

SMALL CLAIMS PACKET

Bay County Clerk of Court
PO Box 2269
Panama City, Florida 32402
850-763-9061
www.baycoclerk.com

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.

Filing fees for Small Claims:

Claims \$100 or less	\$55.00
Claims \$101 to \$500	\$80.00
Claims \$501 to \$2,500	\$175.00
Claims \$2,501 to \$5,000	\$300.00

To issue summons: \$10.00 per defendant

No personal checks accepted

Cash, Money Order, Cashier's Check, Visa, Mastercard, Discover, American Express
(\$5.00 service charge will be added when using credit card)

THIS PACKET CONTAINS THE FOLLOWING FORMS:

- (form A) STATEMENT OF CLAIM (type or print neatly)
- (form B) SUMMONS – NOTICE TO APPEAR (complete everything with the exception of any dates or times)
- (form C) REQUEST FOR ALIAS OR PLURIES SUMMONS
- (form D) STIPULATION
- (form E) AFFIDAVIT OF NON-COMPLIANCE WITH STIPULATION
- (form F) NOTICE OF DISMISSAL
- (form G) SATISFACTION OF JUDGMENT

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 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 suite 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 defendant(s) reside.
6. Any location agreed to in a contract.
7. In an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made.

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.

SECRETARY OF STATE OF FLORIDA
ATTN: CORPORATE DIVISION
TALLAHASSEE, FL 32304
<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.

HAVING YOUR COMPLAINT SERVED ON THE DEFENDANT:

A copy of the complaint with any attachments 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 or mail to the Sheriff's Office for service. The Bay County Sheriff's Office charges \$40.00 per defendant to serve the complaint.

Certified mail can only be used when the defendant resides within the state of Florida and the mail is addressed to the defendant's home address or post office box. The fee of \$6.00 is payable to the Clerk of Court and may be included with the filing fees. Persons are not obligated to sign for Certified Mail and many times such mail is returned as "unclaimed", thus there is no service and the case cannot be heard until service is obtained.

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 Summons. We will need the forms to be provided.

PRE-TRIAL CONFERENCE AND MEDIATION

The pre-trial conference will be scheduled within 2 months from the date you file your claim. 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. However, you should be prepared to negotiate a settlement.

The judge will send the parties to a mediation hearing. Mediation allows both parties to freely present their case in a quiet relaxed atmosphere of a conference room. It will save you time and money. If the two parties reach an agreement, a stipulation will be signed by both parties and the mediator. Should the defendant default on the stipulation, the Plaintiff may file an Affidavit of Amount Due (included in packet) requesting a Final Judgment be entered.

If an agreement cannot be reached, a Final Hearing will be set and the notice of that hearing will be mailed to you.

FINAL HEARINGS

At this hearing the judge will listen to both sides of the case, review the evidence before making a decision. You will be sent a copy of the judge's ruling.

If, at any time in the proceedings, the parties reach a settlement, the plaintiff must file a Notice of Dismissal (included in packet). Or if you reach an agreement for payment, use the Stipulation form (included in packet) to record your agreement. Both parties must sign the stipulation.

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

Number of defendants	Statement of Claim (form A)	Summons- Notice to Appear (form B)	Attachments (if any)	Envelopes for the file (self-addressed and stamped)
One Defendant	Original plus 2 copies	Original plus 3 copies	2 copies	1 to plaintiff 1 made out to defendant
Two Defendants	Original plus 3 copies	Original plus 5 copies	3 copies	1 to plaintiff 2 one for each defendant
Three Defendants	Original plus 4 copies	Original plus 7 copies	4 copies	1 to plaintiff 3 one for each defendant
Four Defendants	Original plus 5 copies	Original plus 9 copies	5 copies	1 to plaintiff 4 one for each defendant

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

Should you need to request an Alias Summons be issued, you will need the following forms:

	Request for Alias Summons	Statement of Claim (copy of original)	Summons – Notice to Appear (Form B)	Answer (Form C)	Attachments (copies of any attachments to the original statement)	Envelopes for Sheriff (Stamped and Self-addressed)
1 defendant	1 original	1 copy	4	1	1 set	1
2 defendants	1 original	2 copies	6	2	2 sets	1
3 defendants	1 original	3 copies	8	3	3 sets	1
4 defendants	1 original	4 copies	10	4	4 sets	1

COUNTY COURT, BAY COUNTY, FLORIDA
SMALL CLAIMS DIVISION

STATEMENT OF CLAIM

PLAINTIFF(S): _____ DEFENDANT(S) _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: _____

TELEPHONE: _____

THIS IS A CIVIL ACTION THAT DOES NOT EXCEED \$5000.00

PLAINTIFF CLAIMS THE AMOUNT OF \$ _____ AS BEING DUE FROM THE
DEFENDANT(S).

TOGETHER WITH INTEREST OF \$ _____

ATTORNEY'S FEES OF \$ _____

PLUS COURT COST OF \$ _____

WHICH ALL TOTALS \$ _____

AND ALLEGES THAT THE BASIS OF THIS SUIT IS:

Money due plaintiff on account. (See attached copy of accounts).

Goods, wares, and merchandise sold by plaintiff to defendant. (List of goods and prices below).

Money loaned by plaintiff to defendant. (Copy of any promissory note attached).

Rent due plaintiff for certain premises. (List below: (1) address of premises and (2) amount and date of rent past due and attach copy of any written lease).

Defective goods/workmanship/services furnished by defendant. (List time, materials, and charges below).

Money due plaintiff for labor and materials furnished by defendant. (List time, materials, and charges below).

FORM A

Page 1 of 2

Money due plaintiff for worthless check given by defendant. (See attached copy of check).

Damages due to an auto collision. (Describe below: (1) defendant's negligent act which caused collision and (2) nature and amount of your damages).

Damages due to breach of contract or an implied/express warranty by defendant.

OTHER: (Describe below: the nature of the contract and the breach).

ADDITIONAL INFORMATION:

STATE OF FLORIDA
COUNTY OF BAY

THE PLAINTIFF IN THE ABOVE STYLED CAUSE, UPON OATH DEPOSES AND SAYS THAT THE FOREGOING IS A JUST AND TRUE STATEMENT OF THE AMOUNT OWING BY THE DEFENDANT TO SAID PLAINTIFF EXCLUSIVE OF ALL SET – OFFS AND JUST GROUNDS OF DEFENSE; AND THIS SUIT IS BROUGHT IN GOOD FAITH, WITH NO INTENT TO ANNOY THE DEFENDANT.

PLAINTIFF FURTHER STATES THAT THE DEFENDANT (IS) (IS NOT) IN THE MILITARY SERVICE.

PLAINTIFF

PLAINTIFF

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

BILL KINSAUL
CLERK OF COUNTY COURT
SMALL CLAIMS DIVISION

By: _____
Deputy Clerk or Notary Public

I do certify that a copy has been furnished to the plaintiff by mail/hand on this _____ day of _____, 20_____.

IN BAY COUNTY COURT
IN AND FOR BAY COUNTY, FLORIDA
SMALL CLAIMS DIVISION
300 East 4th Street, Room 105 – Post Office Box 2269
Panama City, Florida 32402

Plaintiff(s)

Address

City, State and Zip Code

-vs-

Defendant(s)

Address

City, State and Zip Code

Case No. _____

Division _____

**SUMMONS
NOTICE TO APPEAR FOR PRETRIAL CONFERENCE / MEDIATION**

STATE OF FLORIDA
NOTICE TO PLAINTIFF(S) AND DEFENDANT(S)

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney a the Bay County Courthouse, in a Courtroom, located at 300 East 4th Street, Panama City, Florida, on _____ at _____ m., for a PRETRIAL CONFERENCE.

IMPORTANT – READ CAREFULLY
THE CASE WILL NOT BE TRIED AT THE PRETRIAL CONFERENCE,
BUT MAY BE MEDIATED AT THAT TIME
DO NOT BRING WITNESSES. YOU MUST APPEAR IN PERSON OR BY ATTORNEY.

WHOEVER APPEARS FOR A PARTY MUST HAVE FULL AUTHORITY TO SETTLE FOR ALL AMOUNTS FROM ZERO TO THE AMOUNT OF THE CLAIM WITHOUT FURTHER CONSULTATION. FAILURE TO COMPLY MAY RESULT IN THE IMPOSITION OF SANCTIONS INCLUDING COSTS, ATTORNEY FEES, ENTRY OF JUDGMENT OR DISMISSAL.

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/MEDIATION. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.

A corporation may be represented at any state of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation. Written authorization must be brought to the Pretrial Conference/Mediation.

The purpose of the pretrial conference is to record your appearance, to determine if you admit all or part of the claim, 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.

Mediation

Mediation may take place during the time scheduled for the pretrial conference. Mediation is a process whereby an impartial and neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties, without prescribing what the resolution should be. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement.

In mediation, decision making rests with the parties. Negotiations in county court mediation are primarily conducted by the parties. Counsel for each party may participate. However, presence of counsel is not required. If a full agreement is not reached at mediation, the remaining issues of the case will be set for trial. Mediation communications are confidential and privileged except where disclosures are required or permitted by law.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances. The court may or may not approve a payment plan and may withhold judgment or execution or levy.

RIGHT TO VENUE. The law gives the person or company who has sued you the right to file 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(s), have the right to request that the case be moved to proper location or venue. A proper location or venue may one of the following: (1) where the contract was entered into; (2) if the suit is on an 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 an 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 the 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) or plaintiff(s) attorney, if any.

A copy of the statement of claim shall be served with this summons.

DATED at Panama City, Florida, on _____ .

BILL KINSAUL
Clerk of Court, Bay County, Florida

By: _____
As Deputy Clerk of the County Court

If you are a person with a disability who needs any accommodations 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 2 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, FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA**

Plaintiff

Case No: _____

-VS-

Defendant

REQUEST FOR ALIAS OR PLURIES SUMMONS

I hereby request the clerk of the Court to issue an Alias Summons to be served on the Defendant ,
_____, at the following address:

_____, and forward to the sheriff for
service or process server for service.

Dated on _____, _____

Plaintiff

IN THE COUNTY COURT
IN AND FOR BAY COUNTY, FLORIDA
Small Claims Division

Plaintiff(s)

Case No. _____

Address

City, State and Zip Code

-vs-

Defendant(s)

Address

City, State and Zip Code

STIPULATION

On the _____ day of _____, 20____, the Plaintiff(s) did sue the Defendant(s) in the above styled cause. Defendant(s) admit the debt owing to Plaintiff(s), to wit: \$_____, court cost in the amount of \$_____ have been incurred by Plaintiff(s).

The total debt, including accrued court costs is \$_____. Defendant(s) agree to pay the sum of \$_____ to Plaintiff in the following manner:

\$_____ on _____, and a like sum on the _____ day of each and every succeeding month thereafter until the sum of \$_____ is paid to the Plaintiff.

Upon failure of Defendant(s) to make any agreed payment when due, Plaintiff may file an affidavit so stating and Final Judgment will then issue for the balance owed Plaintiff by Defendant(s).

Plaintiff

Defendant

Plaintiff

Defendant

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

Notary Public

**IN THE COUNTY COURT, FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA
SMALL CLAIMS DIVISION**

Plaintiff

Case No: _____

Address

City, State and Zip Code

-vs-

Defendant

Address

City, State and Zip Code

**AFFIDAVIT OF NON-COMPLIANCE WITH
STIPULATION AGREEMENT**

Before me, the undersigned authority, personally appeared _____
_____, who being first duly sworn, deposes and says:

The defendant _____, has failed to comply with the Stipulation dated _____, 20____, in which said Defendant admitted a debt in the sum of \$_____ and agreed to pay Plaintiff, _____

The amount of \$_____ monthly/weekly until paid in full.

Defendant has defaulted in payments as of _____, 20_____ and owes Plaintiff \$_____; and therefore, the Plaintiff request a Final Judgment be entered in the sum of \$ _____ together with costs in the amount of \$_____.

Affiant

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ day of _____, 20_____.

Deputy Clerk or Notary Public

**IN THE COUNTY COURT, FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA**
300 East 4th Street, Room 105 – Post Office Box 2269
Panama City, Florida 32401

Plaintiff

Case No: _____

Address

City, State, Zip Code

-vs-

Defendant

Address

City, State, Zip Code

NOTICE OF DISMISSAL

Comes now, _____ and gives notice that this cause is
 Plaintiff
hereby voluntarily dismissed.

Dated: _____

Plaintiff(s)

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

**IN THE COUNTY COURT, FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA**

Case No: _____

Plaintiff

-vs-

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 _____, 20_____

Plaintiff signature

(Printed Name)

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____, who [] is personally known to me or [] produced _____ as identification, and who [] did [] or [] did not take an oath.

Deputy Clerk or Notary Public

(Printed Name)