Jerome Kaszubowski
Clerk of Circuit Court & Comptroller
Highlands County, Florida

CLERK OF CIRCUIT COURT
CLERK OF COUNTY COURT
COUNTY AUDITOR
COUNTY RECORDER
CLERK TO THE BOARD OF COUNTY COMMISSIONERS

HIGHLANDS COUNTY COURTHOUSE
430 S COMMERCE AVE,
Room 105
ATTN: CIVIL DIVISION
SEBRING FL 33870-3867
PHONE (863) 402-6591
FAX (863) 402-6664

INSTRUCTIONS FOR FILING A SMALL CLAIM

PROPER DRESS IS REQUIRED AT ALL COURT APPEARANCES. NO ONE WEARING SHORTS, TANK TOPS OR OTHER INAPPROPRIATE DRESS WILL BE ALLOWED IN THE COURTROOM OR HEARING ROOM. PLEASE BE FIVE MINUTES EARLY FOR YOUR HEARING.

What is a Small Claims Action?
All actions of a civil nature in the county courts which contain a demand for money or property, the value of which does not exceed $8,000 effective January 1, 2020, exclusive of court costs, pre-judgment interest and/ or attorneys' fees, per *Fl Sm.Clm. R. 7.010(b)*

Where can a Small Claims Action be filed?
A proper location or venue may be 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 per *Fl Sm. Cl. R.7.060(a)*

ONCE YOU HAVE DECIDED TO FILE

Your lawsuit cannot proceed until the defendant has been served. (The law requires that a defendant be notified of a claim and be given an opportunity to defend against it)

PLAINTIFF: Please print or type your name, address and telephone number including area code. (This may also be a company, business or corporation; however, you must list the name as registered with the Division of Corporations in Tallahassee.)

DEFENDANT: Print or type the name and address, telephone number including Area Code of the person or persons you wish to sue. This may be an individual, a company, business or corporation (see above).

If you are suing a corporation, you must have the full name under which the business is incorporated and the name and address of either a corporate officer or the registered agent of the business. This information can be obtained from the State of Florida Corporate Information Department at: http://dos.myflorida.com/sunbiz/

The company you are suing may use a name other than the owner's name, referred to as a "fictitious name". That information along with the name and address of the person who owns the company must be registered with the Florida Secretary of State and may be obtained by contacting them at: http://dos.myflorida.com/sunbiz/

STATEMENT OF CLAIM FORM

EXPLANATION: In the space provided fill in your reasons and explanation for the suit.

AMOUNT OF CLAIM: Fill in the amount you are suing for.
****This is the amount that determines your filing fee with the court****

PRE-JUDGMENT INTEREST: Calculation of interest due if entitled.
If you are requesting pre-judgment interest, you must provide an Affidavit calculating interest through the date of you filing this cause or, upon request, provide proof acknowledgment by both parties, within supporting documents of your complaint, of the provided interest amount (Receipt, Bill of Sale, etc.).

COURT COSTS: Court Filing Fees, Process Service fee, etc.

TOTAL AMOUNT DUE: The sum of the amounts provided above

SUMMONS FORM

Complete the Summons Form IN DUPLICATE for each Defendant. Do not complete the Case Number or the Courtroom or Pre-Trial Date. Be sure to include your name(s) as the Plaintiff and the information for the Defendant(s). The Clerk will add the Case Number, Courtroom, Court Date Information and the Clerk will sign it when you file your case.

WHEN YOU GO TO FILE

*Bring a copy any/all supporting documents you wish to file attached to your Statement of Claim in support of your cause ALONG WITH A COMPLETE COPY of the Statement of Claim with any/all attachments for each defendant listed. THE FORMS MUST BE SIGNED IN FRONT OF A DEPUTY CLERK **OR** NOTARY PUBLIC.*

****IF YOU FAIL TO DO SO, THE CLERK WILL CHARGE $1.00 PER PAGE FOR COPIES TO BE MADE****

AFTER YOUR CLAIM HAS BEEN FILED

Once the deputy clerk has processed your suit and filing fee you will receive a pre-trial hearing date, at the time of filing. The clerk will issue a summons along with any supporting documents you might have with it for the defendant. One (1) additional copy of the summons issued by the clerk will be provided to the plaintiff along with their receipt for payment on their new case. *This summons will be the only notice provided to the plaintiff of the Pre-Trial Conference Hearing.*

FEE SCHEDULE EFFECTIVE 1/1/2020

FILING FEE	**Claim**	**$.01 cent up to $100.00**	**$55.00**
	Claim	**$100.01 up to $500.00**	**$80.00**
	Claim	**$500.01 up to $2,500.00**	**$175.00**
	Claim	**$2,500.01 up to $8,000.00**	**$300.00**

ISSUING A SUMMONS **$10.00 PER DEFENDANT**

THE CLERKS OFFICE ACCEPTS VISA, MASTER CARD, DISCOVER & AMERICAN EXPRESS. THERE IS A NON-REFUNDABLE SERVICE FEE UP TO 3.5% OF THE TOTAL TRANSACTION FOR THIS PROCESS.

Please have SEPARATE FUNDS payable to the sheriff's office, or to the process server of your choice. For out-of-county service, you will need to contact the Sheriff's Office in the county where service is to be PERFORMED. You will also need to make funds payable to the Sheriff's Office of the county where the defendant resides. *It is your responsibility* to forward the paperwork along with the fee to the appropriate sheriff's office or process server for service.

There are two (2) methods in which you may obtain proof of service on the listed defendant(s):

1. The *Sheriff's Office* or a *Certified Process Server* may serve the summons and a copy of your lawsuit on the defendant(s) within Highlands County. For service outside of Highlands County, you must make arrangements to have a process server or the Sheriff's Office, of that county, to serve the papers.

SERVICE FEE BY SHERIFF'S OFFICE **$40.00 PER DEFENDANT**
Highlands County Service Only

****THE HIGHLANDS COUNTY SHERIFF'S OFFICE REQUIRES THAT YOU PROVIDE THEM WITH A SELF-ADDRESSED, STAMPED ENVELOPE TO PROVIDE YOU WITH A RECEIPT & PROOF OF SERVICE ATTEMPTS*****

2. *Certified mail:* You may attempt service on the defendant(s) by certified mail, mailed by the clerk's office. A deputy clerk will prepare the certified mail form. ******A fee will be assessed for mailing******

SERVICE BY CERTIFIED MAIL **$6.90 PER DEFENDANT**
***THIS FEE IS AS OF 1/26/2020 -CHECK WITH CLERK TO CONFIRM FEE**

***NOTE**: IF CERTIFIED MAIL IS RETURNED AS "UNDELIVERED" AN ALIAS/ PLURIES SUMMONS WILL BE REQUIRED FOR THE CASE TO BE PLACED ON A NEW COURT DOCKET, PROOF OF SERVICE MUST BE ESTABLISHED*

IN THE COUNTY COURT OF THE 10TH JUDICIAL CIRCUIT IN AND FOR HIGHLANDS COUNTY, FLORIDA SMALL CLAIMS DIVISION

CASE NO:

_____
_____
_____
PLAINTIFF,

VS.

_____
_____
_____
DEFENDANT.

STATEMENT OF CLAIM

Plaintiff(s) sue(s) the Defendant(s) for damages which do not exceed $8,000.00 exclusive of costs and interest for (check one category below):

[__] **AUTO ACCIDENT** occurring on or about _____ in the vicinity of _____, in_____ County, Florida caused by the negligent operation of a vehicle operated by_____ and owned by _____resulting in damages, described below.

[__] **GOODS SOLD** by Plaintiff; goods and prices and credits listed below.

[__] **MONEY LENT** to defendant on _____ with interest owed since _____.

[__] **PROMISSORY NOTE** executed on _____, copy attached; defendant failed to either pay the note or an installment payment, and interest is owed since _____, plus attorney's fees.

[__] **ACCOUNT STATED** for an agreed balance owed on business transactions between the parties, the defendant did not object to the statement of account presented, a copy of which is attached.

[__] **OTHER CLAIM -** please specify: _____

Explain below the details (what happened, dates, times, place, etc.) of your claim. This section must be completed. Attached additional pages if needed.

_____

_____

_____

_____

[__] Attached is a copy of any written document(s) that is that basis of this claim.

WHEREFORE, the plaintiff(s) demand judgment in the principal sum of $_____
Plus costs, if known, (summons, service) in the amount of $_____
Plus interest in the amount of $_____
TOTAL $_____

Plaintiff Address:

_____

_____

Signature: _____

Phone / Email:_____

IN THE COUNTY COURT OF THE 10TH JUDICIAL CIRCUIT IN AND FOR HIGHLANDS COUNTY, FLORIDA SMALL CLAIMS DIVISION

_____; **Case Number:**

Plaintiff,

-vs-

_____;

Defendant.

NOTICE TO PLAINTIFF(S) AND DEFENDANT(S) TO APPEAR

TO: _____

_____

(Defendant's name and address for service of notice)

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the **Highlands County Courthouse, in Courtroom # _____ located at 430 S Commerce Ave. Sebring, Florida 33870, on _____(date), at**_____a.m,/p.m. for a PRETRIAL CONFERENCE before a judge of the court.

IMPORTANT — READ CAREFULLY

THE CASE WILL NOT BE TRIED AT THAT TIME

DO NOT BRING WITNESSES — APPEAR IN PERSON OR BY ATTORNEY

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 in the PRETRIAL CONFERENCE. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.

Any business entity recognized under Florida law may be represented at any stage of the trial court proceedings by any principal of the business entity who has legal authority to bind the business entity or any employee authorized in writing by a principal of the business entity. A principal is defined as being an officer, member, managing member, or partner of the business entity. Written authorization must be brought to the Pretrial Conference.

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 may take place at the pretrial conference. Who appears for a party must have full authority to settle. Failure to have full authority to settle at this pretrial conference may result in the imposition of costs and attorney fees incurred by the opposing party.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may or may not approve a payment plan and 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 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 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(s') attorney, if any.

A copy of the statement of claim is served on Defendant(s) with this summons.

DATED:_____

Jerome Kaszubowski
Clerk of Court

{SEAL}

BY:_____
Deputy Clerk

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 THE OFFICE OF COURT ADMINISTRATOR, 255 N. BROADWAY AVENUE, BARTOW, FL 33830, 863-534-4686 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 OR VOICE IMPAIRED, CALL 711.

IMPORTANT NOTICE
PLEASE READ CAREFULLY

PROPER DRESS IS REQUIRED AT ALL COURT APPEARANCE. NO ONE WEARING SHORTS, TANK TOPS OR OTHERS INAPPROPRIATE ATTIRE WILL BE PERMITTED IN THE COURT ROOM OR JUDGE'S HEARING ROOM.

When you go to your Pre-Trial Conference hearing

1) **DO NOT BRING WITNESSES**
2) **BRING ALL PAPERWORK, INCLUDING A COPY OF THE STATEMENT OF CLAIM, AND ALL DOCUMENTS WHICH WILL ASSIST YOU IN PROVING YOUR CASE.**

The County Court of Highlands County offers **MEDIATION** as an alternative to a formal trial. Mediation brings both parties together out of court where trained mediators will impartially assist you in reaching an agreement or settlement. Mediation allows both parties to decide the outcome of your case in a relaxed atmosphere away from a crowded courtroom.

In court there is a prevailing party and a party who will receive a judgment against them; with mediation you are fully involved in shaping the outcome of your case. Overall both parties are generally more satisfied with a mediated settlement.

When you appear at the Pre-Trial Conference, you will be offered a chance for mediation. If an agreement is reached, the mediator will prepare a written agreement. All parties will sign the agreement indicating that they will be bound by it. The agreement will then be given to the presiding Judge for approval. If you are an agent of, or an attorney for a party, since the case may be referred to mediation, you must have settlement authority. If you do not, your case may be continued for another day when you do have settlement authority.

Any agent appearing at a court proceeding on behalf of any party to the case must have written authority to represent that party as well as full settlement authority.

In the event that your case is not successfully mediated, you will be called before the Judge who will conduct the Pre-Trial Conference and the cause will be set for a non-jury trial.

LANGUAGE BARRIER: If you or your witnesses do not speak English, you must supply your own interpreter. There is **NOT** a court interpreter available for Small Claims proceedings.

*****IT IS IMPORTANT THAT YOU DO NOT FORGET YOUR HEARING DATE*****

A. If you are the *plaintiff*, failure to appear at the hearing may result in your case being dismissed or a judgment entered against you.
B. If you are the *defendant*, failure to appear at the hearing may result in a judgment being entered against you.

PLEASE BE EARLY FOR YOUR HEARING.

COUNTY COURT OF HIGHLANDS COUNTY, FLORIDA
SMALL CLAIMS DIVISION

INSTRUCTIONS IF YOUR CASE GOES TO A TRIAL BY COURT:

PROPER DRESS IS REQUIRED AT ALL COURT APPEARANCE. NO ONE WEARING SHORTS, TANK TOPS OR INAPPROPRIATE DRESS WILL BE ALLOWED IN THE COURTROOM.

After attending your Pre-Trial Conference session in the Claims Division of the County Court of Highlands County, Florida and your case is referred for non-jury trial, certain preliminary matters will have been taken care of so that your case will be ready for trail on the date shown on the Disposition Memorandum that will be given to you in the courtroom. **DO NOT LOSE YOUR DISPOSITION MEMORANDUM.** It will be the only notice that you will receive concerning your trial date. **It is important that you read all of the information listed below.**

DISCOVERY BEFORE TRIAL: Between now and the time of your trial, if you request, you and the other party to the lawsuit may be allowed to engage in discovery. This includes exchanging names and addresses of witnesses, copies of documents, exhibits or other things will be offered as evidence at the trial and taking discovery deposition. The purpose of discovery is to assist both parties in becoming fully informed concerning the testimony and evidence, which will be presented by the other sire at trial. Discovery rules are designed to prevent surprises at the trial. If you would like the court to order the other party in your case to provide you with copies of documents or exhibits or the names and addresses of their witnesses, please let the court know before you leave the courtroom today.

EXCHANGE OF DOCUMENTS AND INFORMATION: If the Judge required you to submit documents to the court or to provide any information to the other party, be sure to do it properly. Failure to comply as directed by the Judge may result in the Judge ruling your evidence to be inadmissible or to tax costs against you.

SETTLEMENT: If all parties agree on a settlement of each & every claim prior to the trial, the parties must notify the Judge of the settlement in writing and, if time is short, each party should notify the Judge by telephone so that the allotted trial time may be reassigned to someone else.

ADDRESS CHANGES: You must furnish every party in the lawsuit and the Clerk of Courts with your proper address and telephone number. If you change your address or telephone number, you must immediately notify the court and all other parties.

PROCEDURES TO BE FOLLOWED AT TRIAL:

1. At the trial, the plaintiff (the party who filed the original statement of claim) has the burden of proving the claim filed.
2. At the trial, each side will have an opportunity to make a brief opening statement to the court. After that, the plaintiff will present its case. The plaintiff will introduce any documents or exhibits into evidence and call to the witness stand any witnesses, including the defendant(s) to testify. The defendant will have an opportunity to question any witnesses the including the plaintiff(s). When the plaintiff has completed presenting its evidence, the defendant will have an opportunity to present its evidence and testimony. After all the evidence has been received, both sides will have a brief opportunity to present argument to the court.
3. On the day of the trial, be sure to have all your witnesses and all your documents or other evidence with you. There is only one trial. You must have everything ready and be on time. You must make sure that the witnesses will be in court on time and are properly attired.

4. Neither the Judge nor the clerk is allowed to give legal advice, or to tell you what you need to prove your case. You should familiarize yourself with the Code of Evidence, Rules of Civil Procedure and Small Claims Rules or consult with an attorney. If you plan to hire an attorney, do so immediately. Retaining an attorney at the last minute is not grounds for a continuance of the trial.

GETTING YOUR WITNESSES TO COURT: If any party you wish to call as a witness will not come voluntarily to Court, the Clerk will assist the party in issuing a subpoena to compel such witness's presence in court. Subpoenas may be obtained from the Clerk's office located in Room 105 in the courthouse at a nominal fee. A Deputy Sheriff must serve the subpoena issued by the clerk or another person authorized to serve subpoenas.

In many cases, a witness called an expert witness is necessary in order for one party or another to prove his case. For example, if you want to persuade the court that work done, such as repair of an automobile or carpentry work in a home was not done in a workmanlike manner, you may need to call another auto mechanic or carpenter as an expert to explain to the court what was wrong with the work performed.

WORD OF CAUTION TO THE PLAINTIFFS: Remember, you have the burden of proof. Please bring to court all documents and evidence relating to your claim. Please make sure all witnesses who have knowledge of the facts concerning your case come to court. If documents or other evidence relating to your claim are in the custody or possession of the defendants or you need an employee of the defendant to testify, do not assume that the defendant will bring those documents or that witness. It is your responsibility to make sure that witness and/or those documents are in court.

WORD OF CAUTION TO THE DEFENDANT: Rule 7.100 of the Small Claims Rules provides that any claim of a defendant against the plaintiff arising out of the same transaction or occurrence which is the subject matter of the plaintiff's claim shall be filed not less than five (5) days prior to the appearance sate within such time as the court designates or it is to be abandoned. If you have a claim against the plaintiff in the form of a counterclaim or you believe that the amount of money the Plaintiff claims that you owe should be reduced or setoff, it is essential that you file your counterclaim or setoff in writing. The court will not consider such counterclaims or setoffs if they have not been filed in writing prior to the time of the final hearing. After today, if you realize that a counterclaim or setoff needs to be filed, you must obtain permission from the court to file such counterclaim or offset.

CONTINUANCE: All requests for continuance shall be filed in writing with the Clerk of the Court and a copy sent to the other side. The Court does not accept stipulations (agreements) between the parties to continue a case. Motions for Continuance must be heard by the Court and therefore, you must contact the Court's Judicial Assistant to come personally to the Court to argue or respond to a Motion for Continuance, you may request permission for your presentation to be made over the telephone.

LANGUAGE BARRIER: If you or your witnesses do not speak English, you must supply your own interpreter. There is **NOT** a court interpreter available for Small Claims proceedings.

*****IT IS IMPORTANT THAT YOU DO NOT FORGET YOUR TRIAL DATE*****

If you are the *plaintiff*, failure to appear at the trial may result in your case being dismissed or a judgment entered against you.

A. If you are the *defendant*, failure to appear at the trial may result in a judgment being entered against you.

RECORD OF PROCEEDINGS AND RIGHT TO APPEAL: The Court does NOT record Claims trial. If you want a record of the proceedings to perfect your appellate rights, you must arrange for the official court reporter to appear at the trail at YOUR EXPENSE. If you wish to appeal the trail court's decision made at the trial, you must file a Notice of Appeal with the Clerk of the Court and pay the proper filing fee within thirty (30) days if the court is ruling.

If there is something about the instructions that you do not understand please contact the Clerk's office at 863-402-6591. The Deputy Clerks in the Clerk's Office are not authorized to practice law and they cannot give you legal advice; however, they can be of limited assistance in regards to the procedure that should be followed. In the event that you need legal advice, you should contact an attorney. This information is furnished to you through the courtesy of this office in an effort to help you in every way possible under the duties of the Clerk of the Circuit and County Courts.

IN THE COUNTY COURT OF THE 10TH JUDICIAL CIRCUIT IN AND FOR HIGHLANDS COUNTY, FLORIDA SMALL CLAIMS DIVISION

_____; **Case Number:**

Plaintiff,

-vs-

_____;

Defendant.

NOTICE TO PLAINTIFF(S) AND DEFENDANT(S) TO APPEAR

TO: **_____**

_____

(Defendant's name and address for service of notice)

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the **Highlands County Courthouse, in Courtroom # _____ located at 430 S Commerce Ave. Sebring, Fl 33870, on**

_____ (date) at _____a.m./p.m.
for a PRETRIAL CONFERENCE before a judge of the court.

IMPORTANT — READ CAREFULLY

THE CASE WILL NOT BE TRIED AT THAT TIME

DO NOT BRING WITNESSES — APPEAR IN PERSON OR BY ATTORNEY

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 in the PRETRIAL CONFERENCE. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.

Any business entity recognized under Florida law may be represented at any stage of the trial court proceedings by any principal of the business entity who has legal authority to bind the business entity or any employee authorized in writing by a principal of the business entity. A principal is defined as being an officer, member, managing member, or partner of the business entity. Written authorization must be brought to the Pretrial Conference.

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 may take place at the pretrial conference. Whoever appears for a party must have full authority to settle. Failure to have full authority to settle at this pretrial conference may result in the imposition of costs and attorney fees incurred by the opposing party.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may or may not approve a payment plan and 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 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 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(s') attorney, if any.

A copy of the statement of claim is served on Defendant(s) with this summons.

DATED: _____

Jerome Kaszubowski
Clerk of Court

{SEAL}

BY:_____
Deputy Clerk

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 THE OFFICE OF COURT ADMINISTRATOR, 255 N. BROADWAY AVENUE, BARTOW, FL 33830, 863-534-4686 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 OR VOICE IMPAIRED, CALL 711

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When you go to your Pre-Trial Conference hearing

3) **DO NOT BRING WITNESSES**
4) **BRING ALL PAPERWORK, INCLUDING A COPY OF THE STATEMENT OF CLAIM, AND ALL DOCUMENTS WHICH WILL ASSIST YOU IN PROVING YOUR CASE.**

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In court there is a prevailing party and a party who will receive a judgment against them; with mediation you are fully involved in shaping the outcome of your case. Overall both parties are generally more satisfied with a mediated settlement.

When you appear at the Pre-Trial Conference, you will be offered a chance for mediation. If an agreement is reached, the mediator will prepare a written agreement. All parties will sign the agreement indicating that they will be bound by it. The agreement will then be given to the presiding Judge for approval. If you are an agent of, or an attorney for a party, since the case may be referred to mediation, you must have settlement authority. If you do not, your case may be continued for another day when you do have settlement authority.

Any agent appearing at a court proceeding on behalf of any party to the case must have written authority to represent that party as well as full settlement authority.

In the event that your case is not successfully mediated, you will be called before the Judge who will conduct the Pre-Trial Conference and the cause will be set for a non-jury trial.

LANGUAGE BARRIER: If you or your witnesses do not speak English, you must supply your own interpreter. There is **NOT** a court interpreter available for Small Claims proceedings.

*****IT IS IMPORTANT THAT YOU DO NOT FORGET YOUR HEARING DATE*****

C. If you are the *plaintiff*, failure to appear at the hearing may result in your case being dismissed or a judgment entered against you.
D. If you are the *defendant*, failure to appear at the hearing may result in a judgment being entered against you.

PLEASE BE EARLY FOR YOUR HEARING.

COUNTY COURT OF HIGHLANDS COUNTY, FLORIDA
SMALL CLAIMS DIVISION

INSTRUCTIONS IF YOUR CASE GOES TO A TRIAL BY COURT:

PROPER DRESS IS REQUIRED AT ALL COURT APPEARANCE. NO ONE WEARING SHORTS, TANK TOPS OR INAPPROPRIATE DRESS WILL BE ALLOWED IN THE COURTROOM.

After attending your Pre-Trial Conference session in the Claims Division of the County Court of Highlands County, Florida and your case is referred for non-jury trial, certain preliminary matters will have been taken care of so that your case will be ready for trail on the date shown on the Disposition Memorandum that will be given to you in the courtroom. **DO NOT LOSE YOUR DISPOSITION MEMORANDUM.** It will be the only notice that you will receive concerning your trial date. **It is important that you read all of the information listed below.**

DISCOVERY BEFORE TRIAL: Between now and the time of your trial, if you request, you and the other party to the lawsuit may be allowed to engage in discovery. This includes exchanging names and addresses of witnesses, copies of documents, exhibits or other things will be offered as evidence at the trial and taking discovery deposition. The purpose of discovery is to assist both parties in becoming fully informed concerning the testimony and evidence, which will be presented by the other sire at trial. Discovery rules are designed to prevent surprises at the trial. If you would like the court to order the other party in your case to provide you with copies of documents or exhibits or the names and addresses of their witnesses, please let the court know before you leave the courtroom today.

EXCHANGE OF DOCUMENTS AND INFORMATION: If the Judge required you to submit documents to the court or to provide any information to the other party, be sure to do it properly. Failure to comply as directed by the Judge may result in the Judge ruling your evidence to be inadmissible or to tax costs against you.

SETTLEMENT: If all parties agree on a settlement of each & every claim prior to the trial, the parties must notify the Judge of the settlement in writing and, if time is short, each party should notify the Judge by telephone so that the allotted trial time may be reassigned to someone else.

ADDRESS CHANGES: You must furnish every party in the lawsuit and the Clerk of Courts with your proper address and telephone number. If you change your address or telephone number, you must immediately notify the court and all other parties.

PROCEDURES TO BE FOLLOWED AT TRIAL:

5. At the trial, the plaintiff (the party who filed the original statement of claim) has the burden of proving the claim filed.
6. At the trial, each side will have an opportunity to make a brief opening statement to the court. After that, the plaintiff will present its case. The plaintiff will introduce any documents or exhibits into evidence and call to the witness stand any witnesses, including the defendant(s) to testify. The defendant will have an opportunity to question any witnesses the including the plaintiff(s). When the plaintiff has completed presenting its evidence, the defendant will have an opportunity to present its evidence and testimony. After all the evidence has been received, both sides will have a brief opportunity to present argument to the court.
7. On the day of the trial, be sure to have all your witnesses and all your documents or other evidence with you. There is only one trial. You must have everything ready and be on time. You must make sure that the witnesses will be in court on time and are properly attired.

8. Neither the Judge nor the clerk is allowed to give legal advice, or to tell you what you need to prove your case. You should familiarize yourself with the Code of Evidence, Rules of Civil Procedure and Small Claims Rules or consult with an attorney. If you plan to hire an attorney, do so immediately. Retaining an attorney at the last minute is not grounds for a continuance of the trial.

GETTING YOUR WITNESSES TO COURT: If any party you wish to call as a witness will not come voluntarily to Court, the Clerk will assist the party in issuing a subpoena to compel such witness's presence in court. Subpoenas may be obtained from the Clerk's office located in Room 105 in the courthouse at a nominal fee. A Deputy Sheriff must serve the subpoena issued by the clerk or another person authorized to serve subpoenas.

In many cases, a witness called an expert witness is necessary in order for one party or another to prove his case. For example, if you want to persuade the court that work done, such as repair of an automobile or carpentry work in a home was not done in a workmanlike manner, you may need to call another auto mechanic or carpenter as an expert to explain to the court what was wrong with the work performed.

WORD OF CAUTION TO THE PLAINTIFFS: Remember, you have the burden of proof. Please bring to court all documents and evidence relating to your claim. Please make sure all witnesses who have knowledge of the facts concerning your case come to court. If documents or other evidence relating to your claim are in the custody or possession of the defendants or you need an employee of the defendant to testify, do not assume that the defendant will bring those documents or that witness. It is your responsibility to make sure that witness and/or those documents are in court.

WORD OF CAUTION TO THE DEFENDANT: Rule 7.100 of the Small Claims Rules provides that any claim of a defendant against the plaintiff arising out of the same transaction or occurrence which is the subject matter of the plaintiff's claim shall be filed not less than five (5) days prior to the appearance sate within such time as the court designates or it is to be abandoned. If you have a claim against the plaintiff in the form of a counterclaim or you believe that the amount of money the Plaintiff claims that you owe should be reduced or setoff, it is essential that you file your counterclaim or setoff in writing. The court will not consider such counterclaims or setoffs if they have not been filed in writing prior to the time of the final hearing. After today, if you realize that a counterclaim or setoff needs to be filed, you must obtain permission from the court to file such counterclaim or offset.

CONTINUANCE: All requests for continuance shall be filed in writing with the Clerk of the Court and a copy sent to the other side. The Court does not accept stipulations (agreements) between the parties to continue a case. Motions for Continuance must be heard by the Court and therefore, you must contact the Court's Judicial Assistant to come personally to the Court to argue or respond to a Motion for Continuance, you may request permission for your presentation to be made over the telephone.

LANGUAGE BARRIER: If you or your witnesses do not speak English, you must supply your own interpreter. There is **NOT** a court interpreter available for Small Claims proceedings.

*****IT IS IMPORTANT THAT YOU DO NOT FORGET YOUR TRIAL DATE*****

If you are the *plaintiff*, failure to appear at the trial may result in your case being dismissed or a judgment entered against you.

B. If you are the *defendant*, failure to appear at the trial may result in a judgment being entered against you.

RECORD OF PROCEEDINGS AND RIGHT TO APPEAL: The Court does NOT record Claims trial. If you want a record of the proceedings to perfect your appellate rights, you must arrange for the official court reporter to appear at the trail at YOUR EXPENSE. If you wish to appeal the trail court's decision made at the trial, you must file a Notice of Appeal with the Clerk of the Court and pay the proper filing fee within thirty (30) days if the court is ruling.

If there is something about the instructions that you do not understand please contact the Clerk's office at 863-402-6591. The Deputy Clerks in the Clerk's Office are not authorized to practice law and they cannot give you legal advice; however, they can be of limited assistance in regards to the procedure that should be followed. In the event that you need legal advice, you should contact an attorney. This information is furnished to you through the courtesy of this office in an effort to help you in every way possible under the duties of the Clerk of the Circuit and County Courts.

IN THE COUNTY COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR HIGHLANDS COUNTY, FLORIDA

_____ Case No:_____
Plaintiff

-vs-

_____
Defendant(s)

DESIGNATION OF EMAIL ADDRESS
FOR PARTY NOT REPRESENTED BY AN ATTORNEY

Pursuant to Florida Rule of Judicial Administration 2.516, I, _____ _____, designate the below e-mail address(es) for electronic service of all documents related to this case.

By completing this form, I am authorizing the court, clerk of court, and all parties to send copies of notices, orders, judgments, motions, pleadings, or other written communications to me by e-mail or through the Florida Courts E-Filing Portal.

I will file a written notice with the Clerk of Courts if my current e-mail address changes.

Designated e-mail address_____
Secondary designated e-mail address (if any) _____

I Certify that a copy has been furnished by mail/hand delivery/e-mail on_____ to _____
at _____

_____
Signature
Printed Name_____
Email address_____
Address _____
Phone Number_____

IN THE COUNTY COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR HIGHLANDS COUNTY, FLORIDA

_____ Case No.: _____
Plaintiff Division: _____

Vs

_____
Defendant

Answer

The Defendant_____, hereby files an Answer as follows:

_____
_____
_____
_____
_____
_____

I understand that under Small Claims Rule 7.090(c), written response is not required unless ordered by the Court and that I must serve this written response on all other parties to the action at or prior to the pretrial conference. I also understand that filing this answer does not excuse my or my attorney's personal appearance on the initial appearance date (pretrial conference).

Date: _____ Date:_____

_____ _____

Defendant Signature Defendant Signature

Address_____ Address_____

Phone_____ Phone_____

Email_____ Email _____

CERTIFICATE OF SERVICE

I CERTIFY that a copy has been furnished by [ ] mail/[ ]hand delivery/[ ] email on_____ to _____ at _____

_____

Defendant Signature

AFTER THE FINAL JUDGMENT

- Motions for a new trial may be filed not later than 10 days after a judgment. If no new trial has been requested and if you have not received payment even though there was a final judgment in your favor, you have the right to begin post-judgment procedures as listed below.

- If you want to have your final judgment entered as a lien against real property owned by the defendant(s), you must obtain a certified copy at the location where your case was heard and then have it recorded by the Clerk of the County in which the property is located. (See fee schedule). The recorded Final Judgment will serve as a lien for up to 20 years from the date the Judgment was signed, but must be re-recorded every ten years to stay in effect.

- If you know the name and address of the employer or the bank of the defendant(s), you may want to use the process of Garnishment. This is an order signed by the Judge, directing a Deputy Clerk to issue a writ directing a third party usually an employer or a bank to hold funds until a hearing is held and a judge decides if such funds should be awarded to you. The Filing Fee for a Garnishment is $85.00. The Clerk's Office does not have a Packet of Forms for Garnishments

- A Writ of Execution, which commands the Sheriff's Office to make demand for the amount of your Final Judgment from the defendant(s), may be issued by a deputy clerk upon request. You must then complete and file an "Instruction for Levy" form with the Sheriff's Office identifying specific property or real property to levy upon. You must first record your judgment with the Clerk of Courts (real property) or Judgment Lien Database (personal property) in Tallahassee to establish your judgment lien. Florida Chapters 55 and 56 cover judgments and final process. The Sheriff's Office will also require you to complete and file a "Creditor's Affidavit". There are fees and costs payable to the Sheriff before the Sheriff can proceed.

- If you do not know the employer(s) or bank(s) of the defendant(s), and if you do not know the location of any property, which might be subject to a Writ of Execution, you may file a motion with the Clerk's Office for a Hearing in Aid of Execution. The judge will then enter an order for the hearing and the defendant(s) will be served with the order and a "Fact Information Sheet." At the hearing, the defendant(s) will be required to reveal assets, employment and sources of income to the judge.

SMALL CLAIMS **PHONE: 863-402-6594**

HIGHLANDS COUNTY COURTHOUSE – CIVIL DIVISION

Per Florida Statute 28.215 "Assistance shall not include the provision of legal advice" by any clerk of the courts to pro-se litigants.

Should you require any assistance as to your case or any actions needed in regards to filing within the court on both new and existing cases, please contact an attorney or paralegal to help assist you with these inquiries. Refer to the list below for additional information in obtaining proper procedure when filing within the Tenth Judicial Circuit.

Certified Process Server:

- www.hcclerk.org
- www.jud10.flcourts.org

Florida Bar Lawyer Referral Service:

- (800) 342-8011
- www.floridabar.org

The Florida Statutes:

- www.leg.state.fl.us/statutes/