

## INSTRUCTIONS FOR FILING SUIT IN SMALL CLAIMS COURT

Sumter County Clerk's Office  
215 E. McCollum Avenue  
Bushnell, FL 33513  
(352) 569-6810 EXT 6630

Disclaimer: These instructions are intended to file a small claims suit in Sumter County. It is not legal authority, and should not be considered as such. Any person seeking legal advice as to small claims should engage the services of an attorney.

**Note: The person filing the claim is referred to as the "Plaintiff," must file the Statement of Claims in the county where the contract was entered into or where the incident occurred. If the case is filed in the wrong county, the Defendant may request that the case be transferred to the county where the defendant believes is proper.**

You need to be certain that you are suing the proper party. Be sure you have the proper name(s) and address(s) of the party you want to sue. If the Defendant is an individual you will need the full name and address; for a business you will need to know the proper legal name for that business, owners and their addresses. If you are suing a business, you should contact the Florida Secretary of State, Division of Corporations, in Tallahassee, Florida at (850) 245-6000 or website at [www.sunbiz.org](http://www.sunbiz.org). If the business being sued is a corporation, the corporation should be named as the defendant in care of the registered agent's name.

You should complete the Statement of Claim by filling in the amount of your claim in the space provided and interest (the clerk cannot advise you on claiming interest). You must determine your court costs then total all of the amounts to make your claim as to what the Defendant owes you. If your suit is based on an invoice, note, check, etc, you can attach a copy to the original statement of claim and submit a copy of the statement of claim with attachments to be served on each Defendant. Complete the Plaintiff Statement with a brief description to describe your claim. Read, complete and sign the Statement of Responsibility as to your right to file your case or for the named Plaintiffs, that you do not expect the Clerk to give legal advice or to act as your attorney and that you are solely responsible for collection of any judgment entered into your favor.

UNLESS SIGNED BY AND ATTORNEY, YOUR CLAIM MUST BE SIGNED AND SWORN TO BEFORE A DEPUTY CLERK OR NOTARY.

FILING FEES: are due at the time of filing. The fee is based upon the amount of your claim.

Claims less than \$100.00 .....	\$ 55.00
Claims of \$101.00 to \$500.00.....	\$ 80.00
Claims of 501.00 to \$2,500.00 .....	\$ 175.00
Claims of 2,501.00 to \$8,000.00 .....	\$ 300.00
Issuance of Summons, each .....	\$ 10.00
Create Summons Form, each .....	\$ 7.00

Please be advised, filing fees are subject to change. Fees are payable by cash, cashiers check, money order, personal check to the Clerk of Circuit Court or credit card (must have name of filing party on credit card, only accepted at intake counter with picture I.D.)

In addition to filing fee, Certified Mail Delivery Charges in serving each Defendant is \$6.66 plus the postage amount for additional ounces (\$.20per oz.).

**NOTICE AND SERVICE OF PROCESS:** Service can be obtained on the Defendant(s) by Certified Mail or by Sheriff's service. If you find it necessary to have the Sheriff serve the Defendant, their service charge is \$40.00 for each Defendant (**no personal checks accepted**). If served by the Sheriff outside the State of Florida, you will need to contact the Sheriff of that county and get their service charge and special instructions for service. If service is to be made by the Sheriff, you will make a separate money order to that Sheriff. A Defendant must be served by process of service before a Judgment can be entered. Do not use a Post Office box address for Sheriff Service.

### **NOTICE TO PLAINTIFF AND DEFENDANT**

**PRE-TRIAL CONFERENCE: AFTER THE CLAIM IS FILED, THE CLERK WILL SCHEDULE A PRE-TRIAL CONFERENCE. YOU MUST BOTH APPEAR AT THE TIME AND PLACE SET FOR THE CONFERENCE. WITNESSES NEED NOT BE BROUGHT TO THIS COURT SESSION. THE PURPOSE OF THIS HEARING IS TO ENABLE THE COURT TO DETERMINE THE NATURE OF THIS CASE AND TO SET THE TRIAL DATE, IF NECESSARY.**

**ENTRY OF A JUDGMENT:** If the court enters a Judgment in your favor, the Clerk will provide you with a handout by Florida Department of State on How to Collect a Judgment.

YOU ARE BOTH ENCOURAGED TO CONTACT THE OPPOSING PARTY TO DETERMINE IF AN OUT-OF-COURT SETTLEMENT CAN BE REACHED BEFORE THE HEARING OR AT ANY TIME BEFORE A JUDGMENT IS ENTERED. IF SETTLEMENT IS REACHED, THE PLAINTIFF MUST ADVISE THE CLERK SO THAT THE CASE CAN BE REMOVED FROM THE COURT'S DOCKET. THE PLAINTIFF **MUST** THEN FILED A NOTICE OF VOLUNTARY DISMISSAL WITH THE CLERK (FORM CAN BE OBTAINED FROM THE CLERK'S OFFICE) AND FURNISH THE DEFENDANT WITH A COPY.

BOTH PARTIES MUST KEEP THE COURT INFORMED OF THEIR CURRENT ADDRESS. FURTHER NOTICE WILL BE BY REGULAR MAIL TO THE ADDRESS ON FILE.