

INFORMATION NEEDED TO FILE YOUR CLAIM

IF YOU ARE SUING AN INDIVIDUAL: You need to obtain the proper name and address of the individual. If married, you must also obtain the proper name of the spouse, if you feel he/she is also responsible. First names must be used an any alias names, if known.

IF YOU ARE SUING A CORPORATION: You must know the correct name of the corporation and the state in which it is incorporated. You also need to know the name and address of an officer of the corporation or the name and address of the resident agent transacting business for the corporation in this state. To find out this information you may write or call:

Secretary of State
Attn: Corporate Division
Capitol Building
Tallahassee, Florida 32304
Phone: (850)-245-6000
WWW.SUNBIZ.ORG

IF YOU ARE SUING A PARTNERSHIP: You must know the name and address of all partners.

GENERAL INFORMATION: Many individuals, partnerships and corporations do business under fictitious names such as:

- 1.) John Jones d/b/a Book World
- 2.) John Jones and Frank Smith, a partnership d/b/a Jones and Smith Publishing
- 3.) ABC, Inc. A Florida Corporation d/b/a The Snack Shop

You cannot sue a fictitious name because it is not an entity. You have the burden of investigating to determine whether individuals, partnerships, or a corporation are doing business under a fictitious name.

If the name is not registered, the law will not allow the opposing party to defend the action until the name is registered. You may also attempt to secure this information from the Defendant's occupational license information located at the Indian River County Tax Collector's office. Conversely, if you are doing business under a fictitious name, you must be registered under the fictitious name statute before you can maintain a suit in any court in the state.

When you come in to file your case, you must bring the original Statement of Claim with any attachments (if any), and a copy of the Statement of Claim with attachments for each defendant, and a copy for yourself.

If you are a business filing a case (the Plaintiff), you must designate whether you are incorporated, d/b/a, a franchise, etc., when filling out the claim forms.

The Statement of Claim must be notarized or may be signed by a deputy clerk. The service charge for a deputy clerk to sign and seal your claim is \$3.50. There is also a charge of \$10.00 to prepare, sign, and seal each summons.

THE CLERK'S OFFICE DOES NOT ACCEPT PERSONAL CHECKS

You will need to bring two (2) self-addressed stamped envelopes; (1) envelope for the return of your copy of the Statement of Claim and Summons, and (1) envelope to provide to the Indian River County Sheriff's Office, if you choose to use their service.

If you are serving a party that resides outside of Indian River County, you will need to contact the Sheriff's Office for that County to find out what is required for their service.

When you receive the Return of Service and Summons from the Sheriff's Civil Division, it will be your responsibility to submit to the Clerk of the Court for filing into your case.

If you have any questions regarding this information, please contact the Clerk of Court's Small Claims Division at (772) 226-3100. Thank you.

FORM 1.998 INSTRUCTIONS FOR ATTORNEYS COMPLETING FINAL DISPOSITION FORM

I. Case Style. Enter the name of the court, the appropriate case number assigned at the time of filing of the original complaint or petition, the name of the judge assigned to the case and the names (last, first, middle initial) of plaintiff(s) and defendant(s).

II. Amount of Final Judgment. Enter the amount as recorded in the final judgment.

III. Means of Final Disposition. Place an "X" in the appropriate major category box and in the appropriate subcategory box, if applicable. The following are the definitions of the disposition categories.

(A) *Dismissed Before Hearing*—the case is settled, or voluntarily dismissed, or otherwise disposed of before a hearing is held;

(B) *Dismissal Pursuant to Settlement – Before Hearing*—the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation before a hearing is held;

(C) *Dismissal Pursuant to Mediated Settlement – Before Hearing*—the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation before a hearing is held;

(D) *Other - Before Hearing*—the case is dismissed before hearing in an action that does not fall into one of the other disposition categories listed on this form.

(E) *Dismissed After Hearing*—the case is dismissed by a judge, voluntarily dismissed, or settled after a hearing is held;

(F) *Dismissal Pursuant to Settlement – After Hearing*—the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation after a hearing is held;

(G) *Dismissal Pursuant to Mediated Settlement – After Hearing*—the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation after a hearing is held;

(H) *Other - After Hearing*—the case is dismissed after hearing in an action that does not fall into one of the other disposition categories listed on this form.

(I) *Disposed by Default*—a defendant chooses not to or fails to contest the plaintiff's allegations and a judgment against the defendant is entered by the court;

(J) *Disposed by Judge*—a judgment or disposition is reached by the judge in a case that is not dismissed and in which no trial has been held. Includes stipulations by the parties, conditional judgments, summary judgment after hearing, and any matter in which a judgment is entered excluding cases disposed of by default as in category (I) above;

(K) *Disposed by Non-Jury Trial*—the case is disposed as a result of a contested trial in which there is no jury and in which the judge determines both the issues of fact and law in the case;

(L) *Disposed by Jury Trial*—the case is disposed as a result of a jury trial (consider the beginning of a jury trial to be when the jurors and alternates are selected and sworn);

(M) *Other*—the case is consolidated, submitted to arbitration or mediation, transferred, or otherwise disposed of by other means not listed in categories (A) through (L).

DATE AND ATTORNEY SIGNATURE. Date and sign the final disposition form.

FORM 1.998. FINAL DISPOSITION FORM

This form shall be filed by the prevailing party with the Clerk of Court for the purpose of reporting uniform data pursuant to Florida Statutes section 25.075. (See instructions for completion.)

I. CASE STYLE

In the County Court of the Nineteenth Judicial Circuit for Indian River County, Florida

_____ Case Number: _____
Plaintiff(s), Division: _____

vs

_____,
Defendant(s)

II. AMOUNT OF FINAL JUDGMENT

Please indicate the amount of judgment, rounded to the nearest dollar. \$ _____.

III. MEANS OF FINAL DISPOSITION (Place an "X" in one box for major category and one subcategory, if applicable, only)

- Dismissed Before Hearing
 - Dismissed Pursuant to Settlement – Before Hearing
 - Dismissed Pursuant to Mediated Settlement – Before Hearing
 - Other – Before Hearing
- Dismissed After Hearing
 - Dismissed Pursuant to Settlement – After Hearing
 - Dismissed Pursuant to Mediated Settlement – After Hearing
 - Other After Hearing – After Hearing
- Disposed by Default
- Disposed by Judge
- Disposed by Non-Jury Trial
- Disposed by Jury Trail
- Other

Date _____

SIGNATURE OF ATTORNEY FOR PREVAILING PARTY

COUNTY COURT-CIVIL DIVISION
INDIAN RIVER COUNTY, FLORIDA

HOW TO COLLECT YOUR JUDGMENT

Having received a Final Judgment, your County Court can do just so much but no more than any other Court can do to help you collect your judgment.

YOU CAN:

- 1.) Record a certified copy of the **Final Judgment** with the Clerk of the Circuit and County Court. To obtain a certification of your Final Judgment, go to the Civil Division of the Indian River County Courthouse. Record the certified copy of the Final Judgment in the Recording Department; that creates a lien of record against any real estate in the County where recorded, then or thereafter owned by the defendant in his or her name.

The charge for recording is \$10.00 for the first page and \$8.50 for each page thereafter. The charge for copying is \$1.00 per page plus \$2.00 for the certification itself.

- 2.) To obtain a **Writ of Execution** fifteen days after entry of the Final Judgment, go to the Civil Division of the Indian River County Courthouse.

Writs of Execution are filed with the Department of State. You should review Florida Statute 55 regarding Judgments and Judgment Lien Certificates. Additional information can be found at the website, WWW.SUNBIZ.ORG, or by calling (850)656-7463.

After filing the appropriate papers with the Department of State, you can file the Execution with the Sheriff's office for levy of certain property. You will need to contact the Sheriff's Civil Department for further instructions.

- 3.) If you know any third person, such as an employer, tenant, mortgager, or bank (where the defendant has money deposited) who may owe the defendant any money or have possession of any of the defendant's personal property, you may secure from the Clerk fifteen days after entry of the Final Judgment a **Writ of Garnishment** against such third person, which when served upon the person would obligate him to hold such money or property for disposition by the Court. If the Court finds that your judgment is still in effect and unsatisfied, the Court will order such person holding money or property due to the defendant to pay the same to you. The charge for this is \$85.00 plus \$40.00 for Sheriff's service. **These fees must be paid by money order, business check, or cashier's check, and must be two separate payments.**