



WILLIAM J. WALLACE
COUNTY JUDGE

STATE OF FLORIDA
NINETEENTH JUDICIAL CIRCUIT
INDIAN RIVER, MARTIN, OKEECHOBEE AND ST. LUCIE COUNTIES

OKEECHOBEE COUNTY JUDICIAL CENTER
312 N.W. 3RD STREET
OKEECHOBEE, FLORIDA 34972
(863) 763-3193
FAX (863) 763-7260

MEMORANDUM

TO: ALL PARTIES SUBMITTING CLAIMS
IN COUNTY CIVIL and SMALL

DATE: February 4, 2019

RE: SELF-ADDRESSED STAMPED ENVELOPES

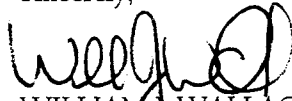
Please be advised that ALL parties submitting claims to the Clerk of Court must furnish to the Clerk at the time of filing, at least five (5) self-addressed stamped envelopes, two for the Plaintiff and two for each Defendant plus an additional envelope for each Defendant with double postage.

For Tenant Eviction cases, the Plaintiff must file the original Eviction Complaint (including all attachments or exhibits) plus two (2) copies per Tenant of the Complaint and attachments if seeking only an eviction or three (3) copies per Tenant of the Complaint and attachments if seeking eviction and money damages.

Any corporation that is a party to a Small Claims action, either Plaintiff or Defendant, must be represented by an attorney unless the corporation has given written authorization to an officer or employee of the corporation to represent the corporation. (See Small Claim Rule 7.050. See Small Claims Form 7.350 for sample authorization)

Thank you.

Sincerely,


WILLIAM J. WALLACE
County Court Judge

WJW/kmh

ENFORCEMENT AND COLLECTIONS OF JUDGMENTS

RECORDING YOUR JUDGMENT. A certified copy of the judgment may be obtained from the Clerk of Court and recorded in any county in which the debtor owns real estate. The judgment then becomes a lien on any real estate the debtor owns in that county. The lien acts as a defect on the title to the real estate and normally must be paid off if that property is ever sold. There is a minimal recording fee.

FILING A WRIT OF EXECUTION. Ten (10) days after the judgment has been entered by the Court, the clerk will issue a document called a Writ of Execution upon your request. The document must be taken to the Sheriff's Office located in the county where the debtor has personal property or moveable goods. When the Writ of Execution is filed with the Sheriff, the Sheriff will then have authority to seize and sell the property of the debtor to pay off the judgment. At the time of the sale of the property the Sheriff will pay the judgments in the order in which the Writs of Execution were filed. Therefore, it is important to file the Writ with the Sheriff as soon as possible, in case there are many creditors.

LEVY AND EXECUTION. Once the personal property of the debtor is located the Sheriff can be given written instructions (the form is called Instructions for Levy) to seize specifically identified personal property of the debtor. The Sheriff must be given the exact location of the property. After the Sheriff has seized the property he will publish a notice in the newspaper announcing the date of a public sale of the goods which he has seized. At that sale, people will bid on the property. Any money received at the sale, after payment of the Sheriff's expenses of the seizure and sale, will be given to pay or partially pay the judgment. If the monies received do not pay the entire judgment, the process can be repeated. If the Writ was not the first one filed against the debtor, the judgment may not be paid in full, for the Sheriff must pay off all Writs according to the order in which they were filed. For further information on the Sheriff's procedures for execution and levy and the costs involved, contact the Sheriff at 504 N.W. 4th Street, Okeechobee, Florida 34972, telephone 941-763-3117. Any costs paid to the Sheriff will be added to the amount of the judgment.

LIABILITY MAY BE INCURRED BY THE JUDGMENT CREDITOR if there is a **WRONGFUL LEVY** on the property of someone other than the debtor.

GARNISHMENT. Garnishment is the taking of property of the debtor that is in the possession of another. Some kinds of assets are protected by law (for example the wages of the head of a household). Sources of assets which may be subject to garnishment proceedings are wages (other than head of household) and bank accounts. A Motion for Writ of Garnishment must be filed with the Clerk and the writ must be served by the Sheriff upon the party in possession of the property. Garnishment may not be issued until the expiration of ten (10) days from the date the Final Judgment was made of record.

Both the Clerk and Sheriff will require fees for their services in this proceeding. The garnishment procedure often varies with the type of property to be garnished. Most garnishment proceedings are governed by statute. The Clerk does not provide forms for this procedure nor can they assist in the preparing of such forms. Any questions regarding the procedure to be followed should be discussed with an attorney.

LOCATING THE DEBTOR'S PROPERTY. There are many ways to find out what property the debtor owns. The County Tax Collector, tax office, can advise if the debtor owns a vehicle registered in the state. A written request may also be made to the Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, 107 Gaines Street, Tallahassee, Florida 32304. The official records of Okeechobee County located at 304 N.W. 2nd Street, Room 101, Okeechobee, Florida, will also show you the real estate the debtor owns in the county. These records can be complicated, and a person experienced in these matters may be needed to understand these records.

FACT INFORMATION SHEET. Any judgment creditor may also request the Court to Order the debtor to complete Fact Information Sheet, Form 7.343, of the Small Claims Rules of Court, which discloses the debtor's earnings, financial status and assets. Written request must be made after the judgment has been entered or an oral request may be made at the time the judgment is entered. Upon such a request the Court must order the debtor to complete the sheet within 30 days or other such reasonable time as determined by the Court.

HEARING IN AID OF EXECUTION. After 30 days after the judgment is entered the Court, at the request of the judgment creditor, who is a natural person and who was not represented by an attorney prior to judgment, must order the debtor to appear at a hearing for the purpose of inquiring into the debtor's earnings, financial status and any assets available in excess of exemptions. The Sheriff must serve the debtor with the order and will charge a fee for the service of the Order. The judgment creditor must be present at the hearing to ask the debtor questions about his assets.

It is impossible in a brief statement to explain all of the rights and obligations upon obtaining a Court Judgment. The processes of collection can be complicated and cannot be fully explained here. Laws frequently change and the appropriate Florida Statutes and Rules of Procedure should be read before attempting to enforce or collect on a judgment. This form is only meant to give a basic and general explanation about what the judgment means and to explain basic principles on the enforcement and collection of judgments.

Please understand that **JUDGES, THEIR JUDICIAL ASSISTANTS, CLERK OF COURTS AND SHERIFF'S OFFICE EMPLOYEES CANNOT GIVE LEGAL ADVICE.** They can only point out the existence of certain procedures, but cannot tell anyone how to follow them or how effective they will be. **ONLY AN ATTORNEY** can give legal advice. Persons should speak with an attorney if they have questions of a legal nature.

**IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA**

Plaintiff

Address

City, State and Zip Code

Phone

Case No.: _____

Division: _____

-vs-

Defendant

Physical Address

City, State and Zip Code

Phone

(Additional, if any) Defendant

Physical Address

City, State and Zip Code

Phone

**STATEMENT OF CLAIM
(AUTO NEGLIGENCE)**

The Plaintiff sues the Defendant and says: On or about _____ 20____, in the vicinity of _____, on a public highway in _____, County, Florida, Plaintiff's motor vehicle, being operated by _____, collided with Defendant's motor vehicle, being operated by _____; and the collision with Plaintiff's vehicle was caused by the negligent and careless operations of Defendant's vehicle, whereby Plaintiff's vehicle was damaged and depreciated in value.

WHEREFORE, Plaintiff(s) demands judgment for damages against Defendant(s) in the sum of \$ _____ as principle and costs in the amount of \$ _____.

Signature

Name (print)

Address

City, State and Zip Code

Phone

IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA

CIVIL DIVISION

CASE NO: _____

_____,
Plaintiff,

vs.

_____,
Defendant.

SUMMONS/NOTICE TO APPEAR FOR PRETRIAL/MEDIATION CONFERENCE

STATE OF FLORIDA – NOTICE TO PLAINTIFF: _____

NOTICE TO DEFENDANT: _____

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the Okeechobee County Judicial Center, 312 N.W. Third Street, Okeechobee, Florida 34972 in Courtroom _____ on the _____ day of _____, 20____ at _____ am/pm, for a Pretrial/Mediation 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) or the defendant(s) shall not excuse the personal appearance of a party or its attorney in the PRETRIAL/MEDIATION CONFERENCE. The date and time of the pretrial/mediation conference **CANNOT** be rescheduled without good cause and prior court approval.

Any business entity recognized under Florida law may be represented at any stage of the trial court proceedings by any principal of the business entity who has legal authority to bind the business entity or any employee authorized in writing by a principal of the business entity. A principal is defined as being an officer, member, managing member, or partner of the business entity. Written authorization must be brought to the Pretrial/Mediation Conference.

The purpose of the pretrial/mediation 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/mediation 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.

Mediation will take place at the pretrial/mediation conference. Whoever appears for a party must have full authority to settle. Failure to have full authority to settle at the pretrial/mediation conference may result in the imposition of costs and attorney fees incurred by the opposing party.

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 or 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 defendants 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 for 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 statement of claim shall be served with this summons.

DATED at Okeechobee, Florida on this ____ day of _____, 20____.

JERALD D. BRYANT
CLERK OF THE COURT AND COMPTROLLER

BY: _____
Deputy Clerk

NOTICE REGARDING THE AMERICANS WITH DISABILITY ACT OF 1990.

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 Court Administration, 250 NW Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA

CIVIL DIVISION

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_____,
Plaintiff,

vs.

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