



**SMALL CLAIMS INFORMATION**

**JURISDICTION:** The jurisdiction of the Small Claims Court is **\$8,000.00 or less**, exclusive of costs. If your claim is for more than this amount and you wish to bring suit in Small Claims Court, you should add the following statement to your claim: ***"EXCEPT FOR COSTS, ALL SUMS DUE IN EXCESS OF \$8,000.00 ARE HEREBY WAIVED."***

**PREPARING CLAIM:** Complete the Statement of Claim form and include:

1. The full name of the person(s) and address(s) involved.
  - a. If you are suing an **INDIVIDUAL**, you need to obtain the proper name, any known alias and address of the person being sued. The same applies for the spouse if they are included in the suit.
  - b. If you are suing a **CORPORATION**, you also need to obtain the correct name and the state in which it is incorporated. The suit must also contain the name and address of the officer/registered agent of the corporation authorized to accept service.
  - c. If you are suing a **PARTNERSHIP**, you must know the name and address of all the partners.
  - d. The full address of each defendant must be given in sufficient detail for service of the summons.

**NOTE:** If suing an individual "Doing Business As", list the [name of person] DBA [company name]. Doing business under a fictitious name such as:

John Jones d/b/a Book World

John Jones, Bill Smith and Frank Smith, a partnership, d/b/a Jones and Smith Plumbing

ABC, Incorporated, a Florida Corporation, d/b/a Snack Shop

**Fictitious Name:** You cannot sue a fictitious name because it is not an entity. You have the burden of investigating to determine if the fictitious name is owned by an individual, partnership or a corporation. In order to do this, you must check to see if the name is registered in Tallahassee.

**NOTE:** Information regarding corporation, partnership, and fictitious names and their status may be obtained from the Florida Secretary of State, Division of Corporations in Tallahassee at (850)245-6000, or by checking their website [www.sunbiz.org](http://www.sunbiz.org).

2. Please give a brief description of why you are filing this suit. Include the date it occurred, and where it occurred.
3. Enter the amount you are suing for in the space provided.

4. If you are entitled to interest on money due to you, enter it separately and include attorney's fees (If applicable) and cost of this action.
5. Attach any paperwork to the Statement of Claim form that you may need to prove your claim, i.e. bill of sale, returned check, promissory note, written warranty, lease, note, etc.
6. The Statement of Claim must either be signed in front of a Deputy Clerk or notarized by a Notary Public.
7. You must provide copies of the Statement of Claim form and any attachments for **each** defendant.
8. The Clerk's Office can make copies for you at a cost of \$.15 per page (before filing the case), or \$1.00 per page (after filing the case).
9. After the case has been filed, a *pre-trial summons* with a pre-trial date will be issued. The summons and an attached copy of the Statement of Claim will need to be served on each defendant by the Sheriff's Department.
10. The filing fee, summons issuance fee and sheriff's service fees are listed below.

The filing fee, summons issuance fee(s) and any copy fee(s) can be paid by cash, personal check, cashier's check, business check or money orders. Checks and money orders should be made payable to "Clerk of Court". The Volusia Sheriff's fees are to be paid by separate check or money order made payable to the Volusia Sheriff's Office if the defendant is to be served in Volusia County.

If the defendant **does not** reside in Volusia County contact the sheriff in the county in which they reside for service fees and instructions.

#### **County Civil Fees**

Claims less than \$100.00	\$ 55.00
\$100.00 up to and including \$500.00	\$ 80.00
\$501.00 up to and including \$2,500.00	\$175.00
\$2501.00 up to and including \$8,000.00	\$300.00
Summons Issuance	\$10.00 per summons
Oath Fee	\$ 3.50

#### **Volusia Sheriff's Office Fee**

Service of Summons	\$40.00 per defendant
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**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 pre-trial conference will be scheduled.

**\*\*The case will not be tried at the pre-trial 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 pre-trial 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 at the trial. Be ready and on time.