

SMALL CLAIMS REPLEVIN – FOR RETURN OF PERSONAL PROPERTY

An action for replevin may be brought in small claims court when the value of the property does not exceed \$5,000.00 and the following fees are paid.

- 1. \$1000.00 or less - \$130.00 Filing Fee which includes the Replevin fee**
- 2. \$1000.01 - \$2500.00 - \$175.00 Filing Fee + \$85.00 Replevin fee**
- 3. \$2500.01-\$5000.00 - \$300.00 Filing Fee + \$85.00 Replevin fee**

This form is to be used by those seeking return of personal property (including weapons) taken by a governmental entity other than for a criminal investigation.

TO FILE A CLAIM

Contact the Clerk of the County Court where the:

- Property sought to be replevied is located
- Cause of action occurred

Forms for filing a complaint in Citrus County are available from the Clerk of the Circuit Court at either the Inverness or Meadowcrest location.

Claims can be filed by or against an individual, business, or corporation. The exact legal name, complete address and phone number of the defendant is required. In the case of a business, this information may be obtained from the City or County Occupational License Department. A summons fee of \$10.00 per person to process and \$7.00 for the Clerk of the Court to issue is due at the time of filing for a total of \$17.00.

SERVICE ON A DEFENDANT

Service on a defendant can be made by a process server. A listing of process server's can be located on the Clerk's website <http://www.citrusclerk.org>. Appropriate filing fees are payable to the Clerk of the Circuit Court. Personal checks are accepted with proper identification.

ORDER TO SHOW CAUSE AND FINAL HEARING

The clerk obtains two hearing dates from the Judge's office for Show Cause and a Final Hearing and prepares the Order to Show Cause and Summons to be served. You will receive a copy of both orders stating dates and times for you to appear.

WRIT OF REPLEVIN AND FINAL JUDGMENT

After the Show Cause hearing the clerk will prepare an Order and Prejudgment Writ of Replevin when directed by the court.

After the Final Hearing, the clerk will prepare a Final Judgment when directed by the court. If a Prejudgment Writ has not previously been issued, the clerk will prepare a Writ of Replevin at this time.

To execute the Writ of Replevin, a fee for sheriff service will be required.

ANGELA VICK
CLERK OF THE CIRCUIT COURT
110 N. Apopka Avenue
Inverness, Fl. 34450-4299
(352) 341-6424

**IN THE COUNTY COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR CITRUS COUNTY, FLORIDA**

CASE NO. _____

Plaintiff(s)

-VS-

Defendant(s)

STATEMENT OF CLAIM FOR REPLEVIN
(FOR RETURN OF PERSONAL PROPERTY/WEAPON FROM GOVERNMENTAL ENTITY)

The plaintiff(s) sues defendant(s) and alleges:

1. This is an action to recover possession of personal property.
2. The description of the property is:

3. To Plaintiff's best knowledge, information, and belief the value of the property is \$ _____ and its location is _____.

4. Plaintiff is the owner of the claimed property or is entitled to possession of it by virtue of the following source of title, or right of possession:

(If interest is based on a written instrument a copy is attached)

5. The property cannot be released by the defendant without a court order, or the property is wrongfully detained by the defendant who obtained possession
by: _____

6. To Plaintiff's best knowledge, information, and belief, defendant detains property
because: _____

7. The property has not been taken for any tax, assessment, or fine pursuant to law, nor has it been taken under an execution of attachment against plaintiff's property, or if so taken, it is by law exempt from such taking by the following reference to exemption law relied upon: _____

8. Written demand for return of the property was provided to Defendant and (if Defendant is not a municipality) also to the Department of Financial Services at least 90 days prior to the filing of this Complaint. Section 768.28(6) (a), Florida Statutes. A Copy of the demand is attached hereto.

9. The property is not contraband, was not the fruit of criminal activity, and is not being held for some evidentiary purposes.

10. The property came into possession of Defendant on or about _____.

11. Plaintiff has the legal right to possess the property and is not subject to any legal prohibition against such possession.

Pursuant to section 92.525, Florida Statutes, under penalties of perjury, I declare that I have read the foregoing Statement of Claim and the facts stated in it are true.

**STATE OF FLORIDA,
COUNTY OF CITRUS**

The undersigned being first duly sworn on oath, states the foregoing is a just and true statement. Affiant further states that the defendant(s) is/are not in the military service of the United States, and that the action has been brought in the county in which venue is proper, pursuant to Chapter 47, Florida Statutes.

AFFIANT

Subscribed and sworn before me this _____ day of _____, 20_____.

ANGELA VICK
CLERK OF THE COURT

Angela Vick, Clerk of the Circuit Court
110 N. Apopka Avenue, Room 101
Inverness, Fl. 34450-4299
(352) 341-6424

By: _____
Deputy Clerk

Or: _____
Notary Public

**IN THE COUNTY COURT IN AND FOR CITRUS COUNTY
FIFTH JUDICIAL CIRCUIT OF FLORIDA**

CASE NO. _____

Plaintiff(s)

-vs-

Defendant(s)

_____ /

STATEMENT OF RESPONSIBILITY

(Civil Case \$5,000.00 or less)

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, 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.

Date

Signature

COUNTY COURT IN AND FOR CITRUS COUNTY
COUNTY COURT/SMALL CLAIMS DIVISION
(352) 341-6424

Replevin \$1000.00 or less	\$130.00 Filing Fee which includes the Replevin fee
Replevin \$1000.01 - \$2500.00	\$175.00 Filing Fee + \$85.00 Replevin fee
Replevin \$2500.01-\$5000.00	\$300.00 Filing Fee + \$85.00 Replevin fee
Summons Fee – Per Defendant	\$10.00
Summons Fee to Issue – Per Defendant	\$7.00
Cross Claim; Counterclaim; Third Party Complaint (Greater than \$2,500)	\$295.00
Writ of Replevin	\$90.00 to Sheriff’s Office
Out of County or Out of State Sheriff’s Department	Contact Agency
Additional Fee for Replevin greater than \$1,000	\$85.00
Witness Subpoena prepared by Clerk	\$7.00
Witness Subpoena prepared by Plaintiff	\$2.00
Witness Fees	\$5.00 per party plus \$0.06 per mile of travel to and from
Reopening a case of \$500.00 or less	\$25.00
Reopening a case of \$500.01 or more	\$50.00
Appeals from County Court to Circuit Court	\$281.00

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____

Division: _____

Petitioner,

and

Respondent,

DESIGNATION OF CURRENT MAILING AND E-MAIL ADDRESS

I, {full legal name} _____, being sworn, certify
that my current mailing address is: {Street} _____
{City} _____, {State} _____, {Zip} _____
{Telephone No.} _____ {Fax No.} _____

I designate as my current e-mail address(es): _____

I understand that I must keep the clerk's office and the opposing party or parties notified of my current mailing and e-mail address(es) and that all future papers in this lawsuit will be served at the address(es) on record at the clerk's office.

I certify that a copy of this document was () e-mailed () mailed () faxed () hand-delivered to the person(s) listed below on {date} _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip: _____

Fax Number: _____

Designated E-mail Address(es): _____

Dated: _____

Signature of Petitioner

STATE OF FLORIDA

COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____

NOTARY PUBLIC or DEPUTY CLERK

{Print, type, or stamp commissioned name of notary or clerk.}

_____ Personally known
_____ Produced identification
_____ Type of identification produced _____

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:

[fill in all blanks] This form was prepared for the: *{choose only one}* () Petitioner () Respondent

This form was completed with the assistance of:

{name of individual} _____,

{name of business} _____,

{address} _____,

{city} _____, {state} _____, {zip code} _____, {telephone number} _____