

HELP FILE #6
INFORMATION FOR FILING SMALL CLAIMS SUITS \$5,000.00 OR LESS

NOTICE:

Information or forms provided by the Clerk of Circuit 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. Specific guidance as to how to proceed with filing a lawsuit or answering a lawsuit and questions about your particular situation should be directed to a qualified attorney.

THE COUNTY COURT DOES NOT PROVIDE INTERPRETERS OR TRANSLATORS, YOU ARE RESPONSIBLE FOR PROVIDING YOUR OWN INTERPRETERS OR TRANSLATORS.

LA CORTE DEL CONDADO NO PROVEE INTERPRETES O TRADUCTORES, USTED ES RESPONSABLE DE PROVEER SU PROPIO INTERPRETE O TRADUCTOR.

FILING FEES AND SERVICE FEES

For all fees pertaining to filing suit, service of summons and other related fees, select the **Fee Schedule** button from our internet web site at www.hillsclerk.com.

FILING YOUR CLAIM

The person filing the case is the plaintiff; the person filed against is the defendant. The proper place to file suit is where the defendant resides or where the action took place. You must be 18 years old or older to file a suit; otherwise, a parent or legal guardian must file on your behalf. The Clerk may assist you and provide forms for claims that do not exceed \$5,000.00

You can sue an individual, a business or a corporation. If you sue a corporation, you need the name of the corporation and the name and title of an officer or the name of the registered agent to receive service of process. If you sue a business, you need the name of the business and the name(s) of the owner(s). Information on a corporation or a business licensed under a fictitious name may be obtained by calling the Secretary of State, Corporate Division, 1-800-755-5111. A fee is charged for information requested by telephone. You may also access the same information through the Internet by entering WWW.SUNBIZ.ORG, without paying a fee. In order for the defendant to be served, you must provide an address.

The Plaintiff should sign the claim before a notary or a deputy clerk. When your signature is witnessed by a deputy clerk, proper picture identification is required and a fee is charged.

Pursuant to Small Claims Rule 7.050 (a) (2), under certain circumstances, corporations may be represented by non-lawyers. 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 Pre-Trial Conference.

DOCUMENTS NEEDED FOR FILING A SMALL CLAIMS

- One original summons
- One original Statement of Claims
- One self addressed stamped envelope (if the documents are mailed to the Clerks Office)
- Any attachments or exhibits in support of the Statement of Claims

SERVICE OF SUMMONS

A Pre-Trial summons and copy of the claim must be legally served on each defendant in one of the following ways:

1. Personal service by the Sheriff or process server in the county where the defendant resides. If requested, the Clerk will forward the summons for you to the Hillsborough County Sheriff. You must bring a money order or cashiers check, payable to the Sheriff. To avoid a service delay, you may take the summons to the Sheriff's office.

2. Certified mail with restricted delivery. Certified mail can only be used when defendant resides within the State of Florida and the mail is addressed to the defendant's home address or post office box. Fees are payable to the Clerk of Circuit Court and may be included with the filing fees. Service by certified mail may also be valid for a corporation. The letter must be addressed to the corporation in care of an officer or a registered agent.

The defendant(s) must be served before the Pre-Trial date. If the Sheriff of Hillsborough County serves the summons, you will be notified of service information if you have completed the postcard provided by the Sheriff's department and paid the postage. Postcards may be obtained from the Sheriff's office. The postcard must be submitted with the summons to the Sheriff's department. **If you do not receive notification that the defendant has been served, please contact the Clerk's office at (813)276-8100, extension 4362, on the day before the scheduled pre-trial.**

COPIES NEEDED FOR SERVICE OF A SMALL CLAIMS

Two copies of the summons per defendant

One copy of the Statement of Claims per defendant

One copy of any attachment of the Statement of Claim per defendant

PRE-TRIAL HEARING

The Pre-Trial hearing is usually scheduled within 15 to 50 days after the case is filed. The Pre-trial hearing is held for the defendant to admit or deny the claim. Both the plaintiff(s) and defendant(s) must appear at the date and time stated on the summons. If the plaintiff does not appear, the Court may dismiss the claim and the filing fee would be forfeited. If the defendant does not appear, the Court may award a judgment to the plaintiff. If the defendant appears and denies the claim, the Court may either set the case for final hearing or send the case to Mediation.

If you are awarded a judgment and payment has not been made by the judgment debtor, you may research the Florida Statutes to find out methods to collect the judgment. You may want to begin your research in Florida Statutes 55.

THE COURT DOES NOT GUARANTEE COLLECTION OF YOUR JUDGMENT

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 ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs St., Room 604, Tampa, Florida 33602, (813) 272-7040, 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.