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LEGAL ASSISTANCE

We live in a complex society. Our laws and court procedures are often complicated and difficult to understand without specialized training. This is why many people rely on attorneys to help them resolve their legal problems. Below are some questions and answers about legal assistance.

Q: May deputy clerks give legal advice?

A: Deputy Clerks may explain basic court procedures, provide standard forms, and answer questions about deadlines and the completion of forms. However, **Florida law prohibits deputy clerks from giving legal advice.** They cannot advise customers whether to bring problems to court or what remedies they should seek. This restriction arises from two concerns: (1) that deputy clerks not use their positions with the court to give anyone an unfair advantage in court, and (2) that persons involved in court actions ("litigants") do not rely on information provided by deputy clerks that may prove to be incorrect or inconsistent with court rules and law. Citizens who need legal advice should consult with an attorney.

**Q: must litigants have a lawyer to represent them in court?**

A: Litigants may represent themselves in court; the legal term used to define self-representation is "ProSe" (pronounced pro say). However, remember that laws and court procedures can be complicated. If litigants do not have training, they might make mistakes that could jeopardize their case. If at all possible, litigants should obtain legal counsel. Some actions have been simplified to make it easier for people to represent themselves. Simplified procedures and easy to use forms are available for small claims.

**SMALL CLAIMS PACKET**

PACKET FEE            \$3.00                    (due at time of purchase)

**\*\*\*FILING FEES ARE DUE AT THE TIME OF FILING THIS ACTION\*\*\***

FILING FEE	\$55.00	CLAIMS LESS THAN \$100.00
FILING FEE	\$80.00	CLAIMS \$101.00-\$500.00
FILING FEE	\$175.00	CLAIMS \$501.00-\$2,500.00
FILING FEE	\$300.00	CLAIMS \$2,501.00-\$8,000.00

**\*\*\*ADD A \$10 SUMMONS FEE PER PERSON FOR ALL PLEADINGS \*\*\***

## SMALL CLAIMS COURT

- o What is a Small Claims case?

A Small Claims case is a legal action filed in County Court to settle minor legal disputes among parties where the dollar amount involved is \$5,000.00 or less, excluding costs, interest, and attorney fees.
- e Is an Attorney necessary?

No. Small Claims court is considered a "peoples court" and a lawyer is not required. Clerk's Office personnel will provide you with the necessary forms for filing a Small Claims case.
- Who can file a Small Claims case?

Any person(s) 18 years or older or any individual doing business as a company, may file a Small Claims case. Each person who is a party to the claim must appear at the Clerk's Office to sign the necessary paperwork in the presence of a Deputy Clerk, or the signatures must be notarized.
- o What does it cost to file a Small Claims case?

Filing fees for Small Claims actions are determined by Florida Statutes and are subject to annual change by legislative action. Fees also vary in accordance with the dollar amount of the claim and type of action. Other fees are required for service on the parties sued and are dependent on the type of service selected. Contact the Clerk's Office for current fees.
- What information is needed to file a Small Claims case?

It is important that the claim is filed against the right party. The additional time spent researching the correct name could make a difference in the ability to collect on any judgment entered by the court. **Copies of any contracts, notes, leases, receipts, or other evidence in support of the claim must be furnished for each person sued and the court.** The originals must be brought to the first court appearance. A full explanation of the reason for the Small Claims action will be necessary.
- Are there other requirements?

If someone other than an individual is sued, additional information is needed to complete the required forms. For example, is the individual doing business as a company, a partnership where there are several people doing business as a company, or corporation?

- e. What happens after the filing of a Small Claims case?

After the filing of a Small Claims case, each person or business sued must be served with a Summons or Notice to appear in court on the date and time scheduled when the claim was filed. This court date will be a pre-trial conference and parties should be prepared to present their cases in court. At the pre-trial conference mediation is ordered if both parties to the dispute are present and unable to settle their dispute. A mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. Mediation 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 authority rests with the parties. If the dispute cannot be settled at the pre-trial conference, a trial date will be scheduled by the court. The parties must appear at the trial with all witnesses and documentation. At the trial, both parties will have an opportunity to explain the case to the judge, ask the other party any questions concerning the claim, present documentation as discussed at the pre-trial conference, and call witnesses.

- Why use mediation?

The Judge will require mediation because:

Mediation is economical. Settlement is viewed as fair by both parties. There is one court meeting. There is no need to subpoena evidence or witnesses and depend on their presence at trial. There is no extensive trial preparation. Mediation preserves personal and business relationships. It allows debtors to arrange repayment plans, avoid a judgment, and preserve credit reputation. Mediation protects privacy and avoids the publicity of trial. Both parties remain in control and participate in a "win-win" solution. The agreement is final and the dispute resolved.

- o. Is a Jury trial possible in a Small Claims case?

Yes, a trial by jury may be requested by the person filing the Small Claims case, upon written demand at the time the case is filed. The person being sued may request a jury trial within 5 days after service of Notice or at the pre-trial conference.

- What happens to the case if a settlement is reached?

If, at any time the proceedings a settlement is reached by the parties, the person who filed suit must notify the Clerk's Office in writing of the settlement.

- How does a party collect a judgment?  
We have brochures in the Clerk's Office provided by the Florida Department of State that will explain your options to you.
- May a lien be filed against the defendant's property?  
If a party chooses to place a judgment lien against any individually owned real property of the defendant, following the entry of Judgment, that party should obtain a certified copy of the judgment and have it recorded in the Official Records in the Clerk's Recording Division. Fees for recording are set by statute and are subject to change by legislative action. Contact the Clerk's Office for current fees.

IN THE COUNTY COURT IN AND FOR WAKULLA COUNTY, FLORIDA

\_\_\_\_\_ Case \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff,

vs.

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

Defendant.

**STATEMENT OF CLAIM**

Plaintiff, \_\_\_\_\_, sues Defendant, and alleges:

1. This is an action for damages which does not exceed \$5,000.00.

2. Plaintiff(s) claims the amount of \_\_\_\_\_ with interest from \_\_\_\_\_, as being due from said Defendant(s), and alleges as the

basis of such suit:

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

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 at 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 stage 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 facilitates the resolution of a dispute between two or more parties, without prescribing what the resolution should be. It is an informal and no 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, 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 suit 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 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 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 defendant(s) 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 ON \_\_\_\_\_

Greg James  
Wakulla County Clerk of the Court

\_\_\_\_\_  
Deputy Clerk

In accordance with the Americans With Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the Receptionist at 3056 Crawfordville Hwy Crawfordville, FL 32327, telephone (850) 926-0300, not later than (7) days prior to the proceeding. If hearing impaired, TDD 711, or Voice (v) 711, via Florida Relay Service.

IN COUNTY COURT IN AND FOR WAKULLA COUNTY, FLORIDA

Case No. \_ \_ \_ \_ \_

\_\_\_\_\_

Plaintiff,

vs.

\_\_\_\_\_

Defendant.

**NOTICE OF VOLUNTARY DISMISSAL**

COMES NOW the Plaintiff and dismisses the above-styled cause without prejudice.

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ I mailed a copy of the foregoing Notice of Voluntary Dismissal to: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Plaintiff  
\_\_\_\_\_  
\_\_\_\_\_

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR WAKULLA COUNTY, FLORIDA

---

Plaintiff/Petitioner,

vs.

CASE NO. \_\_\_\_\_

---

\_\_\_\_\_!

**MOTION FOR ORDER TO SHOW CAUSE**

COMES NOW, Plaintiff/Petitioner, \_\_\_\_\_, and  
moves this Court to issue an order to show cause why Defendant/Respondent,  
-----' should not be held in contempt of Court  
for failure to comply with this Court's Final Judgment and in support thereof says:

1. On \_\_\_\_\_, this Court entered a Final Judgment against Defendant/Respondent. Said Judgment directed the Defendant/Respondent to complete under oath the Fact Information Sheet provided in Fla.R.Civ.P. 1.977, and deliver the sheet to Plaintiff/Petitioner within forty-five (45) days of entry of the Order.
2. Forty-five (45) days from \_\_\_\_\_ ran on \_\_\_\_\_
3. Plaintiff/Petitioner has attempted to contact Defendant/Respondent in order to acquire the Fact Information Sheet without attention from this Court.
4. As of the date of this motion, Plaintiff/Petitioner has yet to receive the Fact Information Sheet.

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT  
WHEREFORE, Plaintiff/Petitioner requests this Court enter an Order  
IN AND FOR WAKULA COUNTY, FLORIDA

commanding Defendant/Respondent \_\_\_\_\_ to appear and

show cause why he/she should not be held in contempt for failure to comply with Orders

Plaintiff/Petitioner,  
of this Court, and grant all other relief deemed just.

vs. \_\_\_\_\_ CASE NO. \_\_\_\_\_  
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff/Petitioner

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been  
furnished via U.S. Mail, upon \_\_\_\_\_, whose mailing  
address is \_\_\_\_\_

\_\_\_\_\_, this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Plaintiff/Petitioner

Print Name: \_\_\_\_\_



IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR WAKULLA COUNTY, FLORIDA

\_\_\_\_\_  
Plaintiff/Petitioner,

vs.

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Defendant/Respondent.  
\_\_\_\_\_ /

**ORDER TO SHOW CAUSE**

This matter came before the Court upon Plaintiff/Petitioner's Motion for Entry of an Order to Show Cause why Defendant/Respondent, -----' should not be held in contempt of Court for failure to comply with this Court's Final Judgment directing said Defendant/Respondent to complete the Fact Information Sheet provided in the Florida Rules of Civil Procedure. Having reviewed the Motion filed herein and all other pleadings, it is

**ORDERED AND ADJUDGED** that:

1. Defendant/Respondent, \_\_\_\_\_ shall appear before this Court in the Wakulla County Courthouse, 3056 Crawfordville Highway, Crawfordville, FL 32327, on \_\_\_\_\_, 2016, at \_\_\_\_\_ a.m./p.m., and show cause why he/she should not be held in contempt.
2. Should Defendant/Respondent fail to appear as directed, or otherwise fail to show adequate reason why he should not be held in contempt, the Court shall enter an Order of Contempt sanctioning Defendant/Respondent,

\_\_\_\_\_, as this Court deems appropriate and providing Plaintiff/Petitioner with costs in incurring said Order.

3. The address for Plaintiff/Petitioner, \_\_\_\_\_  
is \_\_\_\_\_  
\_\_\_\_\_

**DONE AND ORDERED** in Chambers at Crawfordville, Wakulla County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Hon. Jill Walker  
County Judge

IN THE COUNTY COURT IN AND FOR WAKULLA COUNTY, FLORIDA

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

Case \_\_\_\_\_

Plaintiff,

vs.

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

Defendant.

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

'STATE OF FLORIDA- NOTICE TO PLAINTIFF AND DEFENDANT  
(Name & address of Defendant to be served)

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

YOU ARE HEREBY NOTIFIED. that you are required to appear in person or by attorney at the Wakulla County Courthouse Courtroom 8, located at 3056 Crawfordville Hwy Crawfordville, FL 32327, on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ a.m. for a PRETRIAL CONFERENCE.

**IMPORTANT --READ CAREFULLY**

**THE CASE WILL NOT BE TRIED AT THE PRETRIAL CONFERENCE  
DO NOT BRING WITNESSES. YOU MUST APPEAR IN PERSON OR BY  
ATTORNEY.**

WHEREFORE, Plaintiff demands judgment in the amount of \_\_\_\_\_

plus all costs of this action.

**STATE OF FLORIDA  
COUNTY OF WAKULLA**

The undersigned, being first duly sworn on oath, says the foregoing is a just and true statement of the amount owing by Defendant to Plaintiff, exclusive of all set-offs and just grounds of defense.

\_\_\_\_\_  
Plaintiff

**STATE OF FLORIDA  
COUNTY OF WAKULLA**

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

Greg James  
Wakulla County Clerk of Court

\_\_\_\_\_  
Deputy Clerk/Notary

\_\_\_\_\_  
Printed Name