby request the Clerk of the Court to issue an Alias or Pluries Order to Show Cause and Replevin Final Hearing to be served on the Defendant, _____
at the following address:

and forward to the Sheriff for service or process server for service.

Dated on _____, 2008.

Plaintiff's Signature

IN THE COUNTY COURT
IN AND FOR BAY COUNTY, FLORIDA

Plaintiff

Vs

Case No. _____

Defendant

NOTICE OF DISMISSAL

Comes now, _____ and gives notice that this cause is hereby
(Plaintiff's Name)

voluntarily dismissed.

Date: _____

Plaintiff's Signature

I hereby certify that a copy has been furnished to (list name and address of defendant(s):

IN THE COUNTY COURT IN AND FOR
BAY COUNTY, FLORIDA

Plaintiff

Vs

Case No. _____

Defendant

SATISFACTION OF JUDGMENT

The undersigned, the owner and holder of that certain Final Judgment rendered in the above captioned civil action, dated _____ and recorded in Bay County, Florida in Official Records Book _____, Page _____, does hereby acknowledge that all sums due under it have been fully paid and that said Final Judgment is hereby satisfied and is canceled and satisfied of record.

Dated this _____ day of _____, 2008.

Plaintiff Signature

(Printed Name)

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____, who [] is personally known to me or [] produced _____ as identification, and who [] did or [] did not take an oath.

Deputy Clerk of Notary Public

Printed Name