

## **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 and 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](http://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.

**JEFFREY R. SMITH, CPA, CGFO, CGMA**

Clerk of Circuit Court & Comptroller

P.O. Box 1028

Vero Beach, FL 32961-1028

Telephone: (772) 226-3100



**NOTICE OF LIMITATION OF SERVICES PROVIDED**

THE PERSONNEL IN THIS OFFICE ARE NOT ACTING AS YOUR LAWYER OR PROVIDING LEGAL ADVICE TO YOU.

OUR PERSONNEL ARE NOT ACTING ON BEHALF OF THE COURT OR ANY JUDGE. THE PRESIDING JUDGE IN YOUR CASE MAY REQUIRE AMENDMENT OF A FORM OR SUBSTITUTION OF A DIFFERENT FORM. THE JUDGE IS NOT REQUIRED TO GRANT THE RELIEF REQUESTED IN A FORM.

THE PERSONNEL IN THIS OFFICE CANNOT TELL YOU WHAT YOUR LEGAL RIGHTS OR REMEDIES ARE, REPRESENT YOU IN COURT OR TELL YOU HOW TO TESTIFY IN COURT.

THE INFORMATION THAT YOU GIVE TO AND RECEIVE FROM OUR OFFICE IS NOT CONFIDENTIAL AND MAY BE SUBJECT TO DISCLOSURE AT A LATER DATE. IF ANOTHER PERSON INVOLVED IN YOUR CASE SEEKS ASSISTANCE FROM THIS OFFICE THAT PERSON WILL BE GIVEN THE SAME ASSISTANCE THAT YOU RECEIVE.

IN ALL CASES, IT IS BEST TO CONSULT WITH YOUR OWN ATTORNEY.

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**ACKNOWLEDGMENT**

*PLEASE COMPLETE THE FOLLOWING PARAGRAPH.  
FILE THE SIGNED DOCUMENT WITH THE CLERK OF COURT.*

\_\_\_\_ I CAN READ ENGLISH

\_\_\_\_ I CANNOT READ ENGLISH, THIS NOTICE WAS READ TO ME BY

[NAME] \_\_\_\_\_ IN [LANGUAGE] \_\_\_\_\_.

I \_\_\_\_\_ {name} do acknowledge that I have read this Notice of Limitation of Services Provided. I have received an explanation of the Notice of Limitation Services Provided and I understand that limitation of the services provided. I understand that it is in my best interest to secure an attorney to represent my interest in this case. I understand that this form must be signed and filed with the Clerk before our office may provide services to me.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Case No: \_\_\_\_\_

\_\_\_\_\_  
Signature



IN THE COUNTY COURT IN AND FOR INDIAN RIVER COUNTY, FLORIDA  
SMALL CLAIMS DIVISION

CASE NO: \_\_\_\_\_

The Plaintiff (Name & Address)

Sues

The Defendant (Name & Address)

Telephone No: \_\_\_\_\_

STATEMENT OF CLAIM

And claims the amount of \$ \_\_\_\_\_ PLUS costs and Attorney's fees, if applicable, as being due from the defendant and alleges as the basis of such suit the following matters:

(Fill in appropriate blanks.)

\_\_\_\_\_ Goods sold and delivered and/or labor and materials furnished by Plaintiff(s) to Defendant(s) between \_\_\_\_\_, 20\_\_\_\_ and \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ Money lent by Plaintiff(s) to Defendant(s) on or about \_\_\_\_\_, 20\_\_\_\_, with interest from \_\_\_\_\_, 20\_\_\_\_ in the amount of \$ \_\_\_\_\_.

\_\_\_\_\_ On \_\_\_\_\_, 20\_\_\_\_, Defendant(s) executed and delivered to Plaintiff(s) a promissory note in \_\_\_\_\_ County, Florida. Defendant(s) failed to pay: ☐ (a) said note when due. ☐ (b) the installment payment due on said note on \_\_\_\_\_, 20\_\_\_\_, and Plaintiff(s) elected to accelerate payment of the balance. The balance is now due, owing and unpaid \$ \_\_\_\_\_, plus interest since \_\_\_\_\_, 20\_\_\_\_, in the amount of \$ \_\_\_\_\_.

\_\_\_\_\_ On or about \_\_\_\_\_, 20\_\_\_\_, in the vicinity of \_\_\_\_\_, on a public highway in \_\_\_\_\_ County, Florida. Plaintiff's motor vehicle being operated by \_\_\_\_\_ was in a collision with Defendant's motor vehicle being operated by \_\_\_\_\_, and that said collision with Plaintiff's vehicle was caused by the negligent and careless operation of Defendant's vehicle, whereby Plaintiff's vehicle was damaged and depreciated in value.

\_\_\_\_\_ Plaintiff(s) and Defendant(s) entered into a verbal/written rental agreement on \_\_\_\_\_, 20\_\_\_\_, for the property located at \_\_\_\_\_, Indian River County, Florida.

Defendant(s) vacated said property on or about \_\_\_\_\_, 20\_\_\_\_.

Plaintiff is entitled to \$ \_\_\_\_\_ which represents:

(a) Rent due from \_\_\_\_\_, 20\_\_\_\_ to \_\_\_\_\_, 20\_\_\_\_.

(b) Damages to said property in the amount of \$ \_\_\_\_\_.

(c) Damage Deposit which Defendant failed to return.

A copy of the written instrument or invoice on which this suit is based is attached hereto.

WHEREFORE, Plaintiff demands judgment in the amount of \$ \_\_\_\_\_, plus interest and/or late fee in the amount of \$ \_\_\_\_\_, and applicable court costs and attorney's fees.

STATE OF FLORIDA-COUNTY OF INDIAN RIVER

\_\_\_\_\_ being duly sworn on oath states the foregoing claim is just and true statement of the amount owing by the Defendant to the Plaintiff, exclusive of all setoffs and just grounds of defense. Plaintiff states that the Defendant(s) are not in the Military Service of the United States and that the above action has been brought in the County of proper venue.

\_\_\_\_\_  
Plaintiff, Corporate Agent or Attorney

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL OF NOTARY PUBLIC)

\_\_\_\_\_  
Deputy Clerk or Notary Public

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](http://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.**

**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 case data pursuant to Florida Statutes section 25.075. (See instructions on the reverse of the form.)

**I. CASE STYLE**

(Name of Court) \_\_\_\_\_

Case # \_\_\_\_\_

Judge \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s),

vs.

\_\_\_\_\_  
Defendant(s).

**II. AMOUNT OF FINAL JUDGMENT**

Please indicate the amount of the final 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 Trial
- ☐ Other

DATE \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF ATTORNEY FOR PREVAILING PARTY



**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, voluntarily dismissed, or otherwise disposed of before a hearing is held;
  - (B) Dismissed 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.