

OTHER PAPERS: If your claim is founded on an instrument of writing such as a sales contract, returned check, promissory note, written warranty, lease, etc., it will be necessary for you to furnish one copy of such instrument for attachment as an exhibit to EACH CLAIM FORM to be filed. The Clerk will make copies of such items at .15 cents per copy when insufficient copies are not furnished.

PERSONAL SERVICE: The defendant should be personally served by the Sheriff, Process Server or Constable of the appropriate County. Check with the sheriff's department to make sure what county the address listed is in. The fee (check with Clerk) for serving each defendant, shall be paid in advance and in addition to the filing.

CERTIFIED MAIL: Service on the defendant(s) who are Florida residents may be perfected by certified mail RETURN RECEIPT SIGNED BY THE DEFENDANT or SOMEONE AUTHORIZED TO RECEIVE MAIL AT DEFENDANT'S RESIDENCE OR PRINCIPAL PLACE OF BUSINESS, however, this service is not very effective and may cause the plaintiff to pay an additional fee for the sheriff to serve. Check with the Clerk for the fee.

ADDRESS: The address of each defendant must be given in sufficient detail for delivery of the summons by mail or by personal service.

NOTE: It is the plaintiff's responsibility to check with the clerk of the court and or the sheriff's department to ascertain if service has been made on the defendant prior to the pretrial conference. If the defendant was not served, an alias summons with new address must be requested, in writing. A new pretrial conference will be scheduled. It is not necessary to appear at the original scheduled pretrial conference if the defendant was not served. The case will not be tried at the pretrial conference. Do not bring witnesses.

COSTS: Where costs are to be awarded, they are added by the court at the time the judgment is entered. **DO NOT INCLUDE SUCH COSTS IN THE AMOUNT STATED BY YOU AS THE AMOUNT BEING CLAIMED IN THE COMPLAINT.**

TRIAL: All cases that are set for trial will be a Non Jury Trial unless a written demand for Jury Trial is made by the plaintiff at the commencement of the action, or by any defendant within five days after service of the summons, or at the pretrial conference. If the demand is not made, the right to trial by jury is waived. Bring all witnesses, documents and any other evidence you plan to use to the trial. **Be ready and on time.**

AFTER FINAL JUDGMENT IS AWARDED

NOTE: THE CLERK'S OFFICE CANNOT COLLECT YOUR FINAL JUDGMENT OR GIVE LEGAL ADVICE, however, the following procedures may help you to collect.

- *1. Obtain a **CERTIFIED COPY OF JUDGMENT** from the Clerk's office where your suit was filed.
- *2. **RECORD** the certified copy in the county where the defendant resides and any county where he /she may have real property.
3. After recording the judgment, it becomes a lien against any real property then owned or thereafter acquired by the defendant in his/her name. The lien is good for twenty years and must be recorded to be effective. (**SUBJECT TO RESTRICTIONS - SEE Chapter 55, Florida Statutes**) Currently, the Final Judgment must be re-recorded every ten (10) years.
4. If you can locate and describe any property owned by the defendant, real or personal, you can secure a **WRIT OF EXECUTION**, from the Clerk's office after the 10 day period has elapsed. However, prior to sending an **INSTRUCTION FOR LEVY** to the Sheriff's Department with Writ of Execution, the judgment lien must be recorded with the Department of State. For additional information, check with the clerk's office or contact the **Department of State at: Div. of Corp., Judgment Liens, P.O. Box 6250, Tallahassee, FL 32314 or 850-245-6039 or WWW.SUNBIZ.ORG**

There are other procedures available for obtaining information to help you in the collection of your judgment, however, the Clerk's office is unable to assist you any further. If you do not have an attorney, you may contact the **LAWYERS REFERRAL SERVICE** for assistance. Tel. No. 800-342-8011

* A fee is charged for issuing a certified copy of the final Judgment and recording it in the public records.

FOR YOUR GENERAL INFORMATION, THE CLERK'S ADDRESSES ARE LISTED BELOW:

DELAND:
101 N. Alabama Ave.
DeLand, FL 32721-6043
(386) 736-5907

DAYTONA BEACH:
125 E Orange Avenue
Daytona Beach, FL 32114
(386) 257-6081

NEW SMYRNA BEACH
124 N. Riverside Drive
New Smyrna Beach, FL 32168
(386) 423-3304

Mailing address: P.O. Box 6043, DeLand, FL 32721-6043

Web Site: www.clerk.org