INSTRUCTIONS FOR REPLEVIN

Compiled by Sherry Coker

IMPORTANT – PLEASE READ

IF NOT PROPERLY COMPLETED AND PARTIES NOT PROPERLY SERVED, YOUR CASE MAY BE DISMISSED OR YOU MAY NOT OBTAIN YOUR FINAL JUDGMENT!

Replevin is the procedure where any person may recover personal property that is wrongfully detained by another and recover any damages by that wrongful detention or taking because you are deprived of the use of your property. It is recommended that **prior** to filing suit, you contact the other party in an attempt to reach a solution to your dispute. If you do not contact the Defendant(s) to make a demand prior to filing your lawsuit, the Defendant(s) may bring that to the Court's attention as a defense, accompanied with an offer to surrender the property. If you are not sure that you have a valid legal claim against the other party, you may need to seek the advice of an attorney.

NOTE: Be sure to clearly PRINT your name and the Defendant(s) name in the Caption (top) of all of the enclosed documents. Also be sure the Case Number is written in the caption.

REQUIREMENTS TO FILE A CASE. You must be at least 18 years of age. You may be an individual, a person Doing Business As (d/b/a) or a corporation. A minor child must have a parent or legal guardian file on their behalf. **You must have knowledge of where the property is located and who is holding it.**

WHAT MAY NOT BE TAKEN BY REPLEVIN. You cannot replevin for property that has been taken for collection of any tax, assessment, or fine; or property taken by any execution or attachment where you were a defendant; or property taken in a replevin where you were the defendant; or against any person unless that person has a right to reduce goods taken into his or her possession.

THIS PACKET DOES NOT PROVIDE FOR BREAK ORDERS. IF YOU REQUIRE A BREAK ORDER, YOU WILL NEED TO PREPARE YOUR OWN FORM OR RETAIN AN ATTORNEY.

JURISDICTION. A Replevin action must be brought in the court of competent jurisdiction based on the value of the property. Your claim amount is based on the value of the property, not the amount alleged unpaid. When there are several items, the value is the total of all of the items …do not divide the property to give jurisdiction to the lower court in separate actions. If the amount of your claim is for $8,000 or less, then jurisdiction would be in Small Claims Court. If the amount of your claim is from $8,001 to $30,000, then jurisdiction would be in County Civil Court. THIS PACKET CONTAINS THE DOCUMENTS FOR THESE TWO COURTS.

THIS PACKET IS NOT TO BE USED IF THE AMOUNT OF YOUR CLAIM IS OVER $15,000, WHICH MUST BE FILED IN CIRCUIT COURT. THIS PACKET IS ONLY PREPARED FOR COUNTY COURT.

VENUE. Venue, or location where a suit should be filed, is in the County where:

1. Property in dispute is located;
2. Contract was entered into;
3. Defendant(s) lives;
4. Dispute or event which gave rise to the lawsuit occurred.

If you do not file your case in the proper County, the Defendant(s) may have it moved to the correct County and **you will be required to pay a new filing fee.**

PROPER NAME AND ADDRESS OF DEFENDANT(S). Before filing your claim, you should **make sure** you have the proper name(s) and address(s) of the party(s) you want to sue.

If you are suing an individual, and if the spouse will be included in the suit, obtain the proper name and street address of the spouse. First names must be used and any alias names, if known. **DO NOT use "Mr. and Mrs.".**

If you are suing a corporation, you must know the correct name of the corporation and the state in which it is incorporated. Obtain the name and address of an officer of the corporation: the president, vice president, etc...; or in the absence of any of these, the name and address of the business agent residing in this state; or the name of the resident agent transacting business for the corporation in this state. To find this information, you may write or call: SECRETARY OF STATE OF FLORIDA, Attn: Corporation Division, Tallahassee, Fl. 32304, (850) 488-9000, or locate them on the internet at http://www.sunbiz.org This information is needed for service on the corporation.

If you are suing a partnership, you will need to obtain the names and addresses of **all** of the partners.

Many individuals, partnerships, and corporations do business under a fictitious name, such as: Jim Jones d/b/a Baby World; Jim Jones, Joe Black, a partnership, d/b/a Jones & Black Construction; or XYZ, Incorporated, a Florida corporation, d/b/a Chicken Shack. You cannot sue a fictitious name because it is not an entity. You have the burden of investigating to determine whether individuals, partnerships, or a corporation are doing business under a fictitious name. This information may be determined by calling the Secretary of State, Division of Corporations, the Occupational License Section of the Tax Collector's Office, or the licensing department of the City or County where the principal place of business is located.

FILING YOUR CASE. Using black ink, please complete the enclosed **CIVIL COVER SHEET, NOTICE OF PERMANENT MAILING ADDRESS** and **STATEMENT OF RESPONSIBILITY** forms included in this packet for filing with the Clerk of the Court. Be sure to print clearly. No complaint will be filed without the appropriate filing fee:

For claims less than $100.....$65.00 + $85.00 = $150.00
For claims of $101 - $500.....$90.00 + $85.00 = $175.00
For claims of $501 - $2,500.....$185.00 + $85.00 = $270.00
For claims of $2,501 - $8,000.....$310.00 + $85.00 = $395.00
For claims of $8,001 - $30,000…….$310.00 + $85.00 = $495.00

The Clerk can accept cash, personal or business checks, cashier checks or money orders. All checks are to be payable to: **Clerk of Court**. Please do not send cash through the mail.

Please complete the enclosed **REPLEVIN COMPLAINT** form included in this packet and sign it in the presence of a Deputy Clerk or Notary Public. Following are instructions for completion of the Replevin Complaint:

1. Clearly print, in black ink, your name and address as Plaintiff at the top (caption) of the complaint; write in the Case Number; and print the Defendant's(s') name(s) and address(es).
2. At the first paragraph, print your name and Defendant's(s') name(s) on the blank lines provided.
3. In paragraph 1., insert the name of the County where the property is located.
4. In paragraph 2., give the complete description of the property, giving the size, color, Serial Number, age or year of manufacture, and any other descriptive information you have. Attach an additional sheet if necessary.
5. In paragraph 3., insert the **total value** of all of the property you want to replevy, not the unpaid balance, and give the specific location, address or place where the property can be found.
6. In paragraph 4., describe, in detail, how you acquired ownership or why you are entitled to possession of the property. If your claim is founded on an instrument of writing such as a sales contract or lease, it will be necessary for you to furnish a copy of such instrument for attachment as an exhibit to each claim form to be filed. (You must prove ownership to the Court.)
7. In paragraph 5., describe, in detail, how Defendant(s) got possession of the property. If the Defendant(s) got possession through a sales contract or lease, attach a copy of same to the complaint as an exhibit.
8. In paragraph 6., explain, in detail, how and why Defendant(s) is wrongfully detaining the property, i.e. Defendant's refusal to return the property when in default under a sales contract.
9. In paragraph 7., if the property was taken from you through an execution or attachment, and it is exempt from such taking, give the reason for the exemption. If it was not taken, leave blank.
10. Be sure to sign the complaint in front of a Deputy Clerk or a Notary Public.

For each defendant you are suing, please provide the Clerk with one copy of the complaint, together with a copy of any attachment(s) or exhibit(s). If you are suing a husband and wife, you must furnish the Clerk with a copy of the complaint, and attachments and exhibits, if any, for each of them. **Any copies that the Clerk is asked to make for you will be at a cost of $1.00 per page (F.S. 28.24).**

You must complete and file the **NON-MILITARY AFFIDAVIT** with the Clerk prior to the Pre-Trial Conference or hearing on your complaint.

BELOW ARE THE FOLLOWING CATEGORIES:

READ THE ONE YOU NEED.

(1) CLAIMS OF LESS THAN $8,000.00;
(2) CLAIMS BETWEEN $8,001.00 AND $30,000.00: PRE-JUDGMENT WRIT; AND
(3) CLAIMS BETWEEN $8,001.00 AND $30,000.00: POST-JUDGMENT WRIT.

CLAIMS OF LESS THAN $8,000.00.

If the amount of your claim is less than $8,000, you will be supplied with the date of your Pre-Trial Conference hearing at the time you file your Complaint. A Deputy Clerk will issue the enclosed **SUMMONS/NOTICE TO APPEAR FOR PRETRIAL CONFERENCE**. Please fill in the caption by clearly printing your name, the Defendant's name(s), and the Case Number. You will be responsible for delivery of the Summons/Notice to Appear for Pre-Trial Conference, and a copy of the Replevin Complaint with exhibits, if any, to the appropriate Sheriff's Office. The Sheriff's Office charges a fee of $40.00 per person for service on the Defendant(s). A husband and wife must each be served. You cannot serve one and not the other. The Sheriff's Office will not accept personal checks. Please pay by money order or cashier's check. **Be sure you deliver the summons to the Sheriff's Office in the County where the Defendant(s) resides.**

You may also serve the Defendant(s) by a private process server. Personal service by private process server varies in cost. Please consult the telephone book for process servers in the appropriate county.

You may also serve the Defendant(s) by certified mail. This type of service can only be used if the Defendant(s) is a Florida resident and must be by Return Receipt signed by the Defendant(s) or someone authorized to receive mail at Defendant's residence or principal place of business. This service is not very effective and may result in additional delay and expense if the Defendant(s) refuses delivery of this service. In such case, you would be required to pay the service fee for personal service for the Sheriff's Office to serve the Summons/Notice to Appear for Pre-Trial Conference. The case will also have to be reset for a later date.

NOTE: It is **your** responsibility to check with the Clerk of Court and/or the Sheriff's Office to ascertain if service has been made on the Defendant(s) prior to Pre-Trial Conference. If the Defendant(s) was not served and you discover a new address for Defendant, an Alias Summons/ Notice to Appear for Pre-Trial Conference with the new address must be requested. This will also be prepared by a Deputy Clerk. A new Pre-Trial Conference will be scheduled. It is not necessary to appear at the originally scheduled Pre-Trial Conference if the Defendant(s) was not served.

PRE-TRIAL CONFERENCE/MEDIATION. Pre-Trial Conference hearings are scheduled not more than 35 days from date of filing the action. We schedule cases no less than two (2) weeks

prior to the next court date to allow for adequate service. Pre-Trial hearings are for the following: simplification of issues; necessity or desirability of amending the pleadings; possibility of a settlement through mediation; and other matters as the court in its determination deems necessary. If your case is not settled at Pre-Trial Conference through mediation, the court will set a trial date. You and the Defendant(s) will be notified of the trial date by the Clerk of Court by certified mail.

BE SURE YOU COME WITH FULL SETTLEMENT AUTHORITY.

If you do not appear, either in person or by an attorney, your case will be dismissed for lack of prosecution. **You may not appear by telephone.**

If the Defendant(s) does not appear at Pre-Trial Conference, the Court will review your complaint and exhibits and determine if there is sufficient evidence to issue a Final Judgment of Replevin. Please submit stamped envelopes addressed to the Defendant(s) and yourself for the mailing of copies of the final judgment by the Court. If the Final Judgment of Replevin is entered in your favor, you may obtain a **WRIT OF REPLEVIN** from the Clerk of Court and may be awarded damages.

Be sure to complete and file the **MEANS OF FINAL DISPOSITION** form with the Clerk of Court, which shows how the case was concluded.

SETTLEMENT. If you and the Defendant(s) agree on a settlement of all claims or payment in full is made by Defendant(s), then you, as Plaintiff(s), will need to complete and sign the **NOTICE OF VOLUNTARY DISMISSAL** to prevent the case from going to court.

DEFAULT ON STIPULATION/AGREEMENT. If you and the Defendant(s) have reached an agreement at Pre-Trial Conference, and both of you execute a Settlement Agreement, and the Defendant(s) later defaults or fails to pay as agreed in the written settlement agreement, please complete the **AFFIDAVIT OF NON-COMPLIANCE WITH STIPULATION/ AGREEMENT** in this packet and file it with the Clerk who will present this to the court. The court will review your complaint and exhibits, if any, to determine who should be awarded the property. If the court determines that you should have possession of the property, it will enter a Final Judgment of Replevin in favor of Plaintiff, which will direct the Clerk of Court to issue a Writ of Replevin and may award damages, without further hearing or notice.

CLAIMS BETWEEN $8,001.00 AND $30,000.00:
PRE-JUDGMENT WRIT - BOND REQUIRED

If you have knowledge that the Defendant(s) is engaging in, or is about to engage in, conduct that may place the claimed property in danger of destruction, concealment, waste, removal from the state, removal from the jurisdiction of the court, or transfer to an innocent purchaser during the pendency of your case, you may obtain a Pre-Judgment Writ of Replevin by submitting the enclosed **ORDER TO SHOW CAUSE** to the Clerk. Please fill in the caption by clearly printing your name, the Defendant's name(s) and the case number, and by printing the Defendant's name(s) at the beginning of the Order and the name of the County where the property is located. It is necessary for you to post a **BOND** in the amount of twice the value of the goods subject to the Writ or twice the balance due and owing, whichever is lesser as determined by the Court. The Court will then set a hearing date. Please submit stamped envelopes addressed to you and the Defendant(s) to the court for mailing of a copy of the Order to Show Cause.

ORDER TO SHOW CAUSE. An Order to Show Cause directs the Defendant(s) to appear at a hearing to show the court why the subject property should not be taken from their possession and delivered to you. You will, of course, need to attend this hearing. The Order to Show Cause can only be served on Defendant(s) by a Deputy Sheriff. The Clerk will prepare the certified copies of the order and photocopies of the complaint and exhibits, if any, for you to take to the Sheriff's Office where Defendant(s) can be found. The fee for such service is $40.00 per person payable to the Sheriff's Office by either money order or cashier's check.

PREPARATION FOR HEARING. Bring any other documents relevant to your case that has not already been filed. You must prove ownership and either have already filed something showing the value of the property or bring proof of value to the hearing. You must have an absolute right to ownership and not merely be entitled to temporary possession of the property.

HEARING. Please dress appropriately, shoes and shirt required, no shorts. Do not bring children to court. Be respectful to the Court by addressing the Judge as "Your Honor". Do not interrupt while the other person is testifying. You will have your opportunity to address the court in response to their statements.

When you begin to testify, get to the point fast. Practice in advance. After giving the brief explanation, you may then go into more detail. Be sure and present all of your evidence to the court. Make a list for yourself so you do not forget anything. If you have witnesses, this is the time to produce them. Be sure you know what your witnesses or experts are going to say.

Your hearing will not be recorded. If you wish a record of the proceedings, a court reporter is necessary. You will have to bear the expense. Appeals to a higher court because you are not satisfied with the outcome of your hearing are governed by special rules. One of these rules requires that the appeal court have a complete record of the hearing to review. If you do not have a court reporter at your hearing, your chances for success on appeal will be severely limited.

If the Defendant(s) waives his or her appearance at the hearing, or the court determines that the Defendant(s) conducts himself/herself in such a way as to show he or she does not intend to appear at the hearing, the court may cancel the hearing and issue the enclosed **ORDER FOR WRIT OF REPLEVIN** directing the Clerk to issue the enclosed Writ of Replevin. If the Defendant(s) fails to appear at the hearing, the court will promptly enter an order directing the Clerk to issue the enclosed **WRIT OF REPLEVIN**.

At the hearing, the court will consider the affidavits and other showings made by the parties appearing and make a determination of which party is entitled to the possession of the property pending final judgment hearing. If the court rules in your favor, it will issue an Order directing the Clerk to issue a Writ of Replevin.

After you have regained possession of your property, you must proceed to get a Final Judgment of Replevin by completing and filing the enclosed **MOTION FOR FINAL JUDGMENT OF REPLEVIN**. If the Defendant(s) has not waived his or her right to appear at hearing, a hearing will be set by the court to consider all evidence and make a final ruling as to who is entitled to final possession of the property.

Be sure to complete and bring to the hearing the **MEANS OF FINAL DISPOSITION** form, which shows how the case was concluded.

CLAIMS BETWEEN $8,001.00 AND $30,000.00:
POST-JUDGMENT WRIT - NO BOND

If you do not wish to be required to post a **BOND**, then you will have to proceed to Final Judgment before obtaining a Writ of Replevin. A Deputy Clerk will issue the enclosed **SUMMONS**. Please fill in the caption by clearly printing your name, the Defendant's name(s), and the Case Number. You will be responsible for delivery of the Summons, and a copy of the Replevin Complaint with exhibits, if any, to the appropriate Sheriff's Office. The Sheriff's Office charges a fee of $40.00 per person for service on the Defendant(s). The Sheriff's Office will not accept personal checks. Please pay by money order or cashier's check. **Be sure you deliver the summons to the Sheriff's Office in the County where the Defendant(s) resides.**

You may also serve the Defendant(s) by private process server. Personal service by private process server varies in cost. Please consult the telephone book for process servers in the appropriate county.

You may also serve the Defendant(s) by certified mail. This type of service can only be used if the Defendant(s) is a Florida resident and must be by Return Receipt signed by the Defendant(s) or someone authorized to receive mail at Defendant's residence or principal place of business. This service is not very effective and may result in additional delay and expense if the Defendant(s) refuses delivery of this service. In such cash, you would be required to pay the service fee for personal service for the Sheriff's Office to serve the Summons. This will delay your proceeding in your case.

NOTE: It is **your** responsibility to check with the Clerk of Court and/or the Sheriff's Office to ascertain if service has been made on the Defendant. If the Defendant(s) was not served and you discover a new address for Defendant, an Alias Summons with the new address must be requested at the Clerk's office.

In this procedure, the Defendant(s) has twenty (20) days after being served the Summons and copy of Complaint and exhibits, if any, in which to file an Answer. If Defendant(s) does not file an Answer, you can sign the enclosed **MOTION FOR DEFAULT** and have the Clerk enter the **DEFAULT** at the bottom. You must also complete and file the enclosed **MOTION FOR FINAL JUDGMENT OF REPLEVIN**. Please provide the Court with a stamped self-addressed envelope for mailing of the Order Scheduling Hearing. At the hearing, the Court will review all evidence presented and make a decision as to who is to received final possession of the property.

If the Court issues a Final Judgment of Replevin in your favor, the final judgment will direct the Clerk to issue a **WRIT OF REPLEVIN** and it may award damages to you. Please provide the Court with stamped envelopes addressed to you and the Defendant for mailing of the Final Judgment by the Court.

WRIT OF REPLEVIN. The Clerk will issue the **WRIT OF REPLEVIN** and give you the original Writ and a sufficient number of certified copies for service on each Defendant. You must then take the Writ to the Sheriff's Office where the property is located. If you believe that it may take more than 15 minutes for the Sheriff's Office to replevin the property, please check with the Sheriff's Office about their "Standby" charge. The Writ commands the Sheriff to take the property from the Defendant(s) and deliver it to you unless the Writ directs otherwise. The

Sheriff's Office will require the following: Original Writ of Replevin; copy of Replevin Complaint (making sure there are sufficient copies to serve each Defendant); a copy of the Bond, if required; written Instructions if the description and location is not in the Writ, or not properly described; a letter stating who is to receive the property from the Sheriff's Office; in the case of motor vehicles, a letter giving the name, address and phone number of the Wrecker Service you want to use; a stamped, self-addressed envelope for mailing of Return to you; and the Sheriff's Fee of $90.00 for DeSoto County by either money order or cashier's check. If you are having the Writ served in another county, you will need to check with the Sheriff's Office in that county regarding their fees.

The Writ may be **stayed** by the Defendant, but only after he/she files a bond with the Court in an amount equal to the value of the property, not the amount of the unpaid balance. In addition, the Defendant(s) may obtain **release** of the property seized within 5 days by posting money with the Clerk of the Court in the amount of 1-1/4 times the amount due and owing.

If Defendant(s) has passed possession of the property to a third person before the execution of the Writ, the Deputy Sheriff holding the Writ shall execute it on the property in the possession of the third person and shall serve the Writ on Defendant(s) and the third person.

JUDGEMENT. If the court determines that the property was wrongfully taken or detained by Defendant(s) and the property has been delivered to you by the Sheriff, a judgment for your damages caused by the taking and detention, plus costs, will be entered.

Damages are either the lost value of the use of the property or interest on the value of the property from the date of wrongful detention. Depreciation of the property during the wrongful detention of said property can also be considered as damages.

If the Court finds in your favor and the property has not been returned to you, then a judgment will be entered against the Defendant(s) in the amount determined at a hearing for that purpose, and the Clerk will be directed to issue a Writ of Replevin. The value of each article, or the value of the entire lot, shall be found.

If the Court finds in Defendant's favor at hearing, a judgment will be entered against you for possession of the property and costs and for the value of the property. If the property had been retained by or returned to Defendant(s), and the Court finds in Defendant's favor, then Defendant(s) is entitled to attorney's fees as damages.

BE SURE TO complete and bring the **MEANS OF FINAL DISPOSITION** form to the hearing, which shows how the case was concluded.

PAYMENT OF JUDGMENT. If the Defendant(s) pays you in full after the judgment is entered, please complete the **SATISFACTION OF JUDGMENT** included in this Packet.

Please be aware that it is the obligation of the Plaintiff(s) to provide Defendant(s) with a Satisfaction of Judgment upon payment of the judgment. Failure or refusal to satisfy the judgment as provided by F. S. 701.05 could result in a misdemeanor of the second degree, punishable as provided in F. S. 775.082 or 775.083.

*****NOTICE*****

ALL PAPERWORK PROVIDED BY THIS OFFICE IS USED FOR 'PRO SE' LITIGANTS ONLY. 'PRO SE' MEANS THAT YOU ARE ACTING AS YOUR OWN ATTORNEY. ACTING AS YOUR OWN ATTORNEY MAKES YOU RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE FILE. FOR EXAMPLE, IF YOU DO NOT RECEIVE A COURT DATE OR NOTICE FROM THIS OFFICE OR THE JUDGE, IT IS UP TO YOU TO CONTACT THE JUDGE FOR A HEARING DATE.

THIS PACKET IS PROVIDED FOR YOUR USE BY:

HONORABLE PARKER R. HALL
COUNTY COURT JUDGE
DESOTO COUNTY, FLORIDA
115 EAST OAK STREET, SUITE 201
ARCADIA, FLORIDA 34266

HONORABLE NADIA K. DAUGHTREY
CLERK OF COURT
DESOTO COUNTY, FLORIDA
115 EAST OAK STREET
ARCADIA, FLORIDA 34266

FORM 1.997 CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute 25.075.

I. CASE STYLE

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff (Name and Address)

vs. CASE NO. _____

_____
_____
_____
Defendant (Name and Address)

II. TYPE OF CASE (Place an x in one box only. If the case fits more than one type of case, select the most definitive.)

Domestic Relations	Torts	Other Civil
____ Simplified dissolution	____ Professional Malpractice	____ Contracts
____ Dissolution	____ Products Liability	____ Condominium
____ Support – IV-D	____ Auto negligence	____ Real property/ Mortgage foreclosure
____ Support – Non IV-D	____ Other negligence	____ Eminent Domain
____ URESA – IV-D		____ Other
____ URESA – Non IV-D		____ Replevin
____ Domestic Violence		
____ Other domestic relations		

III. Is Jury Trial Demanded in Complaint?

____ Yes
____ No

Date: _____ _____
Plaintiff's signature/Signature of Plaintiff's Attorney

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

NOTICE OF PERMANENT MAILING ADDRESS

I/We, _____, the Plaintiff(s) in the above styled cause of action hereby certify that my/our permanent mailing address is as follows:

_____
_____
_____
Phone: _____

I/WE UNDERSTAND THAT ONLY THIS ADDRESS WILL BE USED BY THE COURT, THE OPPOSING PARTY, AND ANY INTERVENING PARTIES TO THIS CASE FOR THE PURPOSE OF PROVIDING ME WITH:

a. Notice of all future hearings in this case, and
b. Any Court documents and papers pertaining to this case.

I/We understand that all notices and court papers in this case will be sent to me/us only at the above address and that in the event personal service of any court documents is necessary that they will first be attempted to be served at the above listed address unless and until I/We notify the court of my/our new address. I/We also understand that if I/We change my/our permanent mailing address or residence address, I/We must notify the Clerk of Court of my/our new address **in writing** by completion of another form similar to this form at the following address within one week of the change of address and with a copy being furnished to all parties:

CLERK OF COURT
Attn: County Civil
115 East Oak Street
Arcadia, Florida 34266

I/We have read this document and I/We understand that it is my/our responsibility to keep the Court informed of any change in my/our current address. I/We understand that copies of any court documents and notice of all future hearings which are mailed to my/our current address set forth herein will constitute proper notice and service, and the Court may proceed on all matters noticed and mailed to the above address even if I/We do not appear for said hearing.

Dated: _____ _____
Signature

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

STATEMENT OF RESPONSIBILITY

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 Summary Procedure Rules of Court; that it is considered a layman's court; that I, and the Defendant(s), 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 received 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.

Dated: _____

_____
Signature
_____
_____
Address
Phone: _____

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

REPLEVIN COMPLAINT

Plaintiff(s), _____, hereby sues Defendant(s), _____ _____, and alleges:

1. This is an action to recover possession of personal property in _____ County, Florida.

2. The description of the property is: _____
_____
_____
_____.
(Attach an additional sheet if necessary.)

3. To the best of Plaintiff's knowledge, information and belief, the value of the property is $_____, and is located at: _____
_____
_____.

4. Plaintiff(s) is the owner or is entitled to possession of the property by reason of: _____
_____
_____.
(If based on a written instrument, a copy must be attached.)

5. Defendant came into possession of the property by: _____
_____
_____
_____.

6. The property is wrongfully detained by Defendant(s), and to Plaintiff's best knowledge, information, and belief, the cause of such detention by Defendant(s) is because: _____
_____.

7. The property has not been taken for a tax, assessment, or fine pursuant to the law, nor been taken under an execution or attachment against the property of the Plaintiff(s) or, if so taken, that it is by law exempt from such taking because: _____
_____.

WHEREFORE, Plaintiff(s) demand(s) judgment against Defendant(s) for possession of the property, and in the alternate, for the amount of its outstanding special interest in the property herein described, and for costs of suit.

Signed this _____ day of _____, 20___.

_____
Plaintiff's signature

_____
_____
(Address)
Phone: _____

SWORN TO and subscribed before me by _____
this _____ day of _____, 20___.

_____
Deputy Clerk/Notary Public

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

NON-MILITARY AFFIDAVIT

STATE OF FLORIDA,
COUNTY OF _____.

Before me, the undersigned authority authorized to take oath and acknowledgments in the State and County aforesaid, personally appeared _____ who being by me first duly sworn did state as follows:

1. That the undersigned is personally familiar with the Defendant(s), _____ _____, in the above styled matter.

2. That, to the best of the Affiant's belief and information, Defendant(s) is/are not in the service of the armed forces of the United States and is/are not entitled to the relief afforded by the Soldiers and Sailors Civil Relief Act of 1940, 50 U.S.C. Sub-Section 501 et seq.

3. Defendant(s) is/are currently located at _____ _____ and his/her occupation is: _____.

FURTHER AFFIANT SAYETH NAUGHT.

_____
Affiant

Sworn to and subscribed before me by _____, who is personally know to me or produced _____ as identification this ____ day of _____, 20____.

_____
Deputy Clerk or Notary Public

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

SUMMONS/NOTICE TO APPEAR FOR PRETRIAL CONFERENCE

STATE OF FLORIDA – NOTICE TO PLAINTIFF(S) AND DEFENDANT(S) _____
_____
_____.
YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the DeSoto County Courthouse, in Second Floor Courtroom, located at 115 E. Oak Street, Arcadia, Florida, on the _____ day of _____, 20___, at _____ p.m. for a PRE-TRIAL CONFERENCE before a judge of this court.

IMPORTANT – READ CAREFULLY
THE CASE WILL NOT BE TRIED AT THAT TIME
DO NOT BRING WITNESSES – APPEAR IN PERSON OR BY ATTORNEY

The Defendant(s) must appear in court on the date specified in order to avoid a default judgment. The Plaintiff(s) must appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the Plaintiff(s) of the Defendant(s) shall not excuse the personal appearance of a party or its attorney in the PRETRIAL CONFERENCE. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.

The purpose of the pretrial conference is to record your appearance, to determine if you admit all or part of the claim, to enable the court to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pretrial conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state the names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may or may not approve a payment plan and withhold judgment or execution or levy.

RIGHT TO VENUE. The law gives the person of company who has sued you the right to file in any one of several places as listed below. However, if you have been sued in any place other than one of these places, you, as the Defendant(s), have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following: (1) where the contract was entered into; (2) if the suit is on an unsecured promissory note, where the note is signed or where the maker resides; (3) if the suit is to recover property or to foreclose a lien, where the property is located; (4) where the event giving rise to the suit occurred; (5) where any one or more of the Defendant(s) sued reside; (6) any location agreed to in a contract; (7) in an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made.

If you, as the Defendant(s), believe the Plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer, or you must file a WRITTEN request to transfer in affidavit form (sworn to under oath) with the court 7 days prior to your first court date and send a copy to the Plaintiff(s) or Plaintiff's(s') attorney, if any.

A copy of the Complaint shall be served with this Summons.

DATED at Arcadia, DeSoto County, Florida, this _____ day of _____, 20___.

NADIA K. DAUGHTREY
CLERK OF COURT

By: _____
Deputy Clerk

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 NADIA K. DAUGHTREY, CLERK OF THE COURT, at 115 E. Oak St., Arcadia, Florida 34266, telephone 863-993-4880, within 2 working days of your receipt of this Summons. If you are hearing impaired, call 1-800-955-8771, or if you are voice impaired, call 1-800-955-8770.

A copy of this Summons/Notice to Appear for Pre-Trial Conference was mailed to the Plaintiff(s) on _____.

By:_____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

NOTICE OF VOLUNTARY DISMISSAL

No property having been seized or placed into the custody of the Court, the Plaintiff(s), _____ _____, hereby dismisses this action against Defendant(s) _____ _____.

I certify that a copy has been furnished by mail or hand delivery to Defendant(s):

_____
_____
_____
Name and Address

on this _____ day of _____, 20____.

_____
Signature
_____
_____
_____
Name and Address

STATE OF FLORIDA,
COUNTY OF _____.

Sworn to and subscribed before me by _____, who is personally know to me or produced _____ as identification this ____ day of _____, 20____.

_____
Deputy Clerk or Notary Public

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____

AFFIDAVIT OF NON-COMPLIANCE WITH STIPULATION/AGREEMENT

STATE OF FLORIDA,
COUNTY OF _____.

Before me, the undersigned authority authorized to take oath and acknowledgments in the State and County aforesaid, personally appeared _____ who being by me first duly sworn did state as follows:

1. I am the Plaintiff(s) or records custodian for the Plaintiff(s) and I am in full charge and familiar with the books and accounts of Plaintiff(s). I have ascertained that the above-named Defendant(s) is/are justly and duly indebted to the said Plaintiff(s) at the time of filing the lawsuit for the sum of $_____, plus prejudgment interest in the sum of $_____, for a total sum sued upon of $_____.

2. Affiant further states that Defendant(s) has failed to comply with said Stipulation/ Agreement entered into between the parties either at or prior to Pre-Trial Conference.

3. Further Affiant states that the sum of $_____ is still due and owing.

4. The Plaintiff(s) move(s) this Court for entry of Order for Writ of Replevin, Writ of Replevin, and final judgment against Defendant(s), _____, without further notice.

FURTHER AFFIANT SAYETH NAUGHT.

_____
Affiant

Sworn to and subscribed before me by _____, who is personally know to me or produced _____ as identification this ____ day of _____, 20____.

_____
Deputy Clerk or Notary Public

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

ORDER TO SHOW CAUSE

THE STATE OF FLORIDA:
To Each Sheriff of the State:

YOU ARE COMMANDED to serve this order on Defendant(s), _____ _____, by personal service as provided by law, if possible, or, if you are unable to personally serve Defendant(s) within the time specified, by placing a copy of this order with a copy of the Summons on the claimed property located at _____, Florida, at least 5 days before the hearing scheduled below, excluding the day of service and intermediate Saturdays, Sundays, and legal holidays. Non-personal service as provided in this order shall be effective to afford notice to Defendant(s) of this order, but for no other purpose.

Defendant(s) shall show cause before the Honorable _____, on _____, 20___, at _____.m. in the DeSoto County Courthouse in Arcadia, Florida, why the property claimed by Plaintiff(s) in the complaint filed in this action should not be taken from the possession of Defendant(s) and delivered to Plaintiff(s).

Defendant(s) may file affidavits, appear personally or with an attorney and present testimony at the time of the hearing, or, on a finding by the court pursuant to Section 78.067(2), Florida Statutes (1979), that Plaintiff is entitled to possession of the property described in the complaint pending final adjudication of the claims of the parties, file with the court a written undertaking executed by a surety approved by the court in an amount equal to the value of the property to stay an order authorizing the delivery of the property to Plaintiff(s).

If Defendant(s) fails to appear as ordered, Defendant(s) shall be deemed to have waived the right to a hearing. The court may thereupon order the Clerk to issue a Writ of Replevin.

ORDERED at Arcadia, Florida, on _____, 20___.

_____
JUDGE PARKER R. HALL
COUNY COURT JUDGE

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA,

_____
_____
_____,
Plaintiff,

vs. CASE NO. _____

_____
_____
_____,
Defendant.
_____

BOND

WE, _____, Plaintiff(s), as principal and _____, as Surety, are bound to _____ _____, (Defendant(s)), in the sum of $_____ for the payment of which we bind ourselves, our heirs, personal representatives, successors, and assigns, jointly and severally.

THE CONDITION OF THIS BOND is that if Plaintiff shall prosecute this action to effect and without delay, and if Defendant(s) recover(s) judgment against Plaintiff(s) in this action, Plaintiff(s) shall return the property replevied if return of it is adjudged, and shall pay Defendant(s) all money recovered against Plaintiff by Defendant(s) in this action, then this bond is void; otherwise it remains in force.

SIGNED AND SEALED on _____, 20___.

_____
As Principal (Plaintiff)

_____
(Surety's name)

By: _____
As Attorney in Fact as Surety

Approved on _____, 20___.

NADIA K. DAUGHTREY
CLERK OF COURT

By: _____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s),
_____/

ORDER FOR WRIT OF REPLEVIN

THIS CAUSE came on to be heard, the Court finding that the Defendant(s) failed to appear at hearing and by so doing has waived his/her right to be heard on the matter of issuance of a Writ of Replevin, and further that the Defendant(s) has not filed a written undertaking within the provisions of Chapter 78 of the Florida Statutes, for the Stay of this Order; it is therefore

ORDERED AND ADJUDGED that the Clerk of the Court issue a Writ of Replevin in this cause setting forth thereon the property sought by the Plaintiff(s) in his/her Complaint and directing the Sheriff, by use of such means as shall be necessary, to execute said writ and deliver said property forthwith to the Plaintiff(s).

DONE AND ORDERED in Arcadia, DeSoto County, Florida, this _____ day of _____, 20___.

_____
PARKER R. HALL
COUNTY JUDGE

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
Plaintiff,

vs. CASE NO. _____

_____
Defendant.

SUMMONS

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 dias, contados a partir del ricibo de esta notificacion, para contester la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defense, debe presenter su respuesta por escrito, incluyendo el numero del daso y los numbers de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado immediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de assistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante al tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANTE

Des poursuites judiciaries ont ete enterprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes obliges de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le relai requis, vos risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocet. Si vos ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de deposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir, ou expediter une copie de votre reponse ecrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocet) nomme cidessous.

_____
Plaintiff/Plaintiff's Attorney

_____

_____
Address
Florida Bar No. _____

THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE COMMANDED to serve this summons and a copy of the complaint in this lawsuit on the above-named defendant.

DATED on _____.

NADIA K. DAUGHTREY
CLERK OF COURT

(SEAL)

By:_____
Deputy Clerk

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 NADIA K. DAUGHTREY, CLERK OF THE COURTS, 115 E. Oak St., Arcadia, Florida 34266, or call 863-993-4880, within two

(2) working days of receipt of this Summons. If you are hearing impaired, call 1-800-955-8771, or if you are voice impaired, call 1-800-955-8770.

A copy of this Summons was mailed to Plaintiff on _____.

By:_____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Defendant(s).

MOTION FOR CLERK'S DEFAULT

Plaintiff asks the clerk to enter a default against Defendant(s) _____ _____, for failing to respond as required by law to Plaintiff's complaint for Replevin.

_____
Plaintiff's signature

_____
_____
Address
Phone: _____

DEFAULT

A default is entered in this action for eviction against the Defendant(s) for failure to respond as required by law.

Dated: _____

NADIA K. DAUGHTREY
CLERK OF COURT

BY:_____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLOIRDA

_____
_____
_____
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Defendant(s).

MOTION FOR FINAL JUDGMENT FOR REPLEVIN

Plaintiff(s) asks the court to enter a Final Judgment for Replevin against _____, the Defendant(s), for replevin and says:

1. Plaintiff filed a complaint alleging grounds for replevin of property wrongfully detained or taken by Defendant.

2. A Default was entered by the Clerk of Court on _____.

WHEREFORE, Plaintiff asks this court to enter a Final Judgment for Replevin against Defendant(s).

Dated: _____

_____
Plaintiff's signature

_____

_____
Address
Phone: _____

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

WRIT OF REPLEVIN

THE STATE OF FLORIDA:
To Each Sheriff of the State:

YOU ARE COMMANDED to replevy the goods and chattels in possession of the Defendant(s), _____, described as follows:

_____
_____
_____
_____
_____
_____

and to dispose of it according to law.

DATED on _____, 20___.

NADIA K. DAUGHTREY
CLERK OF COURT

By: _____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s),
_____/

MEANS OF FINAL DISPOSITION (Place an X in one box only)

[ ] Dismissed Before Hearing
[ ] Dismissed After Hearing
[ ] Disposed by Default
[ ] Disposed by Judge
[ ] Disposed by Non-Jury Trial
[ ] Disposed by Jury Trial
[ ] Other: _____

Signed this _____ day of _____, 20___.

_____
Plaintiff
_____
_____
Address
Phone: _____

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS: That _____ _____, the Plaintiff(s) in the above styled cause, wherein a Judgment was rendered on _____, in the above named Court for $_____ (_____DOLLARS AND CENTS) against _____ _____, the Defendant(s) herein, said Judgment being duly recorded in Official Records Book _____, Page _____, and the Certified Copy of Judgment recorded in Book _____, Page _____, of the Public Records of _____ County, Florida, do hereby acknowledge full payment and satisfaction thereof and hereby consent the same to be satisfied of record.

_____ _____
Witness Plaintiff
_____
_____ _____
Witness Address

_____ _____
Witness Plaintiff
_____
_____ _____
Witness Address

STATE OF FLORIDA,
COUNTY OF _____.
Sworn to and subscribed before me this _____ day of _____, 20___, by _____ _____, who is/are personally known to me or have produced _____as identification.

_____
Deputy Clerk or Notary Public

(SEAL)