

REPLEVIN PACKET

\$1.00

NOTICE

Your hearing date will be set at least sixty (60) days out from the date of filing your case. An emergency writ of replevin can be requested if you do the following:

1. Draft a notarized Affidavit as to why this should be considered an emergency per Florida Statute 78.068
AND
2. Posting a bond per Florida Statute 78.068(3) **in the amount of twice the value** of the goods subject to the writ.

Filing fees for Replevin:

Claims less than \$1,000	\$130.00 (plus \$10 summons fee per defendant)
Claims \$1,001 to \$2,500	\$260.00 (plus \$10 summons fee per defendant)
Claims \$2,501 to \$15,000	\$385.00 (plus \$10 summons fee per defendant)
Claims \$15,001 to \$30,000	\$485.00 (plus \$10 summons fee per defendant)

Cash, Check, Money Order, Cashier's Check, Visa, Mastercard,
Discover (A service charge of 3.5% will be added when using
credit card)

THIS PACKET CONTAINS THE FOLLOWING FORMS:

***** COMPLAINT (type or print neatly)**

***** ORDER TO SHOW CAUSE**

***** SUMMONS/NOTICE TO APPEAR (names only)**

Once your case is assigned a Judge and the hearing date is confirmed, the case will be submitted to the Judge for the Order to be signed. The Clerk will contact you once your paperwork is ready to be served on the defendant.

HAVING YOUR COMPLAINT SERVED ON THE DEFENDANT:

A copy of the complaint must be legally served on each defendant by the Sheriff or process server in the county where the defendant resides. The Sheriff's Office **charges \$40.00 (per defendant) to serve the complaint on the defendant(s).**

Information or forms provided by the Clerk of Court should be considered as basic information only and may not be applicable to every situation. The information is not intended to be used as legal advice but as basic and general information only. It does not explain all your options and/or rights. Specific guidance as to how to proceed with filing a lawsuit or answering a lawsuit and legal questions about your particular situation should be directed to a qualified attorney.

FILING YOUR COMPLAINT

Please type or print the complaint.

The person filing the case is the Plaintiff and the Defendant is the person you are suing.

The proper venue for filing may be one of the following:

1. Where the property sought is located within the State of Florida.
2. Where the contract was signed within the State of Florida.
3. Where the defendant resides within the State of Florida.
4. Where the cause of action accrued within the State of Florida.

You can sue an individual, a business or a corporation. You have the burden of investigating to determine whether you are filing against the correct parties.

Individual – you will need the exact name and address of the person. If the defendant is married and you feel the spouse is also responsible list them as a defendant as well. Avoid using Mr. and Mrs.

Corporation – 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 for the business in this state. To find this information, you may write or call the Secretary of State at the following address and phone number.

SECRETARY OF STATE OF FLORIDA
ATTN: CORPORATE DIVISION
TALLAHASSEE, FL 32304
1-800-755-5111
<http://www.sunbiz.org>

Business – You will need the name and address of the person that owns the business.

It is important to style your case correctly: (example)

Bill Jones d/b/a Book World

Bill Jones and Joe Smith, a partnership d/b/a Book World

Book World Inc., a Florida Corporation, d/b/a The Book Store by serving Bill Jones

Book World Inc., by serving John Davis, registered agent

Upon payment of the filing fee, the deputy clerk will assign a case number and judge. You may be notified of the court date upon filing the case or by mail.

If you do not receive notification of service of the complaint within 2 weeks from the Sheriff's Office, you should call the Clerk's Office to check on the return of service. THE CLERK'S OFFICE WILL NOT CALL YOU. If the action is returned un-served, you will need to find a better address or place the person can be served.

ORDER TO SHOW CAUSE HEARING

A date for this hearing will be scheduled when the case is filed and is usually about 60 days from the date you file your case. At the hearing the Judge will determine who should have possession of the property. The Judge will listen to both sides, review the evidence and determine who will have possession of the property. Should the Judge rule for the plaintiff, a Writ of Possession will be signed and you should have it served by the Sheriff. The costs for this service will be \$90.00 to the GCSO.

You may also be awarded a Final Judgment for costs. You may want to research the methods of collecting on your judgment by searching the Florida Statutes, Chapter 55 or contacting an attorney.

CHECK LIST FOR NUMBER OF COMPLETED FORMS NEEDED FOR FILING YOUR REPLEVIN CASE

Number of defendants	Complaint	Order to Show Cause	Summons/ Notice to Appear)	Attachments (if any)		
One Defendant	Original plus 2 copies	Original plus 3 copies	Original plus 2 copies	2 copies		
Two Defendants	Original plus 3 copies	Original plus 5 copies	Original plus 3 copies	3 copies		

**IN THE COUNTY COURT
IN AND FOR GADSDEN COUNTY, FLORIDA**

Case No. _____

Judge: _____

Plaintiff

Defendant

Address

Address

City, State & Zip

City, State & Zip

Phone Number

Phone Number

COMPLAINT

Plaintiff, _____, sues defendant, _____
and alleges:

1. This is an action to recover possession of personal property in Gadsden County, Florida, the value of which is \$_____.
2. The description of the property is:
(List Property)

3. _____ Plaintiff is entitled to the possession of the property under a security agreement dated _____.
_____ A copy of the agreement is attached.

4. To plaintiff's best knowledge, information, and belief, the property is located at _____.

5. The property is wrongfully detained by defendant. Defendant came into possession of the property by (method of possession)_____.
To plaintiff's best knowledge, information, and belief, defendant detains the property
Because (give reasons).

6. The property has not been taken for any tax, assessment, or fine pursuant to law.

7. The property has not been taken under an execution or attachment against plaintiff's property.

WHEREFORE plaintiff demands judgment for possession of the property.

Dated: _____

Signature of Plaintiff

Print Name

Address

City, State, Zip

Sworn to and subscribed before me this _____ day of _____, 20____

By: _____
Deputy Clerk or Notary

IN THE COUNTY COURT IN AND FOR GADSDEN
COUNTY, FLORIDA

CASE NO: _____

Plaintiff

VS

Defendant

ORDER TO SHOW CAUSE

IN THE NAME OF THE STATE OF FLORIDA:

To Each Sheriff of the State:

YOU ARE HEREBY COMMANDED to serve this order on defendant:

by personal service as provided by law, if possible, or, if you are unable to personally serve defendant 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 of this order, but for no other purpose.

Defendant shall show cause before the Honorable Kathy Garner, on _____ at _____ am/pm in the Gadsden County Courthouse, 1st Floor, Room 109, in Quincy, Florida, why the property claimed by plaintiff in the Complaint, filed in this action should not be taken from the possession of defendant and delivered to the plaintiff.

Defendant 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), (2000), Florida Statutes, 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.

If defendant fails to appear as ordered, defendant 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 Quincy, Florida on the _____ day of _____, 20 ____.

COUNTY COURT JUDGE

IN THE COUNTY COURT IN AND FOR
GADSDEN COUNTY, FLORIDA

Plaintiff

Case No. _____

Vs

Defendant

SUMMONS / NOTICE TO APPEAR FOR REPLEVIN

THE STATE OF FLORIDA

TO: _____
Defendant's Name

You are hereby notified that the above-named Plaintiff has filed a Replevin Complaint against you for wrongfully withholding property of the value of \$ _____ as shown by the Replevin complaint, with court costs, and you are required to appear in person or by attorney at the Gadsden County Courthouse, 10 East Jefferson Street, in the chambers of the Honorable Judge Kathy Garner, Quincy, Florida, on the _____ day of _____, 20____, at _____ am/pm for an Order to Show Cause Hearing.

If you fail to appear on that date, in person or by attorney, a Judgment for Replevin will be entered against you and Writ of Replevin issued.

Please dress appropriately.

Dated, _____ at Quincy, Gadsden County, Florida.

Nicholas Thomas,
Clerk of the Court

By: _____
Deputy Clerk of Court

NOTICE TO PERSONS WITH DISABILITIES

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 ADA Coordinator; 301 South Monroe Street, Room 225, Tallahassee, FL 32301; (850) 606-4401, 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.
