

A GUIDE TO COUNTY CIVIL CASES

1. What is a county civil case?

A county civil case is a legal action filed in county court to settle minor legal disputes among parties where the dollar amount involved is more than \$5,000 but does not exceed \$15,000.

2. Who may file a county civil case?

Any person 18 years or older, and any individual doing business as a company, may file a county civil case. Please be aware that there are no forms available at the Clerk's Office for filing county civil lawsuits. If you choose to represent yourself, you will need to prepare the complaint or petition. If you do not feel comfortable representing yourself, you may wish to obtain the services of an attorney. You may refer to the Florida Rules of Civil Procedure for information on filing a county civil case.

3. How is the lawsuit served on the defendant?

A defendant is served by a certified process server – the Liberty County Sheriff's Office or a private process server. For each defendant listed in the complaint/petition, you must provide an original and two copies of the Summons. The Summons form can be found on our website listed on the back of this brochure. A copy of the complaint/petition and any other documents filed must be attached to the Summons for service on the defendant. The Clerk's Office will charge a service charge for preparation of the Summons.

The Liberty County Sheriff's Office charges \$20.00 to serve a defendant. Private process servers vary in their service charges, and it will be up to you to contact the process server of your choice.

4. What happens after the lawsuit is served?

The defendant has a specified time in which to respond to the complaint/petition. If no response is received in the time specified, then you may file a Motion for Default with the Clerk's Office. This form can be found on our website.

Once the defendant files a response or a Motion for Default is entered, it will be necessary for the plaintiff to ask the court to hear the case by motion.

5. What is a residential landlord or tenant action and who can file?

A residential landlord/tenant action applies to the rental of non-commercial dwelling units and is an action filed by a landlord against a tenant, or by a tenant against a landlord, on common disputes such as payment of rent, non-compliance, or breach of a lease or rental agreement.

A landlord (the owner or lessor of a dwelling) or a tenant (a person entitled to occupy a dwelling unit under a rental agreement) may file a residential landlord or tenant action.

If you have commercial, agricultural or personal property lease, you should contact an attorney for the proper procedures to resolve those disputes.

6. What steps must be taken before an eviction can be filed?

Before you can file a residential landlord/tenant action, proper written notice must first be given to the landlord or the tenant. The form of the notice will depend on the landlord or tenant's reason for terminating the lease.

7. After proper written notice, what are the next steps?

You must file a petition and request the Clerk to issue a summons, and deliver the summons to the Sheriff or a private process server for service. Bring the following documents with you when you come to file the action:

*Petition: original and two copies (original goes in file, one copy for service, and one copy for mailing from the Clerk's office)(for each additional defendant, add two copies)

*Summons: original and three for one defendant (same amount for each additional defendant)

*Lease Agreement: three copies (one for the file; one for service; and one for mailing)(two additional copies for each additional defendant)

*Notice: three copies (one for the file, one for service; and one for mailing)(two additional copies for each additional defendant)

*A stamped envelope, addressed to the tenant

Service of process fees vary for the Liberty County Sheriff's Office and private process servers. It is your responsibility to decide who will serve the paperwork.

8. When will I go to court?

The party served the summons will have a specific period of time in which to respond, depending on the type of summons issued. If a response is filed and/or moneys deposited into the court registry, the file will be sent to the Judge for further action. If no response is received or no money is deposited in the court registry, you may file a Motion for Default with the Clerk's Office.

9. What happens when a final judgment is entered?

If the Court enters a Final Judgment against the party in default and the Final Judgment is for eviction, you may ask the Clerk to issue a Writ of Possession. This must be served by the Sheriff's Office.

For information on ways to collect on a Final Judgment involving money, the Clerk's Office has available a brochure "Collecting the Judgment". Or you may go to http://www.sunbiz.org/corpweb/inquiry/jli_en_how_to.html.

This brochure is not intended to be a complete summary of Chapter 83, Florida Statutes. If you have questions, you should consult an attorney.

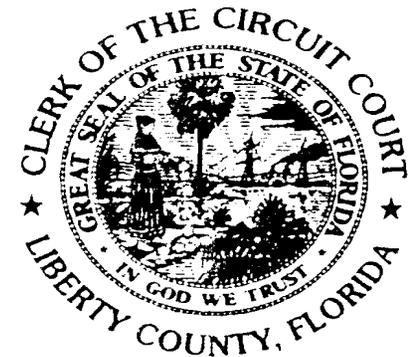
If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Clerk's Office, Small Claims Division, 10818 NW SR 20, Bristol, FL 32321, (850) 643-2215 if you are hearing or voice impaired, call 711 via the Florida Relay System.

ROBERT HILL CLERK OF COURTS

Small Claims Division
10818 NW SR 20
Bristol, FL 32321

Please visit our home page at
<http://www.libertyclerk.com>

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ROBERT HILL
Clerk