

A lot of helpful information about filing a Small Claims case in Collier County is available on the Clerk's website.

<http://www.collierclerk.com/court-divisions/civil/small-claims/>

This page provides links to small claims forms, fees, FAQs, and educational resources which explain the details of the small claims process.

Small Claims Court is a way to settle legal disputes in which the amount of damages or value of the property involved does not exceed \$5,000. These cases are heard by a judge and usually there is not a jury. Small Claims Court handles all types of cases except alimony, mortgage or traffic fine disputes.

WHO MAY SUE?

- Anyone 18 years of age or older
- A parent or guardian for anyone under 18
- Anyone having a claim that does not exceed \$5,000

FILING THE CLAIM

The STATEMENT OF CLAIM form must be typed or printed with a ballpoint pen to ensure legibility of all copies.

In the space for the plaintiff, type or write in the name and address of the person bringing the lawsuit. Specify whether you are an individual doing business under a fictitious name and sign where indicated. Indicate if you are suing as a corporation; have the form signed by an officer of the corporation or its attorney. 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 street 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 summons can be served.

Information about corporations is available by mail from the Secretary of State, Corporation Filing Division, Tallahassee, FL 32304, by phone: (850) 488-9000, or on the internet: at www.sunbiz.org

Briefly state your claim and the amount you are suing for in the spaces provided. DO NOT fill in the case number.

The statement of claim form must be fully completed and signed. If your claim is based on written documentation, attach it to the original Statement of Claim form. Furnish identical copies of the original documents for the court and each defendant you are suing. For example, if you are suing a husband and wife, supply one copy for the court, one copy for the husband and one copy for the wife.

SERVING THE SUMMONS

The plaintiff is responsible to locate the defendant and to furnish issued process to the proper Sheriff's Department if outside the State of Florida. The summons can be served by the sheriff, a process server or by certified mail (restricted delivery) for a fee for each defendant served. Certified mail can only be used when the defendant resides in Florida. If the defendant refuses the certified mail, the pretrial conference will be delayed until the summons can be served.

If you want the sheriff's department to serve a summons in Collier County, FL call (239) 252-0888 for details.

You must make your check payable to the sheriff's department in the county where the defendant resides. If outside of Collier County, be sure to call before issuing a check,

as some counties do not accept personal checks. If the defendant does not reside in Florida, call the sheriff's department in the in the defendant's county and state to obtain information about the proper address and fees.

FEES AND RECEIPTS

You may file in person or by mail. All necessary forms, filing fees and sheriff's service fees must be included when you file. Filing fees can be paid by money order, cashier's check, personal check or by cash if you file in person. All money orders or checks should be made payable to Clerk of Courts.

Please note: Filing fees and certified mail fees must be paid separately from the sheriff's fees. Do not include all fees in one check/money order. These fees are non-refundable but may be recovered later through the defendant.

After filing your claim, a receipt for filing fees and copy of the Summons/Notice to Appear at a pre-trial conference will be mailed to you. Your sheriff's receipt will be mailed to you by the Sheriff's Department.

PRE-TRIAL CONFERENCE

The pre-trial conference will be scheduled within 50 days from the date you file your claim. Appearance at the pre-trial is mandatory. A corporation may be represented at any stage of the trial by an officer of the corporation or any employee authorized by an officer of the corporation. All cases are mediated at pre-trial. Your case will either be resolved with a Mediation Agreement or will be set for trial on the judge's trial docket. If the defendant is not served the summons, the pre-trial conference will be cancelled. It will be rescheduled if you provide additional information so that the summons 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 the served defendant only. If the other defendant(s) are served at a later date, another pre-trial date will be scheduled against that defendant(s).

TRIAL BY JURY

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 five days after the service of notice of suit or at the pre-trial conference, if any. Otherwise, jury trial shall be deemed waived.

OBTAINING JUDGMENT

The judge will listen to both sides of the story, review the evidence, and hear any witnesses' testimony, if any, before making a decision. Whatever the outcome, you will be sent a copy of the judge's ruling.

CRYSTAL K. KINZEL
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(239) 252-2646

SMALL CLAIMS COURT



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