

MEDIATION - AN ALTERNATIVE TO TRIAL

Santa Rosa County Small Claims Court offers mediation as an alternative to trial. When you appear at your scheduled Pre-Trial Conference you will be given an opportunity to elect to have your case mediated.

WHAT IS MEDIATION? - Mediation is a process in which the parties meet together in a non-courtroom setting with a professionally trained voluntary mediator. The mediator will impartially assist the plaintiff(s) and defendant(s) in reaching an agreement of mutual benefit and satisfaction to resolve the suit. Mediated settlements eliminate the uncertainty of a Judge's decision and allow the parties more control over the outcome of their cases.

If an agreement is reached during the mediation process, a written form will be prepared by the mediator at the time of the Pre-Trial Conference setting forth the parties' mutual understanding. Both parties will sign the agreement form, and each party will receive a copy. Mediated agreements are binding, and has the approval of the presiding judge.

THE ADVANTAGES OF MEDIATION: Mediation allows each party to discuss his or her case in the privacy of a conference room setting. A trained mediator will assist the parties in seeking settlement of the issues in a manner beneficial to both parties. Mediation can save you both time and money. A successfully mediated case means that you will not have to return to court at a later date for a trial. Mediation can also save the costs to both sides associated with collection proceedings.

If you elect to mediate your case, it will be referred to a mediator at the time of the Pre-Trial Conference Hearing. Come prepared to present any information and documents that will support your side of the suit.

If you decide not to mediate, or if the parties are unable to reach an agreement during the mediation process, the case will be returned to the court clerk who will ask each party for the number of witnesses expected to testify at the trial. The case will be scheduled for trial, and all parties will be notified by mail of the date and time.

All parties are asked to check in with the court clerk upon arrival at the Pre-Trial Conference Hearing, and to verify your address and phone number.

MEMO

TO Attorneys and Pro Se Parties

FROM Mary M. Johnson, Clerk of Courts, Santa Rosa County, Florida
County Civil / Small Claims / Landlord - Tenant
Ph: 850 983 4661 or 850 983 4630
P. O. Box 472 Milton, Florida 32572

SUBJECT 1) Two Sided Pleadings
2) Letter Size Paper

1) Prepare Pleadings or Documents for Case Filing with print on one side of each sheet of paper.

We docket and scan each item submitted for case filing.

2) Submit Pleadings or Documents for Case Filing on Standard Letter Size Paper which is (8 ½ X 11).

Thank you in advance for your consideration and compliance to our request.

**IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA
SMALL CLAIMS DIVISION**

PLAINTIFF(S)

ADDRESS:

TELEPHONE:

VS

CASE NO: _____

DEFENDANT(S)

ADDRESS:

TELEPHONE:

STATEMENT OF CLAIM

**PLAINTIFF(S) CLAIMS THE AMOUNT OF \$ _____ AS BEING DUE FROM THE DEFENDANT(S)
TOGETHER WITH \$ _____ FOR INTEREST PLUS COURT COSTS OF \$ _____
WHICH ALL TOTALS \$ _____, AND ALLEGES THAT THE BASIS OF THIS SUIT IS:**

- _____ Money due plaintiff upon accounts stated and agreed to between them.
- _____ Money loaned by plaintiff to defendant.
- _____ Goods, wares, and merchandise sold by plaintiff to defendant.
- _____ Rent due plaintiff for certain premises in Santa Rosa County, Florida.
- _____ Defective goods/workmanship/services furnished to plaintiff by defendant.
(List goods and describe defects below)
- _____ Damages due to auto collision.
(Describe below Defendant's negligent act which caused collision.)
- _____ Plaintiff further states the suit is based on a written instrument.
- _____ Money due plaintiff for worthless check given by defendant.
- _____ Money due plaintiff for labor and materials furnished to defendant.
- _____ Other

**STATE OF FLORIDA
COUNTY OF SANTA ROSA**

**THE UNDERSIGNED, BEING DULY SWORN, SAYS THAT THE FOREGOING IS A JUST AND TRUE STATEMENT
OF THE AMOUNT OWING BY THE DEFENDANT(S) TO SAID PLAINTIFF(S) EXCLUSIVE OF ALL SET-OFFS AND
JUST GROUNDS OF DEFENSE:**

SWORN AND SUBSCRIBED BEFORE ME

this _____ day of _____, 20 _____

By: _____
Deputy Clerk or Notary

**MARY M. JOHNSON, CLERK OF COURTS
SMALL CLAIM DIVISION-COUNTY COURT**

Plaintiff(s)

**NOTICE: THIS DOCUMENT REQUIRES AN
OFFICIAL COURT SUMMONS WITH SIGNATURE
AND THE OFFICIAL COURT SEAL AFFIXED
THERE TO.**

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

Plaintiff(s)

vs.

CASE No. _____

Defendant(s)

**STATEMENT OF CLAIM
AUTO NEGLIGENCE**

The Plaintiff(s) sues the defendant(s) and says: On or about _____,
in the vicinity of _____,
on a public highway in Santa Rosa County, Florida, plaintiff's motor vehicle, being operated by _____
_____, collided with
defendant's motor vehicle, being operated by _____;
and the collision with plaintiff's vehicle was caused by the negligent and careless operation of defendant's
vehicle, whereby plaintiff's vehicle was damaged and depreciated in value.

WHEREFORE, Plaintiff(s) demands judgment in the sum of \$ _____ and
Court Costs in the amount of \$ _____.

STATE OF FLORIDA, SANTA ROSA COUNTY

_____ being first duly sworn on an oath says the
foregoing is a just and true statement of the amount owing by defendant(s) to plaintiff(s), exclusive of all
set-offs and just grounds of defense:

Plaintiff(s) or Attorney for Plaintiff(s)

MARY M. JOHNSON, CLERK OF COURTS

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public or Deputy Clerk

**Notice: This document requires an official Court summons
with signature and the official court seal affixed thereto.**

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA

Plaintiff(s)

CASE NO: _____
DIVISION _____

vs.

Defendant(s)

NOTICE OF PERMANENT MAILING ADDRESS

I, _____, the Plaintiff/Defendant, in the above styled cause of action hereby certify that my permanent mailing address is as follows:

Phone #: _____

I UNDERSTAND THAT ONLY THIS ADDRESS WILL BE USED BY THE COURT, THE OPPOSING PARTY, AND ANY INTERVENING PARTIES TO THIS CASE FOR THE PURPOSE OF PROVIDING ME WITH:

- a. Notice of all future hearing in this case, and
- b. Any Court documents and papers pertaining to this case.

I understand that all notices and court papers in this case will be sent to me only at the above address and that in the event personal service of any court documents is necessary that they will first be attempted to be served at the above listed address unless and until I notify the court of my new address. I also understand that if I change my permanent mailing address or residence address, I must notify the Clerk of Court of my new address **in writing** by completion of another form similar to this form at the following address within one (1) week of the change of address and with a copy being furnished to all parties:

Mary M. Johnson, Clerk of Courts
Santa Rosa County, Florida
County Civil/Small Claims Division
P. O. Box 472
Milton Florida 32572

I have read this document and I understand that it is my responsibility to keep the Court informed of any change in my current address. I understand that copies of any court documents and notice of all future hearings which are mailed to my current address set forth herein will constitute proper notice and service, and the Court may proceed on all matters noticed and mailed to the above address even if I do not appear for said hearing.

(Signature)

(Date)

**IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA
SMALL CLAIMS DIVISION**

Plaintiff(s)

vs.

CASE NO. 57 - - SC -

Refer to this no. when making inquiries)

Defendant(s)

SUMMONS/NOTICE TO APPEAR FOR PRE-TRIAL CONFERENCE

STATE OF FLORIDA--NOTICE TO PLAINTIFF(S) AND DEFENDANT(S) _____

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the **Santa Rosa County Courthouse, 6865 Caroline Street, Room 228, Milton, Florida 32570** on the _____ day of _____, 20____ at 9:00 A.M. Central Time, for a PRE-TRIAL CONFERENCE before a Judge of this Court.

PLEASE DRESS APPROPRIATELY: NO SHORTS, TANK TOPS, HALTER TOPS, OR FLIP-FLOPS!

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 at the PRE-TRIAL CONFERENCE. The date and/or time of the Pre-Trial Conference CANNOT be rescheduled without good cause and prior court approval.

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.

The purpose of the Pre-Trial 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 Pre-Trial 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.

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 suit 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 suit is on an unsecured promissory note, where note is signed or where 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 defendant(s) sued resides; 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, proper venue lies in the county where payment is to be made.

If you, as a 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 seven (7) days prior to your first court date and send a copy to the Plaintiff(s) or Plaintiff(s)' attorney, if any..

A copy of the Statement of Claim shall be served with this summons.

If you desire to file any counterclaim or off-set to Plaintiff's said claim, it must be filed in this Court by you or your attorney in writing at least five (5) days prior to the above date. You should also serve a copy to the Plaintiff(s), by mail.

Dated at **Milton, Santa Rosa County, Florida** on this _____ day of _____, 20_____.

MARY M. JOHNSON, CLERK OF COURTS

BY: _____
Deputy Clerk

If you are a person with a disability who needs any accommodation in order to participate in a court proceeding., you are entitled, at no cost to you, to the provision of certain assistance. Please contact Shelia Sims, Chief Deputy Court Administrator, Office of Court Administration, (850) 595-4400, M.C. Blanchard Judicial Center, 5th Floor, 190 Governmental Center, Pensacola, Florida, 32502, within 2 working days of your receipt of this Summons; if you are hearing or voice impaired, call 711.

Mary M. Johnson
Clerk Circuit Court and County Court
Santa Rosa County, Florida

| | |
|--------------------------------------|-------------------------------------------------------------|
| Mailing Address: | P. O. Box 472 Milton, Florida 32572 |
| Santa Rosa County Courthouse: | 6865 Caroline Street Milton, Florida 32570 |
| Small Claims / County Civil: | 6816 Caroline Street Milton, Florida 32570 |

CORPORATION FILING SUITS
SMALL CLAIMS DIVISION

Pursuant to Small Claims Rules 7.050 (a) (2) Party Not Represented by Attorney to Sign.

A party , individual, or corporation who or which has no attorney handling such cause shall sign that party's statement of claim or other paper and state that party's address and telephone number, including area code. However, if the trial court in its discretion determines that the Plaintiff is engaged in the business of collecting claims and holds such claim being sued upon by purchase, assignment, or management arrangement in the operation of such business, the court may require that corporation to provide counsel in the prosecution of the cause. 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.

IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA
FORM 7.350 FLORIDA SMALL CLAIMS RULES
CORPORATE AUTHORIZATION TO ALLOW EMPLOYEE TO REPRESENT CORPORATION
AT ANY STAGE OF LAWSUIT

Plaintiff(s)

vs

CASE NO: _____

Defendant(s)

-----/

AUTHORIZATION OF CORPORATE OFFICER

_____ is an employee of

(name of corporation that is a party to this action)

This individual has authority to represent the corporation at any stage of the trial court proceedings, including mediation.

The undersigned giving the authority is an officer of the corporation.

Pursuant to section 92.525, Florida Statutes, under penalties of perjury, I declare that I have read the foregoing Corporate Authorization and that the facts stated in it are true.

Dated: _____

SIGNING AUTHORITY: _____

Print Name: _____

Print Title: _____

(President; Vice-President; Secretary; Treasurer)

Address: _____

Phone Number: _____

I certify that a copy of this form has been furnished to (list all parties of this action)

by _____ (hand delivery/mail/fax)

on _____, 20____.

Signature of Officer

Name _____

Title: _____

**IN THE COUNTY COURT IN AND FOR SANTA ROSA COUNTY, FLORIDA
SMALL CLAIMS DIVISION**

Plaintiff(s)

-vs- CASE NO: 57 - - SC -

Defendant(s)
-----/

PLAINTIFF'S REQUEST FOR DISMISSAL

PLEASE ADVISE OUR OFFICE OF THE STATUS ON THE ABOVE CASE BY CHECKING ONE OF THE CATEGORIES LISTED BELOW AND MAIL OR HAND DELIVER THIS FORM BACK TO OUR OFFICE SO THAT WE CAN DISMISS THIS ACTION:

_____ THE DEFENDANT(S) HAS / HAVE PAID THE PLAINTIFF(S) IN FULL AND THE PLAINTIFF(S) REQUEST THE COURT TO DISMISS THIS ACTION.

_____ THE PLAINTIFF(S) AND THE DEFENDANT(S) HAVE REACHED AN AGREEMENT AND/OR SETTLEMENT AND THE PLAINTIFF(S) REQUEST THE COURT TO DISMISS THIS ACTION.

Date

Plaintiff(s)

MAIL TO: MARY M. JOHNSON, CLERK OF COURT
 P.O. BOX 472
 ATTN: SMALL CLAIMS
 MILTON, FLORIDA 32572

HOW TO COLLECT A JUDGMENT IN FLORIDA UNDER THE NEW JUDGMENT LIEN LAW

How do I Collect a Judgment?

If you win a lawsuit for money, you will get a copy of the Court's judgment stating the amount of money the losing party must pay to you. The losing party is called the *judgment debtor*, and you, the winner(s), are/is called the *judgment creditor*.

If the judgment debtor does not pay, you are entitled to get the sheriff to seize the judgment debtor's property. The seizing of property by the sheriff is called a *levy*. Once the sheriff has levied on the property, the sheriff will then sell it, and pay you out of the money the sheriff receives from the sale. This process is called *execution*. There are a number of steps you must take.

What steps do I have to take?

Step 1. Once you get your judgment, you should first obtain a *judgment lien* by recording a *Judgment Lien Certificate* with the Department of State. This is not always crucial, but it is a very good idea. We will explain below why it is a good idea and how you do it.

Step 2. In order to get the sheriff to levy upon (to seize) the judgment debtor's property, you must first locate the property. The sheriff won't do this for you. Remember that there are many kinds of property the sheriff can seize. Land and buildings are called *real property*. Movable things, like cars, boats, furniture, and jewelry are called *personal property*.

There are some kinds of property the sheriff cannot levy on. The main kind of property the sheriff cannot seize is a person's home. A person's homestead is *exempt* from execution. The judgment debtor may also select personal property worth up to \$1,000, and one motor vehicle worth up to \$1,000, as exempt property. Only people have exemptions. If your judgment is against a corporation or a partnership, the sheriff can seize all of its property. Of course, the sheriff can only levy on property the judgment debtor truly owns - not property owned by somebody else, such as leased property.

Step 3. Once you have located property the sheriff can seize, you take your judgment to the Clerk of the Court that issued the judgment and ask for a document called a *Writ of Execution*. This tells the sheriff to seize property of the judgment debtor to satisfy your judgment. You then deliver the writ to the sheriff's office in the county in which the property is located. You must also give the sheriff written instructions, called *Instructions for Levy*. These instructions describe the property, and tell the sheriff where it is located.

The sheriff will require you to deposit some money to pay the sheriff's fees and costs. You will get your deposit back if the execution is successful.

Step 4. Before the property can be sold, you have to check the Department of State's internet website, at www.sunbiz.org, to see if there are any judgment liens filed under the name of the Judgment Debtor. You must also check for creditors who have filed UCC security interests in the name of the Judgment Debtor at www.floridaucc.com. You must notify all of these people of the time and place of the sale. You then give the sheriff a signed affidavit, on which you provide the

information contained in all the judgment lien certificates filed against the Judgment Debtor.

Step 5. Once the notices have been sent, the sale must be properly advertised in a local newspaper. Then, at the designated time and place, the sheriff will sell the property at a public auction. You can bid at the auction if you want to. The highest bidder, with cash in hand, pays the price to the sheriff and becomes the owner of the property.

Step 6. The sheriff will pay out the money received from the sale in this order:

- First, the sheriff pays the sheriff's costs, and if the sale price covers these costs, you will get your deposit back.
- Second, the sheriff pays you \$500 for your costs (whether you spent that much or not).
- Third, if somebody obtained a Judgment Lien before you did, the sheriff pays that person before paying you. If others have filed before you, the sheriff pays everybody in the order of filing.

If the sheriff runs out of money before getting to you, you get nothing more. This explains why it is such a good idea to obtain a Judgment Lien as soon as possible. If no judgment liens have ever been filed, the sheriff will pay you first, and anything left over will go back to the judgment debtor. But it's still a good idea to file as soon as possible. If you don't, there is always a chance that somebody might file during the execution process and come in ahead of you.

IMPORTANT: If you previously delivered a writ of execution to a sheriff, you cannot rely on that. You *must file* a judgment lien certificate before October 1, 2003, in order to hold that place in line.

How Do I Obtain a Judgment Lien On the Debtor's Personal Property?

You can obtain a judgment lien on all of the judgment debtor's personal property located anywhere in the state by filing a Judgment Lien Certificate with the Department of State. To get the proper form you must go on the internet to the Department's website: www.sunbiz.org. You can either download the form from the website or have it mailed to you. Once you have filled out the form, you can either file it and pay the filing fee electronically, or mail it to the Department with the filing fee.

CAUTION: These liens don't last forever. They lapse, meaning they disappear, after 5 years. If there are liens ahead of you, you will move toward the front of the line as they lapse. But your lien will eventually lapse, too. So don't be lazy waiting for somebody else to levy on the debtor's property for you. After 5 years, you can file again and get another judgment lien, but if others have filed after your first filing, you will go to the end of the line.

How Do I Obtain a Judgment Lien on the Debtor's Real Property?

You can obtain a judgment lien on the judgment debtor's real property by recording a certified copy of your judgment in the real estate records of the county in which the property is located. Such liens are not recorded with the Department of State. These liens last for ten years and they can be continued for another ten.

You can download forms on the Internet at www.sunbiz.org or call the Department of State, Division of Corporations, Judgment Liens Section, at 850-245-6039.