

INSTRUCTIONS FOR FILING A REPLEVIN CASE

The Replevin action is used for resolving civil disputes involving personal property valued up to \$15,000.00 (excluding court costs, interest and/or attorney's fees, if applicable). This process allows for an individual to recover property which another person refuses to return.

Before filing your complaint, you must know where the property is located. You should attempt to get the full proper name and address of the party/ parties you want to sue. You will need to know the proper legal name for the business, as well as the proper owners and their corporate representative who is available to accept service of legal papers. This information can be obtained from the **Florida Secretary of State, Division of Corporations, Tallahassee, Florida 32301**. The website for the secretary of state is www.sunbiz.org.

Once you are prepared to file your case, you should complete a Replevin complaint form, supported by invoices or other evidence of legal right to possession of the property in question. You will need to provide one (1) copy of each for the court, plus one (1) copy for **each** defendant. A "Statement of Responsibility" is required for each claim no additional copies are necessary.

You will have to pay a filing fee at the time you file your complaint. It will be based upon the estimated value of the property or the amount owed on the property you wish to replevy. Effective July 1, 2008, the filing fees are as follows:

<u>Amount of Claim</u>	<u>Filing Fees</u>
\$.01 - \$1,000.00	\$130.00 plus Service fee*
\$1,000.01 - \$2,500.00	\$260.00 plus Service fee*
\$2,500.01 up to but not more than \$15,000.00	\$385.00 plus Service fee*

*Filing fee includes \$85.00 Replevin fee

*Service may be made through the Sheriff's Department for a fee of \$40.00 per each defendant.

Checks for filing fees should be made payable to **Neil Kelly, Clerk of Courts**. Payment for service must be made payable to the Sheriff's Office of the county in which the writ of replevin is to be served. **The Lake County Sheriff's Office does not accept personal checks.** Other Sheriffs offices may have this same policy; it is your responsibility to check. If the party is not served, you will be notified. You may then request the hearing be re-set and service attempted again. It is your responsibility to obtain any additional information needed to ensure service and to pay any additional fees required for the subsequent service.

In the event the Court rules in your favor, the Judge will order a **Writ of Replevin** to be issued. Said writ will be forwarded to the Sheriff's department in the county where the item is located, along with the necessary **\$90.00 writ fee**. Contact that Sheriff's department for further details. In addition, if a Judgment is rendered in your favor for court costs, you will receive a copy of said Judgment by mail. Our office cannot guarantee you will be able to collect on the Judgment, but there are some steps you can take in an effort to collect on the Judgment. Once a certified copy of the Judgment is recorded, you may obtain a Writ of Execution, which serves as an Order for the sheriff to levy on property of the defendant. Contact the Sheriff's department for further details. When any Judgment has been satisfied, you will need to supply the defendant with an original Satisfaction of Judgment within 30 days of payment to cancel the Judgment of Record.

For more information, please contact the Clerk's office at **(352) 742-4145**.

You may wish to purchase a handbook compiled by the judges of the County Court of Lake County which provides some very helpful information for small claims court cases and possible methods of collection. This handbook can be purchased for \$2.25 from the Lake County Judicial Center – Central Intake, located at 550 West Main Street, Tavares, Florida 32778 or downloaded from the website www.lakecountyclerk.org.

NEIL KELLY
CLERK OF THE CIRCUIT COURT
550 WEST MAIN STREET
P. O. BOX 7800
TAVARES, FL. 32778-7800

COUNTY COURT
LAKE COUNTY, FLORIDA

Case # _____

Plaintiff,
Vs.

Defendant,

REPLEVIN COMPLAINT

The Plaintiff(s) sues the Defendant(s) and alleges:

1. This is an action to recover possession of personal property to which the Plaintiff(s) is lawfully entitled, by virtue of _____

(Describe source of right and if by contract, attach copy.)
Said property is described as follows:

2. The actual value of said property is the sum of \$ _____.

3. Said property is wrongfully detained by above named Defendant(s) in Lake County, Florida.

4. That said property is wrongfully detained by above named Defendant(s) by reason of _____;

(Describe means by which Defendant(s) came into possession and that Defendant(s) refuse to grant Plaintiff(s) possession.)

5. Said property has not been taken for any tax, fine or assessment levied by virtue of any law of this State, nor seized by virtue of an execution or attachment against the property of said Plaintiff(s) herein.

6. That the goods above described are the Plaintiff(s) and that the Plaintiff(s) claim a return of said goods under an Order to Show Cause as to temporary possession and permanent possession on final adjudication or their value and claims damages for their detention and its costs of suit against the Defendant(s).

Plaintiff

Telephone Number

STATE OF FLORIDA
COUNTY OF LAKE

Sworn to and subscribed before me by _____ who is personally known to me or produced _____ as identification this _____ day of _____, _____.

Deputy Clerk or Notary Public State Florida
My Commission Expires:

**COUNTY COURT
LAKE COUNTY, FLORIDA**

Case #: _____

Name(s)

Address(es) Physical

Address(es) Mailing

Plaintiff(s)

vs

Name(s)

Address(es) Physical

Address(es) Mailing

Defendant(s)

STATEMENT OF RESPONSIBILITY
(Civil Case Under \$15,000.00)

Before filing this case I have considered the following matters and acknowledge that:

1. This case is being filed in the County Court under the Florida Small Claims Rules of Court; that it is considered a layman's court; that I, and the defendant, may be represented by an attorney of our individual choice but neither is required to do so, and that the conduct of this case will be in accordance with the rules of procedure and laws of Florida which apply to this case.
2. The naming of proper parties is an important element of the case and the responsibility for naming the proper plaintiff(s) and defendant(s) in this case is mine.
3. I am responsible for the furnishing of a correct address or location at which the defendant(s) can be served or given notice of this suit.
4. I assume responsibility as to my right to file this case for myself or for the named plaintiff(s).
5. I do not expect the Clerk who receives and files this claim to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.
6. I am solely responsible for the collection of any judgment entered in my favor.
7. I am responsible for knowing when my appearance in court is required. The Clerk's Office will send notification of the hearing date (Summons/Pre-Trial Notice or Notice of Trial) but if I have not received notification within two weeks, I am responsible for calling the Clerk's Office. **PLEASE DO NOT CALL PRIOR TO THE END OF THE TWO-WEEK PERIOD.**

Date

Signature