

## **SMALL CLAIMS PACKET**

Bay County Clerk of Court  
PO Box 2269  
Panama City, Florida 32402  
850-747-5141  
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 (plus \$10 summons fee per defendant)
Claims \$101 to \$500	\$80.00 (plus \$10 summons fee per defendant)
Claims \$501 to \$2,500	\$175.00 (plus \$10 summons fee per defendant)
Claims \$2,501 to \$5,000	\$300.00 (plus \$10 summons fee per defendant)

### **No personal checks accepted**

Cash, Money Order, Cashier's Check, Visa, Mastercard, Discover, American Express  
(A service charge of 3.5% will be added when using credit card)

## **THIS PACKET CONTAINS THE FOLLOWING FORMS:**

Forms A and B will be needed to begin your case

**(form A) STATEMENT OF CLAIM (print neatly) See chart on Pg 4)**

**(form B) SUMMONS – NOTICE TO APPEAR (complete everything with the exception of any dates or times and Clerk's signature) See chart on Pg 4)**

The following forms may be necessary at a later date as your case progresses:

**(form C) STIPULATION (use this form if you reach an agreement with the defendant before the scheduled pre-trial hearing date)**

**(form D) AFFIDAVIT OF NON-COMPLIANCE WITH STIPULATION (use this form if the defendant does not comply with your stipulation agreement) \*\$10 notary fee required**

**(form E) NOTICE OF DISMISSAL (use this form if you wish to dismiss or close your case at any time during this process)**

**INFORMATION ON HOW TO COLLECT A JUDGMENT IN FLORIDA (for informational purposes if the judge enters a Final Judgment in the case)**

## **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 pertaining 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 contact the Secretary of State in one of the following three ways:

By Mail:

SECRETARY OF STATE OF FLORIDA

ATTN: CORPORATE DIVISION

PO BOX 6327

TALLAHASSEE, FL 32304

or

By e-mail:

corphelp@dos.state.fl.us

Or website:

<http://www.sunbiz.org> (from the home page select “search our records”)

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

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

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.**

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 unserved, you will need to find a better address or place the person can be served.

**PRE-TRIAL CONFERENCE AND MEDIATION**

The pre-trial conference will be set for the next available pre-scheduled court date for the assigned Judge. 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. You **MUST** request an Addendum be attached that states you can obtain a Final Judgment should the defendant not follow through with the stipulation. Should the defendant default on the stipulation, the Plaintiff may file an Affidavit of Non Compliance (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

<b>Number of defendants</b>	<b>Statement of Claim (form A)</b>	<b>Summons- Notice to Appear (form B)</b>	<b>Attachments (if any)</b>		
<b>One Defendant</b>	Original plus 2 copies	Original plus 3 copies	2 copies		
<b>Two Defendants</b>	Original plus 3 copies	Original plus 5 copies	3 copies		
<b>Three Defendants</b>	Original plus 4 copies	Original plus 7 copies	4 copies		
<b>Four Defendants</b>	Original plus 5 copies	Original plus 9 copies	5 copies		

Should your Summons comes back because of an incorrect address, you will need to locate a new address and request a new Summons be issued. You will need the following forms:

	<b>Summons – Notice to Appear (Form B)</b>	<b>Copies of the Statement of Claim originally filed</b>	<b>Attachments (copies of any attachments to the original statement)</b>		
<b>1 defendant</b>	<b>4</b>	<b>1 copy</b>	<b>1 set</b>		
<b>2 defendants</b>	<b>6</b>	<b>2 copies</b>	<b>2 sets</b>		
<b>3 defendants</b>	<b>8</b>	<b>3 copies</b>	<b>3 sets</b>		
<b>4 defendants</b>	<b>10</b>	<b>4 copies</b>	<b>4 sets</b>		

COUNTY COURT, BAY COUNTY, FLORIDA  
SMALL CLAIMS DIVISION

STATEMENT OF CLAIM

PLAINTIFF(S): \_\_\_\_\_ DEFENDANT(S) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

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: **[Check or Circle the appropriate statement]**

\_\_\_\_\_ 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:

WHEREFORE, Plaintiff demands judgment against the Defendant(s) for damages in the amount claimed, costs, and any other relief that this Court deems just and proper.

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF signature

\_\_\_\_\_  
PLAINTIFF signature

IN BAY COUNTY COURT  
IN AND FOR BAY COUNTY, FLORIDA  
SMALL CLAIMS DIVISION  
300 East 4<sup>th</sup> 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 4<sup>th</sup> 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 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 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.

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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 ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT ROBYN GABLE, COURT ADMINISTRATOR, 14<sup>TH</sup> JUDICIAL CIRCUIT, PO BOX 1089, 301 MCKENZIE AVE, PANAMA CITY FL 32402, 850-747-5370 AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE, OR IMMEDIATELY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS; IF YOU ARE HEARING IMPAIRED, CALL 711.**

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

**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

**Form D**

**IN THE COUNTY COURT, FOURTEENTH JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA**  
300 East 4<sup>th</sup> 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# HOW TO COLLECT A JUDGMENT IN FLORIDA

\*\*\*\*\*NOTICE\*\*\*\*\*

**This information is designed to help persons seeking to represent themselves in court without the assistance of an attorney. It is meant to serve as a guide only.**

**We do not guarantee that any of these instructions will achieve the result desired by the parties or ensure that any individual judge will follow the procedure exactly or accept each and every form drafted by the plaintiff.**

**Please note that Florida law prevents our staff from providing legal advice.**

**THE CLERK'S OFFICE DOES NOT PROVIDE ANY FORMS RELATED TO ANY OF THESE PROCEDURES AND THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY.**

How do I collect a judgment?

If you win a lawsuit for money, you will get a copy of the Court's Judgment stating the amount of money the losing party must pay to you. The losing party is called the *judgment debtor*, and you the winner are called the *judgment creditor*.

## **Judgment lien Against Real Property (F.S. Chapters 55 and 222)**

The judgment creditor may obtain a judgment lien against real property (land and buildings) owned by the judgment debtor by having a certified copy of the judgment recorded in the official records of the county where the property is located. F.S. 55.10

- Record a **certified copy of the judgment** with the Recording Department (room 101) of the Bay County Courthouse. The recording fee is \$10 for the first page, \$8.50 for each additional.

Judgment liens on real property last for ten (10) years and may be recorded a second time for an additional ten (10) years one time, not to exceed twenty (20) years from the date of the initial judgment

## **Judgment Lien against Personal Property (F.S. Chapters 55 and 222)**

The judgment creditor may obtain a judgment lien against personal property (movable things, like cars, horses, boats, furniture, and jewelry) owned by the judgment debtor by recording a Judgment Lien Certificate with the Florida Department of State. This is required before the Sheriff's Office can levy and such personal property.

A judgment lien may be acquired on a judgment debtor's interest in all personal property in this state subject to execution under F.S. 56.061 other than fixtures, money, negotiable instruments and mortgages.

All of the judgment debtor's personal property located in Florida may be subject to such lien.

F.S. 222 provides that certain property and wages of a judgment debtor may be exempt from forced sales and garnishment to pay a valid judgment.

- Information, instructions and forms are available from the Florida Department of State at [www.sunbiz.org](http://www.sunbiz.org) by selecting Forms, then Judgment Lien Forms, then Judgment Lien Information.

**Sheriff's Levy (F.S. Chapters 30, 55, 56 and 222)**

Once the judgment creditor has registered a judgment lien certificate against the judgment debtor's personal property with the Florida Department of State, he or she may request that the Sheriff's Office "levy" (or seize) said property.

- **Levy is a very technical and complicated procedure and as such, you may wish to consult with an attorney and thoroughly review F.S. 30, 55, 56 and 222.**
- The judgment creditor may apply for a Writ of Execution with the Clerk's Office
- Follow the procedure set out in F.S. 55.203 or access Sunbiz.org for information on how to collect a judgment.
- Contact the Bay County Sheriff's Office at 850-747-4700 and ask for the Civil Section for information and costs and required paperwork.

**Garnishment of Wages, Money or Property (F.S. Chapters 77 and 223)**

The judgment creditor may have the judgment debtor's property garnished. Garnishment involves the taking of tangible and/or intangible property of the judgment debtor that is in the possession of a third party and may include wages and bank accounts.

**GARNISHMENT IS A VERY TECHNICAL AND COMPLICATED PROCEDURE, AND AS SUCH, YOU MAY WISH TO CONSULT WITH AN ATTORNEY AND THOROUGHLY REVIEW F.S. 77 AND 222 AND THE FLORIDA RULES OF PROCEDURE BEFORE PROCEEDING.**

**THE CLERK'S OFFICE DOES NOT PROVIDE ANY FORMS RELATED TO ANY OF THESE PROCEDURES.**

Please keep in mind that any legal questions you have should be addressed to an attorney or you may contact Legal Services of North Florida at 850-769-3581 for further assistance.