

**COUNTY COURT OF POLK COUNTY, FLORIDA
SMALL CLAIMS DIVISION**

OFFICES

Lakeland Government Center
930 E. Parker St., Room 240
Lakeland, FL 33801
863-603-6412

Polk County Courthouse, Rm 1005
Drawer CC-12, P O Box 9000
Bartow, FL 33831
863-534-4556

Northeast Polk County Government Center
3425 Lake Alfred Road - #7 Gill Jones Center
Winter Haven, FL 33881
863-401-2400

INSTRUCTIONS FOR FILING AND PROCESSING CLAIMS

Your claim must be from \$.01 to \$5,000.00 and the action must have arisen in Polk County or the defendant must reside in Polk County in order for this Court to have jurisdiction. The defendant's complete name, address, and telephone number must be furnished at the time of filing your claim and **must be legible**. If your claim is against a corporation, you must have the name of an officer of the corporation; if your claim is against a sole proprietorship, you must have the name of the owner. (If documents are submitted supporting your claim, you will need to provide the Clerk's Office with a copy for the court file and a copy for each defendant. If copies are not submitted a fee of \$1.00 per page will be charged for the copies.)

Your claim may be filed by filling out a Statement of Claim form in duplicate and forwarding the signed Statement of Claim, together with the filing fee, service fee, and postage, to the clerk of the County Court at one of the above addresses. (The forms may be picked up at any office listed above.) Your claim will be set for pretrial at the location of the office where you file it.

FILING FEES

Claims of less than \$100.00.....	\$55.00
Claims of \$100.00 or more but not more than \$500.00	\$80.00
Claims of more than \$500.00 but not more than \$2,500.00.....	\$175.00
Claims of more than \$2,500.00.....	\$300.00
For each defendant in excess of five.....	\$2.50
For all claims of not more than \$1,000.00 filed simultaneously with an action for replevin of property that is the subject of the claim..... \$130.00	
In addition, for all proceedings of garnishment, attachment, replevin and distress..... \$85.00	
Issuing Summons/Notice to Appear, each.....	\$10.00
Plus 2 postage stamp envelopes or postage fee	

OTHER FEES

Oath, Administering, Attesting and Sealing.....	\$3.50
Service by Certified Mail (per defendant).....	Applicable postage fee for certified mail or registered mail
Service by Sheriff.....	\$40.00 \$ 90.00
Process Server.....	Verify fee with server
Service by Insurance Commissioner.....	\$15.00
Service by Secretary of State.....	\$8.75
Postage for mailing final disposition (per person).....	Applicable postage fee
Garnishment Registry Deposit.....	\$100.00 (plus \$3.00 handling fee)
Copy of any instrument.....	\$1.00
Certified copy of Final Judgment (one page).....	\$3.00 + \$1.00 for each additional page
Recording of Final Judgment (one page).....	\$10.00 + \$8.50 for each additional page

Note: The Clerk's Office is currently accepting Visa, MasterCard, Discover cards and American Express. There is a nonrefundable charge of \$5.00 per transaction to provide credit card service. Our financial services provider charges this service fee. The Clerk's Office does not receive any part of this fee.

The Clerk of the Circuit Court and the Judge cannot discuss with you the merits of your claim nor act as your attorney. You are not required to have an attorney but you may be represented by one. You or your attorney will be required to be present at all hearings to avoid your claim being dismissed or having a judgment entered against you. Your claim will be scheduled for mediation and a pretrial hearing. You should not bring witnesses to this hearing. If a settlement is not reached at pretrial, a trial will be scheduled for a later date at which time you should bring witnesses and any evidence having a bearing on your claim.

If your claim is improperly served, or if the defendant refused to accept registered mail, or defendant was unable to be located, you may request the claim be reset for pretrial and service can again be attempted at your expense.

If a judgment is rendered in your favor or a default judgment is entered upon the failure of the defendant to appear at the hearing, you may apply at any of the above offices for a certified copy of the final judgment and a writ of execution. Judgments accrue interest per year, not compounded, at a rate set by Florida Statutes.

You may record a certified copy of the final judgment in the public records in Polk County or in any county in Florida in which the defendant resides or owns real property. Upon recording your judgment, you will have a possible lien upon any real property the defendant owns or may own within the next 10 years. You would need to check with the Clerk's Office in regard to extending the lien beyond 10 years.

A Writ of Execution can be issued 10 days after the judgment is rendered. See the Secretary of State web site www.sunbiz.org for information to levy on property. There is no charge in the Clerk's Office for issuing the writ of execution but the Sheriff's Office charges a fee for processing and requires a deposit for cost before a levy will be made.

A garnishment may be filed against the defendant's wages if he is not the head of a family, against his bank account, or against a third party having in his possession money or other property belonging to the defendant.

After entry of final judgment, recording of the judgment, issuance of the Writ of Execution, issuance of Record of Unsatisfied Judgment, if applicable, or the issuance of a Writ of Garnishment, there is no further assistance this Court can render in connection with your claim. The final judgment can be enforced only as described above. This office has no facilities to assist you in locating property of the defendant and cannot guarantee collection of amounts which may be found due and owing to you.

This information is furnished to you through the courtesy of this office in an effort to help you to better understand your position and what to expect from this court action. It is our desire to help you in every way possible as provided under the duties of the Clerk of the Circuit of Polk County, Florida.