

REPLEVIN PACKET COVER SHEET

This packet contains the information and forms for filing a Replevin case. Packets may be purchased at the Clerk's Office if needed for \$1.50.

Please note the CLERK OF COURT cannot give legal advice to you or interpret the law for you. If you need legal advice, please contact an Attorney or Community Legal Services of Mid-Florida (CLSMF) at 1-800-405-1417.

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

In the COUNTY Court of the Seventh Judicial Circuit in and for FLAGLER COUNTY, FLORIDA

Plaintiff

Case #: _____

vs.

Judge: _____

Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose. \$ _____.

- \$8,000 or less
- \$8,001 - \$30,000
- \$30,001- \$50,000
- \$50,001- \$75,000
- \$75,001 - \$100,000
- over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence—other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security

- Nursing home negligence
- Premises liability—commercial
- Premises liability—residential
- Products liability
- Real property/Mortgage foreclosure
 - Commercial foreclosure
 - Homestead residential foreclosure
 - Non-homestead residential foreclosure
 - Other real property actions
- Professional malpractice
 - Malpractice—business
 - Malpractice—medical
 - Malpractice—other professional
- Other
 - Antitrust/Trade regulation
 - Business transactions
 - Constitutional challenge—statute or ordinance
 - Constitutional challenge—proposed amendment
 - Corporate trusts
 - Discrimination—employment or other
 - Insurance claims
 - Intellectual property
 - Libel/Slander
 - Shareholder derivative action
 - Securities litigation
 - Trade secrets
 - Trust litigation

COUNTY CIVIL

- Civil
- Real property/Mortgage foreclosure
- Replevins
- Evictions
 - Residential Evictions
 - Non-residential Evictions
- Other civil (non-monetary)

- IV. REMEDIES SOUGHT** (check all that apply):
- Monetary;
 - Nonmonetary declaratory or injunctive relief;
 - Punitive

- V. NUMBER OF CAUSES OF ACTION:** [] (Specify)
-
-

- VI. IS THIS CASE A CLASS ACTION LAWSUIT?**
- yes
 - no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

no

yes If "yes," list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

yes

no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: _____
(Attorney or party)

Fla. Bar #: _____
(Bar # if attorney)

(type or print name)

(Date)

REPLEVIN INSTRUCTIONS

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.

- 1) Replevin cases -not exceeding \$30,000.00. forms and assistance can be provided; but keep in mind the Clerk cannot provide legal advice.
- 2) In order to file a replevin action, you must have knowledge of where the property is located and who is holding it. **Replevin actions are filed in the county where the property is located.**
- 3) When filing a replevin action, attach any paperwork you may need to prove ownership to the property in question.
- 4) After you complete your Replevin Complaint, with attachments (if any), you need to make two copies of everything for **each** defendant and a copy for your personal records.

Please do not abbreviate on the descriptions of the items. We cannot tell what it is that you are trying to get returned. Give us a full description of all items, size, color, numbers, etc. If you do not have enough room on the original complaint, you may attach another paper to the complaint to fully describe all items.

*After you have filed your case, a summons will be issued by the clerk **and** an Order to Show Cause will be entered by the Judge. The Summons and Order to Show Cause will be sent to the Sheriff's office to be served. The fee for service is \$40.00 per summons and \$40.00 per Order for each defendant. (ex. \$80.00 per defendant for both summons and Order to be served). We will also email/mail a copy of this to you for your records.*

** Please note: If your Replevin property value is \$8,000.00 or less, a pretrial summons and Order to Show cause will be the same date and time.

** Please note: If your Replevin property value is greater than \$8,000.00 but less than \$30,000.00, there will be a 20 day summons issued and the Order to Cause date to appear for court.

- 5) If you have any questions, please do not hesitate to contact the County Civil Department at (386) 313-4483.
- 6) Attached is a filing fee schedule. You must determine the value of the property for the clerks to assess the proper filing fee(s) and then add \$85.00 Replevin Fee, if necessary.

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

REPLEVIN FILING FEES

FILING FEES: *(personal check, money order, cashier's check, cash, debit, or credit card)*

Replevin	\$85.00
• Replevin actions less than \$ 1,000	\$130.00 <i>(no other filing fee to be added)</i>
• Claims \$1000.01 - \$2,500	\$175.00 <i>(plus \$85.00 replevin filing fee)</i>
• Claims \$2500.01 - \$15,000	\$300.00 <i>(plus \$85.00 replevin filing fee)</i>
• Claims of \$15,000.01 - \$30,000	\$400.00 <i>(plus \$85.00 replevin filing fee)</i>
• Preparation and issuance of summons	\$17.00 (\$10.00 issuance and \$7.00 prep fee)

SHERIFF SERVICE FEES: *(local business check, money order or cashier's check)*

• Service of Summons	\$40.00 <i>(per defendant)</i>
• Service of Order to Show Cause	\$40.00 <i>(per defendant)</i>
• Writ of Replevin	\$90.00

IN THE COUNTY COURT OF THE
SEVENTH JUDICIAL CIRCUIT IN AND
FOR FLAGLER COUNTY, FLORIDA

CASE NO.: _____

DIVISION: _____

[Name(s) of Plaintiff]

[Address]

[City, State, Zip]

[Telephone No.]

vs

[Name(s) of Defendant]

[Address]

[City, State, Zip]

[Telephone No.]

REPLEVIN COMPLAINT

The Plaintiff, _____ sues Defendant, _____, and alleges:

1. This is an action for Replevin of certain personal property having a value of \$ _____ exclusive of costs, interest, and attorney's fees.
2. The Plaintiff is the owner of the property described, located, and valued as follows:
Description of property: _____
Location of property: _____
Value of Property: _____
3. The Plaintiff's source of title to, or right to possession of said property is as follows:

4. Said property has not been taken for any taxes, assessments, or fine levied by any law of this state nor seized under any execution or attachment against the property of the Plaintiff herein.
5. Defendant detains said property from the Plaintiff in _____ County, Florida. This means by which the Defendant came into possession and the cause of detention thereof in as follows:

WHEREFORE, the Plaintiff demands Judgment for possession of said property, damage its retention, attorney fees if lawful and court cost.

Plaintiff

STATE OF FLORIDA
COUNTY OF FLAGLER

_____ being duly sworn on oath states the foregoing claim is a just and true statement owing by the Defendant to the Plaintiff.

Notary Public/Deputy Clerk

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

IN THE CIRCUIT COURT, 7TH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY, FLORIDA

CASE NO.: _____

Plaintiff/Petitioner,

v.

Defendant/Respondent,

DESIGNATION OF E-MAIL ADDRESS BY A PARTY NOT REPRESENTED BY AN ATTORNEY

Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1)(C), I _____,
designate the e-mail address(es) below for electronic service of all documents related to this case.

By completing this form, I am authorizing the court, clerk of court, and all parties to send copies of notices, orders, judgments, motions, pleadings, or other written communications to me by e-mail or through the Florida Courts E-filing Portal.

I understand that I must keep the clerk's office and the opposing party or parties notified of my current e-mail address(es) and that all copies of notices, orders, judgments, motions, pleadings, or other written communications in this case will be served at the e-mail address(es) on record at the clerk's office.

Designated E-mail Address: _____

Secondary Designated E-mail Address(es) (if any): _____

CERTIFICATE OF SERVICE

I certify that a copy of hereof had been furnished to the clerk of court for Flagler County and (Name and Address(es) of parties used for service) _____

by e-mail, mail on this _____ day of _____, 2022.

Signature: _____

Printed Name: _____

E-Mail Address: _____

Address: _____

Phone Number: _____

INFORMATION AND INSTRUCTIONS FOR FILING AN AFFIDAVIT OF NON-MILITARY SERVICE

An Affidavit of Non-Military Service is a sworn statement stating that to the best of your knowledge, you know that the defendant(s) are not currently in the military service. Without the Non-Military Affidavit, the Judge will not accept the default. **You may not enter a default against a person in the military service.**

If you do not know if the individual(s) in the lawsuit are in the Military Service, you may contact the Department of Defense Manpower Data Center at www.defenselink.mil/faq/pis/PC09SLDR.html and request the information from the United States Department of Defense.

After obtaining the information from the United States Department of Defense, attach your response to the Non-Military Affidavit and file with the Clerk of Court.

IN THE CIRCUIT & COUNTY COURTS OF THE SEVENTH JUDICIAL CIRCUIT, IN AND FOR FLAGLER COUNTY, FLORIDA

CASE NUMBER: _____

DIVISION: _____

Plaintiff/ Petitioner

V.

Defendant/Respondent

NON-MILITARY AFFIDAVIT

I, _____ being sworn, certify that the following information is true:
[✓all that apply)

___ 1. I know of my own personal knowledge that Defendant(s) is not on active duty in the armed services of the United States.

or

___ 2. I have inquired of the armed services of the United States and the U.S. Public Health Service to determine whether the Respondent is a member of the armed services and am attaching certificates stating that the Defendant(s) is not now in the armed services.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of Plaintiff(s)

Printed Name: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

STATE OF FLORIDA
COUNTY OF FLAGLER

SWORN to or subscribed and signed before me this ___ day of ___ 20__.

Deputy Clerk or Notary Public State of Florida