

WHERE CAN I GET MORE INFORMATION?

Sarasota County Clerk and Comptroller

For more information on small claims, go to www.SarasotaClerk.com or call the Clerk's office at (941) 861-7400.

12th Judicial Circuit Court

Self-help videos about Small Claims Court and other topics are available on the 12th Judicial Circuit Court website; go to www.12circuit.state.fl.us, select the *Programs and Services* tab, then *County Civil Mediation Program*.

The Citizen Dispute Settlement Program

Citizen's Dispute provides resolution of various types of disputes through voluntary mediation. Certified mediators conduct confidential sessions at no cost, to encourage and facilitate the resolution of disputes. Conferences are usually scheduled within three weeks. Call the Sarasota County Mediation Program at (941) 861-7833 for more information.

"To Meet the Needs and Exceed the Expectations of Those We Serve, in Fulfilling Our Constitutional Obligations."

—*Mission Statement*, Karen E. Rushing,
Clerk of the Circuit Court and County Comptroller



THE CLERK OF THE CIRCUIT COURT
AND COUNTY COMPTROLLER OFFERS
TWO OFFICES TO SERVE YOU:

Sarasota Historic Courthouse

2000 Main Street, Sarasota, FL 34230

Robert L. Anderson Administration Center

4000 S. Tamiami Trail, Venice, FL 34293

Hours of Operation:

Monday through Friday

8:30 a.m. to 5 p.m.

www.SarasotaClerk.com

941.861.7400

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
and COUNTY COMPTROLLER

FAQ

FREQUENTLY ASKED QUESTIONS:

A GUIDE TO FILING A SMALL CLAIMS CASE



SMALL CLAIMS FAQ—Frequently Asked Questions

I WANT TO FILE A SMALL CLAIMS CASE. WHERE CAN I DO THAT? At the Clerk's main office in the Historic Courthouse at 2000 Main St., Sarasota 34237 or at the Branch Office at the Robert L. Anderson Administration Center, 4000 South Tamiami Trail, Venice FL 34293. The phone number is (941) 861-7400.

WHAT ARE THE FEES? For the most current fee schedule, go to www.SarasotaClerk.com or call to speak with a deputy clerk at (941) 861-7400.

IS ONE COPY SUFFICIENT? In addition to the original documents filed, one identical copy of each document must be provided for each defendant, to be utilized for service.

WHAT IF THE DEFENDANT IS A CORPORATION? If the defendant is a corporation, provide the name of an officer or registered agent of the corporation so that the notice can be served. Information on corporations or fictitious names is available on www.Sunbiz.org. Click on *Document Searches*, then follow the prompts.

HOW DO I SERVE A DEFENDANT WHO LIVES IN A COUNTY OTHER THAN SARASOTA COUNTY?

- Contact the Sheriff's Department where the defendant resides, and ask for the Civil Division;
- Ask about the current service fee per defendant;
- Ask about the type (s) of payment that are accepted;
- Ask for the full mailing address.

When sending your service packet (provided to you by the Clerk) to the other county's Sheriff Office, include two (2) pre-stamped envelopes, addressed to:

—The Sheriff of the county serving the defendant, with fee for service enclosed;

—Clerk of the Circuit Court / Civil Law Division P.O. Box 3079, Sarasota, FL 34230-3079*

**Provided so the Return of Service will be forwarded to the Clerk and Comptroller's office.*

THE COURT HAS AWARDED ME A FINAL JUDGMENT STATING THE DEFENDANT OWES ME MONEY. HOW DO I COLLECT ?

Filing the Judgment in Official Records:

- Purchase a certified copy of the Final Judgment from the Clerk's Office and have it filed in Official Records. The fee for certified copies is \$1 per page and \$2 to certify the document.
- Record the certified copy with the Clerk's office. The fee is \$10 for the first page, \$8.50 for each additional page. Once recorded, the judgment becomes a lien on real estate in Sarasota County. The judgment must contain your name and address. If the person who owes you money owns property in more than one county, recording the Final Judgment in each county will be necessary to create a lien against any property owned by the debtor in that county. Once filed, the lien is valid for five years and must be re-recorded to remain valid and enforceable.

Requesting a Writ of Execution from the Sheriff:

Fifteen days after the Final Judgment has been filed, you may request that the Clerk issue a Writ of Execution, take the Writ to the Sheriff's office in the county where the defendant has personal property, and upon payment of a fee, the Sheriff will file the Writ—and may have the authority to attach the goods owned by the defendant to satisfy your judgment. Please contact the Sheriff's Office for further instructions on the procedure for attaching personal property.

Filing a Satisfaction of Judgment:

Once your judgment has been paid in full, or if you have reached a compromise with the defendant, a Satisfaction of Judgment must be filed and recorded at the Clerk's office (Recording fee is \$10 for the first page, \$8.50 each additional). If you have filed a Writ of Execution, notify the Sheriff's Office so that it can be canceled.

Enforcing your Small Claims Judgment

I AM THE PLAINTIFF. THE DEFENDANT HAS NOT PROVIDED ME THE FACT INFORMATION SHEET. HOW DO I GET IT?

Step 1: Prepare the Motion for Rule To Show Cause by completing all blanks on the form, including the parties and case number.

Step 2: Submit the original Motion for Rule to Show Cause to the Clerk along with the Rule to Show Cause. The Court will review the documents and, if appropriate, sign the Rule To Show Cause. The Court will complete the Rule by inserting the date and time of the hearing. When filing this additional motion, if the claim filed was \$500 or less, there is a reopen fee of \$25; if the claim filed was \$500.01 or more, the reopen fee is \$50.

Step 3: If the Court issues the Rule to Show Cause, obtain a certified copy from the Clerk and have it personally served upon the defendant by a Sheriff or certified process server. The Affidavit of Service must be filed with the Clerk prior to the hearing.

Step 4: You must appear at the hearing on the date and time specified by the Court. If the defendant provides a completed copy of the Fact Information Sheet or pays the judgment prior to the hearing, call the Judge's office to cancel the hearing.

Step 5: If the defendant was personally served and fails to appear at the hearing, the Court may consider a Motion For Contempt. If appropriate, the Court may issue an Order of Contempt and Warrant of Attachment directing the Sheriff to attach and hold the defendant. The above forms are available at www.SarasotaClerk.com or at the Clerk's office, for a charge of \$0.60 per packet.

Will I then receive my money? The above procedure is meant only to compel the defendant to complete the Fact Information Sheet. The Court cannot compel the defendant to pay or imprison for failure to pay. This process should only be pursued if there is reason to believe the defendant has assets that can be attached. ♦