

Instructions for Filing a Declaratory Judgment

Please Read:

IF YOUR FORMS ARE NOT PROPERLY COMPLETED AND PARTIES ARE NOT PROPERLY SERVED, YOUR CASE MAY BE DISMISSED OR YOU MAY NOT OBTAIN YOUR FINAL JUDGMENT

A Declaratory Judgment establishes the rights and other legal relations of the parties without providing for enforcement. For example, if you obtained a vehicle or boat and cannot obtain the Certificate of Title from the previous owner, you would need to obtain a judgment declaring your ownership.

NOTE: Be sure to clearly PRINT your name and the Defendant(s) name in the Caption (top) of all of the enclosed documents.

THIS ACTION must be brought in a court of competent jurisdiction based on the value of the property. Your claim amount is based on the value of the property. Please refer to the fee list for Small Claims/County Civil jurisdiction and filing fees.

THIS PACKET is not to be used if the amount of your claim is over \$15,000. A judgment for more than \$15,000 would need to be filed in Circuit Civil court and this paperwork cannot be used for that type of case.

Complete all documents provided in this packet. Be sure that you DO NOT sign any of the paperwork outside the presence of a Notary Public or Deputy Clerk. Use specific information in your Complaint and attach any necessary documentation, for example, a Bill of Sale.

****Notice****

ALL PAPERWORK PROVIDED BY THIS OFFICE IS USED FOR 'PRO SE' LITIGANTS ONLY. 'PRO SE' MEANS THAT YOU ARE ACTING AS YOUR OWN ATTORNEY. ACTING AS YOUR OWN ATTORNEY MAKES YOU RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE FILE. FOR EXAMPLE, IF YOU DO NOT RECEIVE A COURT DATE OR NOTICE FROM THE CLERK'S OFFICE OR THE JUDGE, IT IS UP TO YOU TO CONTACT THE JUDGE FOR A HEARING DATE.

FEES for filing this case are based upon the value of the property as follows:

SC

- <\$100 \$55.00
- \$100-\$499 \$80.00
- \$500-\$2499 \$175.00
- \$2500-\$4999 \$300.00

Summons fee of \$10 will be required for each defendant to be served, along with the service fee as follows:

- Service for Florida Address Only can be done by Certified Mail per Florida Rules of Court 7.070
 - Certified Mailing Fee \$current rate per defendant
 - Cash or Check made to: Nassau County Clerk of Court

OR

- Sheriff Service
 - \$40 per defendant
 - Cash or Separate check made to: Nassau County Sheriff

The Summons will list a Hearing Date for both parties to appear before the Judge.

CC

- \$5000-\$14999 \$300.00

Summons fee of \$10 will be required for each defendant to be served, along with the service fee as follows:

- Cash or Check made to: Nassau County Clerk of Court

- Sheriff Service
 - \$40 per defendant
 - Cash or Separate check made to: Nassau County Sheriff

The Summons will be issued allowing the Defendant 20 days to file a response to the Complaint. After 20 days with no response, you will file a Motion for Default and Default.

*If the address of the Defendant(s) is unknown, you may use Constructive Service provided you make an actual, diligent search to discover the location of, and provide notice to, the Defendant(s). Instructions and forms are located in this packet.

IN THE COUNTY COURT IN AND FOR NASSAU COUNTY, FLORIDA

(Name and Address)

(Phone) _____

Plaintiff(s)

Case No. _____

Vs.

(Name and Address)

(Phone) _____

Defendant(s)

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff, _____ sues Defendant, _____

_____, and alleges:

1. This is an action for ownership of personal property located in Nassau County, Florida.
2. The description of the property is: _____

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

3. Plaintiff submits the following as proof of ownership: _____

_____ (attach evidence).

4. Plaintiff is entitled to this property because: _____

WHEREFORE, Plaintiff demands judgment for ownership of the above-described property.

Plaintiff's Signature

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20__.



Notary Public/Deputy Clerk

INSTRUCTIONS FOR CONSTRUCTIVE SERVICE

When should this form be used?

This form may be used to obtain **constructive service** (also called service by publication) in a case if you do not know where the Defendant lives or if the Defendant lives outside Florida and you are unable to obtain **personal service**. However, if you use constructive service, the court may grant only limited relief because its jurisdiction is limited. This is a complicated area of the law and you may wish to consult an attorney before using constructive service.

You must also complete and file an **AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY**, which is included in this Packet. This form includes a checklist of places you can look for information on the location of the Defendant(s). While you do not have to look in all of these places, the Court must believe that you have made a very serious effort to get information about the Defendant(s) location and that you have followed up on any information you received.

You should also complete and file a **NOTICE OF ACTION** with the Clerk for their execution of same. After the Clerk has signed this form, you must deliver it to a qualified local newspaper to be published for four (4) consecutive weeks. When in doubt, ask the Clerk which newspapers in your area are "qualified". The newspaper will charge you for this service.

Be sure to keep copies of the Affidavit of Diligent Search and Inquiry and Notice of Action for your records.

Special notes.....

If the Defendant fails to respond to your Complaint within the time limit stated in the Notice of Action that is published, you are entitled to request a **default**. See **INSTRUCTIONS FOR MOTION FOR DEFAULT AND DEFAULT** enclosed in this Packet.

IN THE COUNTY COURT IN AND FOR NASSAU COUNTY, FLORIDA

(Name and Address)
(Phone) _____
Plaintiff(s)

Case No. _____

Vs.

(Name and Address)
(Phone) _____
Defendant(s)

AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

I, (full legal name) _____, being sworn, certify that the following information is true.

- 1. I have made diligent search and inquiry to discover the name and current residence of Defendant. (Specify details of search) **Refer to checklist below and identify all actions taken (any additional information included such as the date the action was taken and the person with whom you spoke is helpful) (attach additional sheet if necessary):**

[X all that apply]

- United States Post Office inquiry through Freedom of Information Act for current address or relocations.
- Last know employment of Defendant, including name and address of employer. You should also ask for any addresses to which W-2 Forms were mailed and, if a pension or profit-sharing plan exists, then for any addresses to which any pension or plan payment is and/or has been mailed.
- Unions from which Defendant may have worked or that governed particular trade or craft.
- Regulatory agencies, including professional or occupational licensing.
- Names and addresses of relatives and contacts with those relatives, and inquiry as to Defendant's last known address. You are to follow up any leads of any addresses where Defendant may have moved. Relatives include, but are not limited to: parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great-grandparents, former in-laws, stepparents, stepchildren.
- Information about the Defendant's possible death and, if dead, the date and location of the death.
- Telephone listings in the last known location of Defendant's residence.
- Internet at <http://www.switchboard.com> or other Internet people finder or the library checked for me.
- Law enforcement arrest and/or criminal records in the last known residential area of Defendant.
- Highway Patrol records in the state of Defendant's last known address.
- Department of Motor Vehicle records in the state of Defendant's last known address.
- Department of Corrections records in the state of Defendant's last known address.
- Title IV-D (child support enforcement) agency records in the state of Defendant's last known address.
- Hospitals in the last known area of Defendant's residence.
- Utility companies, which include water, sewer, cable TV, and electric, in the last known area of Defendant's residence.
- Letters to the Armed Forces of the U.S. and their response as to whether or not there is any information about Defendant.
- Tax Assessor's and Tax Collector's Office in the area where Defendant last resided.
- Other: (explain) _____

2. The age of Defendant is [X one only] (___) known [enter age] _____ or (___) unknown.

3. Defendant's current residence

[X one only]

___ a. Defendant's current residence is unknown to me.

___ b. Defendant's current residence is in some state or country other than Florida, and Defendant's last known address is: _____

___ c. The Defendant, having residence in Florida, has been absent from Florida for more than 60 days prior to the date of this affidavit, or conceals him(her)self so that process cannot be served personally upon him or her, and I believe there is no person in the state upon whom service of process would bind this absent or concealed Defendant.

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
Printed Name _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

STATE OF FLORIDA,
COUNTY OF NASSAU

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



Notary Public or Deputy Clerk

___ Personally known

___ Produced identification

___ Type of identification produced _____

IN THE COUNTY COURT IN AND FOR NASSAU COUNTY, FLORIDA

Plaintiff,

Vs

CASE NO. _____

Defendant

NOTICE OF ACTION

TO: _____

YOU ARE NOTIFIED that an action for establishment of ownership of personal property described as : _____

Has been filed against you and you are required to serve a copy of your written defenses, if any, to it on Plaintiff, _____, whose address is: _____

_____, on or before _____, 20__, and

file the original with the Clerk of this Court immediately thereafter, otherwise a Default will be entered against you for the relief demanded in the Complaint.

DATED on _____



John A. Crawford
As Clerk of the Court

By: _____
Deputy Clerk

INSTRUCTIONS FOR MOTION FOR DEFAULT AND DEFAULT

When should these forms be used?

If the Defendant has failed to file or serve any documents within the 20 days after date of service of your complaint and **Summons** or by the date shown in the **Notice of Action** you may ask the **Clerk of Court** to enter a default against him or her by filling out this form and filing it with the Court. Generally, a default allows you to obtain an earlier final hearing to finish your case. Once the default is signed by the Clerk, you can request the Clerk to submit the entire case to the Judge.

To obtain a default, you will need to complete **MOTION FOR DEFAULT**. You will then need to file your motion for default along with the **DEFAULT** so that the Clerk can enter a default for you if your motion is proper.

This form should be typed or printed in black ink. After completing this form, you should file the original with the **Clerk of Court** in the county where you filed your complaint and keep a copy for your records.

IN THE COUNTY COURT IN AND FOR NASSAU COUNTY, FLORIDA

Plaintiff,

Vs

CASE NO. _____

Defendant,

MOTION FOR DEFAULT

TO THE CLERK OF THE COURT:

PLEASE ENTER A DEFAULT AGAINST DEFENDANT(S) WHO HAS FAILED TO RESPOND TO THE COMPLAINT.

I certify that a copy of this document was [**X one** only] (___) mailed (___) faxed and mailed (___) hand delivered to the Defendant on _____.

Dated: _____

Signature of Plaintiff

Address
Phone: _____

DEFAULT

A default is entered in this action against Defendant(s) for failure to serve or file a response or any paper as required by law.

Dated: _____

John A. Crawford
Clerk of Court

(SEAL)



By: _____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR NASSAU COUNTY, FLORIDA

(Name and Address)
Plaintiff(s)

Case No. _____

Vs.

(Name and Address)
Defendant(s)

NOTICE OF PERMANENT MAILING ADDRESS

I, We, _____, the Plaintiff(s) in the above styled cause of action hereby certify that my/our permanent mailing address is as follows:

Phone: _____

I/WE UNDERSTAND THAT ONLY THIS ADDRESS WILL BE USED BY THE COURT, THE OPPOSING PARTY, AND ANY INTERVENING PARTIES TO THIS CASE FOR THE PURPOSE OF PROVIDING ME WITH:

- a. Notice of all future hearings in this case, and
- b. Any court documents and papers pertaining to this case.

I/We understand that all notices and court papers in this case will be sent to me/us only at the above address and that in the event personal service of any court documents is necessary that they will first be attempted to be served at the above listed address unless and until I/We notify the court of my/our new address. I/We also understand that if I/We change my/our new address **in writing** by completion of another form similar to this form at the following address within one week of the change of address and with a copy being furnished to all parties:

CLERK OF COURT
County Civil/Small Claims Division
76347 Veterans Way
Yulee, FL 32097

I/We have read this document and I/We understand that it is my/our responsibility to keep the Court informed of any change in my/our current address. I/We understand that copies of any court documents and notice of all future hearings which are mailed to my/our current address set forth herein will constitute proper notice and service, and the court may proceed on all matters noticed and mailed to the above address even if I/We do not appear for said hearing.

Dated: _____

Signature

IN THE COUNTY COURT IN AND FOR NASSAU COUNTY, FLORIDA

(Name and Address)
Plaintiff(s)

Case No. _____

Vs.

(Name and Address)
Defendant(s)

STATEMENT OF RESPONSIBILITY
(Civil Case \$15,000.00 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(s), 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.

Dated: _____

Signature

Address

Phone: _____