

James M. Swisher, Jr.
Clerk of Court – Columbia County
P.O. Drawer 2069
Lake City, FL 32056-2069
386-758-1047

SMALL CLAIMS INFORMATION

A small claims case is a legal action filed in county court to settle minor legal disputes among parties where the dollar amount involved is \$8,000 or less (EFFECTIVE JANUARY 1ST, 2020), excluding costs, interest, and attorneys' fees. The clerk of court can provide copies of appropriate forms, but we cannot provide ANY LEGAL ADVICE at any point in your case.

You, the Plaintiff, must file a "Statement of Claim" form with the Clerk's office. This form MUST be fully completed in all areas and must be signed and notarized upon arrival, or a VALID form of identification must be presented at the time of filing for a Deputy Clerk to sign and seal. If your claim is based upon written documentation, you must attach a copy of the contract and/or any other written documentation to the Statement of Claim form. Once a claim is filed, a court date will be assigned and a Summons or Notice to Appear in court will be issued. The plaintiff is responsible to locate the defendant and to furnish issued process to the proper Sheriff's Office (**Sheriff's Fees: \$40 per summons served**) within the State of Florida.

NOTE: Sheriff fees are a separate fee from the filing fee to the Clerk's office and is never made payable to the Clerk's Office. Appropriate forms of payment to the Sheriff's office are Cash, Money Order, Cashier's Check, Certified Check or Business Check. The Sheriff's office will **NOT** accept personal checks as a form of payment.

The court (Judge) requires an initial pre-trial conference to determine if there is a cause of action. During that pre-trial it is not uncommon for the judge to have the parties meet with a mediator in an effort to resolve problems without having a hearing/trial. If the dispute is settled, it goes to the judge for approval without delay. If the dispute remains unsettled, a trial date will be set by the clerk in court the date of the pretrial. If you cannot be present at the pretrial conference, an attorney may represent you, a continuance may be arranged between both parties, or a motion for continuance may be filed with the court.

If a small claims dispute goes to trial, the court will schedule a trial date and the parties must appear at the trial with all witnesses and documentation. At the trial, both parties will have an opportunity to explain the case to the judge. Witnesses will also have a chance to testify.

The judge will listen to both sides of the story and review the evidence, and witnesses' testimony before making a decision. Whatever the outcome, you will be sent a copy of the judge's ruling. If the Judgment is in your favor, it is up to you, the plaintiff, to collect. Please keep in mind winning your case and receiving a judgment DOES NOT mean you will obtain all of your money back.

Filing fees vary depending on the amount of the claim and are subject to annual change by legislative action. Please note: the fees are non-refundable but may be recovered later through the defendant if Plaintiff prevails.

Claims less than \$100	\$55.00
Claims \$100 to \$500	\$80.00
Claims \$500.01 to \$2,500	\$175.00
Claims \$2,500.01 to \$8,000	\$300.00

Please be advised, there will also be a \$10 Summons fee added to the above stated filing fees for the Clerk's Office.

For any additional questions please call the small claims department at
386-758-1047

PLEASE KEEP IN MIND THAT THIS DEPARTMENT CANNOT GIVE ANY LEGAL ADVICE OR INTERPRET THE LAW FOR YOU!