

SMALL CLAIMS PACKET

FEE \$10.00

Complete attached Statement of Claim and Summons. You may sign the Statement of Claim in front of a Notary Public or Deputy Clerk. The Clerk will put the Pre-Trial Mediation Date in the appropriate line prior to returning the summons to you for service upon the defendant(s). ***If the Clerk prepares your summons, it will be an additional \$7.00 per defendant.***

Once you have completed your Statement of Claim and Summons, you will file the original and 2 copies of the documents along with the appropriate filing fees as described below:

If the clerk prints copies of your documents, it will be \$1.00 per page.

OPTION 1: You prepare attached summons:

- Claims \$0-\$99.99 Filing fee is \$55.00 and \$10.00 per defendant to sign and seal your summons.
- Claims \$100.00-\$499.99 Filing fee is \$80.00 plus \$10.00 per defendant to sign and seal your summons.
- Claims \$500.00-\$2499.99 Filing fee is \$175.00 plus \$10.00 per defendant to sign and seal your summons.
- Claims of \$2500.00-\$5000.00 Filing fee is \$300.00 plus \$10.00 per defendant to sign and seal your summons.

OPTION 2: The Clerk prepares your summons:

- Claims \$0-\$99.99 Filing fee is \$55.00 and \$17.00 per defendant to prepare, sign and seal your summons.
- Claims \$100.00-\$499.99 Filing fee is \$80.00 plus \$17.00 per defendant to prepare, sign and seal your summons.
- Claims \$500.00-\$2499.99 Filing fee is \$175.00 plus \$17.00 per defendant to prepare, sign and seal your summons.
- Claims of \$2500.00-\$5000.00 Filing fee is \$300.00 plus \$17.00 per defendant to prepare, sign and seal your summons.

Once your case is filed with the Clerk, your summons will have to be served on each defendant listed in your Statement of Claim by the process server of your choice. A list of process servers is attached to this packet. (Each process server's fee will be at their discretion). The case is set for Pre-Trial Mediation and both parties **MUST** appear at that court date.

INFORMATION OR FORMS PROVIDED BY THE CLERK OF COURT SHOULD BE CONSIDERED AS BASIC INFORMATION ONLY AND MAY NOT BE APPLICABLE IN EVERY SITUATION. THE INFORMATION IS NOT INTENDED TO BE USED AS LEGAL ADVICE. SPECIFIC GUIDANCE AS TO HOW TO PROCEED WITH FILING A LAWSUIT OR ANSWERING A LAWSUIT AND QUESTIONS ABOUT YOUR PARTICULAR SITUATION SHOULD BE DIRECTED TO A QUALIFIED ATTORNEY.

COUNTY COURT, JACKSON COUNTY, FLORIDA
SMALL CLAIMS DIVISION

STATEMENT OF CLAIM **CASE #** _____

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)
- 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 JACKSON

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 _____.

CLAYTON O. ROOKS, III
 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 JACKSON COUNTY COURT
IN AND FOR JACKSON COUNTY, FLORIDA
SMALL CLAIMS DIVISION
4445 Lafayette Street, Post Office Box 510, Marianna, FL 399447

UCN: _____
Case Number: _____

Plaintiff

Address

-VS-

Defendant(s)

Address

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

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

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the Jackson County Courthouse, Second Floor, in the County Courtroom / Room #204, located at 4445 Lafayette Street, Marianna, Florida, on _____, 20____ @ ____:___ AM/PM. for a **PRETRIAL MEDIATION**.

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 defendant(s) shall not excuse the personal appearance of a party or their 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 and your attorney should be prepared to confer with the court and to explain briefly the nature of your 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 your case.

MEDIATION

Mediation may take place during the time scheduled for the pretrial conference. Mediation is a process whereby a neutral and impartial third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties, without prescribing what a resolution should be. It is an informal and non-adversarial 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, the 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 of the 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 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 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 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 the 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 file a WRITTEN request for transfer in affidavit form (sworn to under oath) with the court seven (7) days prior to your first court date and send a copy of to the plaintiff(s) or the plaintiff(s) attorney, if any.

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

DATED at Marianna, Florida, on _____ DAY OF _____, 20____.

Clayton O. Rooks, III
Clerk of Court, Jackson County, Florida

By: _____
As Deputy Clerk of the County 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 COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE ADA COORDINATOR BY MAIL AT P.O BOX 1089, PANAMA CITY, FL 32401 OR BY PHONE AT (850)747-5338 AT LEAST SEVEN (7) DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE OR IMMEDIATELY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN SEVEN (7) DAYS. IF YOU ARE HEARING OR VOICE IMPAIRED, PLEASE CALL 711.