

**FILING FOR (RETURN OF STOLEN PROPERTY REPLEVIN ACTION AGAINST A PAWNBROKER IN SANTA ROSA COUNTY, FLORIDA**

**VALUE OF GOODS: \$5,000.00 - \$15,000.00**

MAILING ADDRESS: Clerk of Courts, Attn: County Civil/Small Claims, P.O. Box 472  
Milton, Florida 32572

LOCATION / PHONE: 6865 Caroline Street, Milton, Florida 32570 (850) 981-5667 or 981-5669 or 981-5567

Replevins are filed in the county and state where the goods to be recovered are located.

**\*\*\*\*\*NOTICE\*\*\*\*\***

**Information or forms provided by the Clerk of 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 but as basic and general information only. It does not explain all your options and/or rights. Specific guidance as to how to proceed with filing a lawsuit or answering a lawsuit and legal questions about your particular situation should be directed to a qualified attorney. Because of the complexity, at times, of this type of case, you should research the Florida Statutes, Chapter 539.001, for further instructions in a replevin case action against a pawnbroker or contact an attorney.**

**NOTICE TO CLERK OF COURTS AND TO SHERIFF:**

**Pursuant to Section 539.001(15), filing fees and service fees shall be waived. Waiver does not require the filing of an affidavit of insolvency.**

**INFORMATION AND PROCEDURES FOR FILING A REPLEVIN ACTION IN SANTA ROSA COUNTY**

Small Claims Replevin is for filing suit in an effort to recover goods located in Santa Rosa County, Florida. Replevin Action must be filed in the County and State where the goods are located.

Claimant(s)/Plaintiff(s) must know the name of pawn shop and address where the goods are located. Claimant(s)/Plaintiff(s) must provide a copy of notification to the pawnbroker by certified mail, return receipt requested, or in person evidenced by signed receipt, of the Claimant(s)/Plaintiff(s) claim to the purchased or pledged goods in the possession of the pawnbroker.

Claimant(s)/Plaintiff(s) notice to the pawnbroker must contain a complete and accurate description of the purchase or pledged goods and must be accompanied by a legible copy of the law enforcement agency's report of the misappropriation of said purchased or pledged goods.

Claimant(s)/Plaintiff(s) notice must have allowed for ten days after the pawnbroker's receipt of notice for resolution of the disposition of the purchase or pledged goods by the parties before the claimant of the pawned goods can file a petition for the return of the property.

Plaintiff(s) present to Clerk your ID or Driver's License.

Plaintiff(s) have to pay the filing fee as to amount of claim, summons fee, with \$3.50 oath fee.  
**(WAIVED PURSUANT TO STATUTE)**

Plaintiff(s) have to pay a fee of \$40.00 per service by: Money Order, Cashier's Check, or Business Check made payable to Santa Rosa County Sheriff's Department. **(WAIVED PURSUANT TO STATUTE)**

When a Writ of Replevin is issued Plaintiff has to pay \$90.00 by Money Order, Cashier's Check, Or Business Check made payable to Santa Rosa County Sheriff's Department for the enforcement of the writ of Replevin. **(WAIVED PURSUANT TO STATUTE)**

**IN THE COUNTY COURT,  
IN AND FOR SANTA ROSA COUNTY, FLORIDA  
CASE NO. \_\_\_\_\_**

\_\_\_\_\_  
Plaintiff,

-vs-

\_\_\_\_\_  
Defendant/Pawnbroker.

**STATEMENT OF CLAIM FOR RETURN OF PROPERTY**

Plaintiff, sues defendant, and says:

1. This is an action for the return of stolen or misappropriated property pursuant to section 539.001, Florida Statutes.
2. Plaintiff is the owner of the following described property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach a separate sheet if not enough space is available above.)

3. The above-described property was stolen or otherwise misappropriated from plaintiff on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. A copy of the law enforcement report outlining the theft/misappropriation is attached hereto and incorporated into this statement of claim.

4. The above-described property is currently in the possession of defendant and is located at a pawnshop as defined in section 539.001, Florida Statutes, the address of which is:

\_\_\_\_\_.

5. Plaintiff has complied with the procedural requirements of section 539.001, Florida Statutes. Specifically, plaintiff notified the pawnbroker of plaintiff's claim to the property: by certified mail, return receipt requested, OR in person evidenced by a signed receipt. The notice contains a complete and accurate description of the purchased or pledged goods and was accompanied by a legible copy of the aforementioned police report regarding the theft or misappropriation of the property. No resolution between plaintiff and defendant pawnbroker could be reached within 10 days after the delivery of the notice.

WHEREFORE, the plaintiff demands judgment for the return of the property. Plaintiff further asks this court to award plaintiff the costs of this action, including reasonable attorneys' fees.

\_\_\_\_\_  
Plaintiff (Signature)

\_\_\_\_\_  
Plaintiff's Name (Print)

\_\_\_\_\_  
Address (City, State, Zip Code)

\_\_\_\_\_  
Day telephone number

**State of Florida County of Santa Rosa**

The foregoing instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by, \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification and who \_\_\_\_\_ DID, \_\_\_\_\_ DID NOT (check one) take an oath.

WITNESS my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

**State of Florida Note to Clerk of Court and to Sheriff: Pursuant to Section 539.001(15) filing fees and service fees shall be waived. Waiver does not require the filing of an application for insolvency.**

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone number  
Vs.

\_\_\_\_\_  
Defendant/Pawnbroker

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone number

**STATEMENT OF CLAIM FOR RETURN OF STOLEN PROPERTY**

Statement Pertaining to the Facts of Your Claim. Include: Who, What, When, and Where.

List Items to be recovered: Give Description and Value of Each.

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\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_

\_\_\_\_\_  
Address, State, Zip Code

**IN THE COUNTY COURT  
IN AND FOR SANTA ROSA COUNTY, FLORIDA  
CASE NO. \_\_\_\_\_**

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

Vs

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

**REPLEVIN ORDER TO SHOW CAUSE**

**THE STATE OF FLORIDA:**

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this order on defendant, \_\_\_\_\_, by personal service as provided by law, if possible, or, if you are unable to personally serve defendant within the time specified, by placing a copy of this order with a copy of the summons on the claimed property located at \_\_\_\_\_, Santa Rosa County, Florida, at least five (5) days before the hearing scheduled below, excluding the day of service and intermediate Saturdays, Sundays, and legal holidays. Non-personal service as provided in this order shall be effective to afford notice to defendant of this order, but for no other purpose.

Defendant shall show cause before the Honorable Judge \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ A.M. /P.M. in the SANTA ROSA COUNTY COURTHOUSE, located at 6865 Caroline Street, in Judge's chambers at Milton, Florida, why the property claimed by plaintiff in the complaint filed in this action should not be taken from the possession of defendant and delivered to plaintiff.

**PLEASE DRESS APPROPRIATELY: NO SHORTS, TANK TOPS, HALTER TOPS, OR FLIP FLOPS.**

Defendant may file affidavits, appear personally or with an attorney and present testimony at the time of the hearing, or, on a finding by the court pursuant to section 78.067(2), Florida Statutes (1979), that plaintiff is entitled to possession of the property described in the complaint pending final adjudication of the claims of the parties, file with the court a written undertaking executed by a surety approved by the court in an amount equal to the value of the property to stay an order authorizing the delivery of the property to plaintiff.

If defendant fails to appear as ordered, defendant shall be deemed to have waived the right to a hearing. The court may thereupon order the clerk to issue a writ of replevin.

ORDERED at Milton, Santa Rosa County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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COUNTY COURT JUDGE

**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: COURT ADMINISTRATION, ADA LIAISON SANTA ROSA COUNTY, 6865 CAROLINE STREET, MILTON, FL 32570 PHONE (850) 623-3159 FAX (850) 983-0602, EMAIL: [ADA.SantaRosa@flcourts1.gov](mailto:ADA.SantaRosa@flcourts1.gov) 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**

**IN THE COUNTY COURT  
IN AND FOR SANTA ROSA COUNTY, FLORIDA  
CASE NO. \_\_\_\_\_**

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

**Vs**

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

**REPLEVIN SUMMONS / NOTICE TO APPEAR**

**THE STATE OF FLORIDA** to defendant(s): \_\_\_\_\_

You are notified that the above-named Plaintiff has filed a Replevin Complaint against you for wrongfully withholding property of the value of \$\_\_\_\_\_ as shown by the Replevin complaint, with court costs, and you are required to appear in person or by attorney at the Santa Rosa County Courthouse, 6865 Caroline Street, in the chambers of Honorable Judge \_\_\_\_\_, Milton, Florida, On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_AM / PM for an Order to Show Cause Hearing Before the Honorable Judge\_\_\_\_\_.

If you fail to appear on that date, in person or by attorney, a Judgment for Replevin will be entered against you and Writ of Replevin issued.

**Please dress appropriately: no shorts, tank tops, halter tops or flip-flops!**

Dated at Milton, Santa Rosa County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**DONALD C. SPENCER, CLERK OF COURTS & COMPTROLLER,**

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: COURT ADMINISTRATION, ADA LIAISON SANTA ROSA COUNTY, 6865 CAROLINE STREET, MILTON, FL 32570 PHONE (850) 623-3159 FAX (850) 983-0602 EMAIL [ADA.SantaRosa@flcourts1.gov](mailto:ADA.SantaRosa@flcourts1.gov) 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.**

**FORM 1.997. INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET**

Plaintiff must file this cover sheet with the first document filed in the action or proceeding (except small claims cases, probate, or family cases). Domestic and juvenile cases should be accompanied by a completed Florida Family Law Rules of Procedure Form 12.928, Cover Sheet for Family Court Cases. Failure to file a civil cover sheet in any civil case other than those excepted above may result in sanctions.

**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 (if applicable), and the name (last, first, middle initial) of plaintiff(s) and defendant(s).

**II. Amount of Claim.** Enter the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes and is not considered dispositive of the claim.

**III. Type of Case.** Place an “X” on the appropriate line. If the cause fits more than one type of case, select the most definitive. If the most definitive label is a subcategory (indented under a broader category label), place an “X” on the category and subcategory lines. Definitions of the cases are provided below in the order they appear on the form.

**Circuit Civil**

(A) Condominium—all civil lawsuits pursuant to Chapter 718, Florida Statutes, in which a condominium association is a party.

(B) Contracts and indebtedness—all contract actions relating to promissory notes and other debts, including those arising from the sale of goods, but excluding contract disputes involving condominium associations.

(C) Eminent domain—all matters relating to the taking of private property for public use, including inverse condemnation by state agencies, political subdivisions, or public service corporations.

(D) Auto negligence—all matters arising out of a party’s allegedly negligent operation of a motor vehicle.

(E) Negligence—other—all actions sounding in negligence, including statutory claims for relief on account of death or injury, that are not included in other main categories.

(F) Business governance—all matters relating to the management, administration, or control of a company.

(G) Business torts—all matters relating to liability for economic loss allegedly caused by interference with economic or business relationships.

(H) Environmental/Toxic tort—all matters relating to claims that violations of environmental regulatory provisions or exposure to a chemical caused injury or disease.

(I) Third party indemnification—all matters relating to liability transferred to a third party in a financial relationship.

(J) Construction defect—all civil lawsuits in which damage or injury was allegedly caused by defects in the construction of a structure.

(K) Mass tort—all matters relating to a civil action involving numerous plaintiffs against one or more defendants.

(L) Negligent security—all matters involving injury to a person or property allegedly resulting from insufficient security.

(M) Nursing home negligence—all matters involving injury to a nursing home resident resulting from negligence of nursing home staff or facilities.

(N) Premises liability—commercial—all matters involving injury to a person or property allegedly resulting from a defect on the premises of a commercial property.

(O) Premises liability—residential—all matters involving injury to a person or property allegedly resulting from a defect on the premises of a residential property.

(P) Products liability—all matters involving injury to a person or property allegedly resulting from the manufacture or sale of a defective product or from a failure to warn.

(Q) Real property/Mortgage foreclosure—all matters relating to the possession, title, or boundaries of real property. All matters involving foreclosures or sales of real property, including foreclosures associated with condominium associations or condominium units. (The amount of claim specified in Section II. of the form determines the filing fee pursuant to section 28.241, Florida Statutes.)

(R) Commercial foreclosure—all matters relating to the termination of a business owner's interest in commercial property by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property.

(S) Homestead residential foreclosure—all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has been granted a homestead exemption.

(T) Nonhomestead residential foreclosure—all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has not been granted a homestead exemption.

(U) Other real property actions—all matters relating to land, land improvements, or property rights not involving commercial or residential foreclosure.

(V) Professional malpractice—all professional malpractice lawsuits.

(W) Malpractice—business—all matters relating to a business's or business person's failure to exercise the degree of care and skill that someone in the same line of work would use under similar circumstances.

(X) Malpractice—medical—all matters relating to a doctor's failure to exercise the degree of care and skill that a physician or surgeon of the same medical specialty would use under similar circumstances.

(Y) Malpractice—other professional—all matters relating to negligence of those other than medical or business professionals.

(Z) Other—all civil matters not included in other categories.

(AA) Antitrust/Trade regulation—all matters relating to unfair methods of competition or unfair or deceptive business acts or practices.

(AB) Business transactions—all matters relating to actions that affect financial or economic interests.

(AC) Constitutional challenge—statute or ordinance—a challenge to a statute or ordinance, citing a violation of the Florida Constitution.

(AD) Constitutional challenge—proposed amendment—a challenge to a legislatively initiated proposed constitutional amendment, but excluding challenges to a citizen-initiated proposed constitutional amendment because the Florida Supreme Court has direct jurisdiction of such challenges.

(AE) Corporate trusts—all matters relating to the business activities of financial services companies or banks acting in a fiduciary capacity for investors.

(AF) Discrimination—employment or other—all matters relating to discrimination, including employment, sex, race, age, handicap, harassment, retaliation, or wages.

(AG) Insurance claims—all matters relating to claims filed with an insurance company.

(AH) Intellectual property—all matters relating to intangible rights protecting commercially valuable products of the human intellect.

(AI) Libel/Slander—all matters relating to written, visual, oral, or aural defamation of character.

(AJ) Shareholder derivative action—all matters relating to actions by a corporation's shareholders to protect and benefit all shareholders against corporate management for improper management.

(AK) Securities litigation—all matters relating to the financial interest or instruments of a company or corporation.

(AL) Trade secrets—all matters relating to a formula, process, device, or other business information that is kept confidential to maintain an advantage over competitors.

(AM) Trust litigation—all civil matters involving guardianships, estates, or trusts and not appropriately filed in probate proceedings.

### **County Civil**

(AN) Civil – all matters involving claims ranging from \$8,001 through \$30,000 in damages, exclusive of interest, costs, and attorney fees.

(AO) Replevins—all lawsuits pursuant to Chapter 78, Florida Statutes, involving claims up to \$30,000.

(AP) Evictions—all matters involving the recovery of possession of leased land or rental property by process of law.

(AQ) Other civil (non-monetary)—includes all other non-monetary county civil matters that were not described in other county civil categories.

**IV. Remedies Sought.** Place an “X” on the appropriate line. If more than one remedy is sought in the complaint or petition, check all that apply.

**V. Number of Causes of Action.** If the complaint or petition alleges more than one cause of action, note the number and the name of the cause of action.

**VI. Class Action.** Place an “X” on the appropriate line.

**VII. Related Cases.** Place an “X” on the appropriate line.

**VIII. Is Jury Trial Demanded In Complaint?** Check the appropriate line to indicate whether a jury trial is being demanded in the complaint.

ATTORNEY OR PARTY SIGNATURE. Sign the civil cover sheet. Print legibly the name of the person signing the civil cover sheet. Attorneys must include a Florida Bar number. Insert the date the civil cover sheet is signed. Signature is a certification that the filer has provided accurate information on the civil cover sheet, **and has read and complied with the requirements of Florida Rule of Judicial Administration 2.425.**

**FORM 1.997. CIVIL COVER SHEET**

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

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**I. CASE STYLE**

Plaintiff \_\_\_\_\_ Santa Rosa Circuit Court Case # \_\_\_\_\_  
\_\_\_\_\_ Judge \_\_\_\_\_

vs.  
Defendant \_\_\_\_\_  
\_\_\_\_\_

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**II. AMOUNT OF CLAIM**

Please indicate the estimated amount of the claim, rounded to the nearest dollar. \$ \_\_\_\_\_

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**III. TYPE OF CASE** (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

**CIRCUIT CIVIL**

- \_\_\_\_\_ Condominium
- \_\_\_\_\_ Contracts and indebtedness
- \_\_\_\_\_ Eminent domain
- \_\_\_\_\_ Auto negligence
- \_\_\_\_\_ Negligence—other
  - \_\_\_\_\_ Business governance
  - \_\_\_\_\_ Business torts
  - \_\_\_\_\_ Environmental/Toxic tort
  - \_\_\_\_\_ Third party indemnification
  - \_\_\_\_\_ Construction defect
  - \_\_\_\_\_ Mass tort
  - \_\_\_\_\_ Negligent security
  - \_\_\_\_\_ Nursing home negligence
  - \_\_\_\_\_ Premises liability—commercial
  - \_\_\_\_\_ Premises liability—residential
- \_\_\_\_\_ Products liability
- \_\_\_\_\_ Real property/Mortgage foreclosure

- Commercial foreclosure
- Homestead residential foreclosure
- Non-homestead residential foreclosure
- Other real property actions
- Professional malpractice
  - Malpractice—business
  - Malpractice—medical
  - Malpractice—other professional
- Other
  - Antitrust/Trade regulation
  - Business transactions
  - Constitutional challenge—statute or ordinance
  - Constitutional challenge—proposed amendment
  - Corporate trusts
  - Discrimination—employment or other
  - Insurance claims
  - Intellectual property
  - Libel/Slander
  - Shareholder derivative action
  - Securities litigation
  - Trade secrets
  - Trust litigation

**COUNTY CIVIL**

- Civil
- Replevins
- Evictions
- Other civil (non-monetary)

**IV. REMEDIES SOUGHT (check all that apply):**

- Monetary;
- Nonmonetary declaratory or injunctive relief;
- Punitive

**V. NUMBER OF CAUSES OF ACTION: [ ]**

(Specify) \_\_\_\_\_  
 \_\_\_\_\_

**VI. IS THIS CASE A CLASS ACTION LAWSUIT?**

- yes
- no



**VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?**

\_\_\_\_\_ no

\_\_\_ yes If "yes," list all related cases by name, case number, and court. \_\_\_\_\_

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**VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?**

\_\_\_\_\_ yes

\_\_\_\_\_ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature \_\_\_\_\_ Fla. Bar # \_\_\_\_\_  
Attorney or party (Bar # if attorney)

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(type or print name) Date