After the final judgment:

Motions for a new trial may be filed not later than 10 days after a judgment. If no new trial has been requested and if you have not received payment even though there was a final judgment in your favor, you have the right to begin post-judgment procedures as listed below.

- If you want to have your final judgment entered as a lien against real property owned by the defendant(s), you must obtain a certified copy at the location where your case was heard and then have it recorded by the Clerk of the County in which the property is located. The recorded Final Judgment will serve as a lien for up to 20 years from the date the Judgment was signed, but must be re-recorded every ten years to stay in effect. The Miami-Dade County Recording Office is located at 22 NW 1st Street, Miami, Florida, 33130. (See fee schedule).

- If you know the name and address of the employer or the bank of the defendant(s), you may want to use the process of Garnishment. This is an order issued by a deputy clerk in which a third party usually employer or a bank) is told to hold funds until a hearing is held and a judge decides if they should be awarded to you. (See fee schedule).

- A Writ of Execution, which commands the Sheriff's Department to make demand for the amount of your Final Judgment from the defendant(s), may be issued by a deputy clerk upon request. This is only effective if you obtain an "Instruction for Levy" form from the Sheriff's Office and complete it, giving a description and location of property that the sheriff can take from the defendant and put up for auction. See fee schedule).

- If you do not know the employer(s) or bank(s) of the defendant(s), and if you do not know the location of any property, which might be subject to a Writ of Execution, you may file a motion with the Clerk's Office for a Hearing in Aid of Execution. The judge will then enter an order for the hearing and the defendant(s) will be served with the order and a "Fact Information Sheet." At the hearing, the defendant(s) will be required to reveal assets, employment and sources of income to the judge.

FEE SCHEDULE
(As of July 1, 2008)
These fees are subject to change.

Filing Fees:
From $.01 to $99.99 ..... $55.00
From $100 to $500 ..... $80.00
From $500.01 to $ 2,500..... $175.00
Over $2,500..... $300.00

Note: Claims that exceed $5,000 are not Small Claims.

- ***Claims from $5,000.01 to $ 15,000.00 are filed as County Civil Cases and have a filing fee of $300.00.***
- ***Claims that exceed $15,000.00 are filed as Circuit Civil Cases and have a filing fee of $301.00 or more***
- ***Eviction actions, including eviction actions with damages that do not exceed $15,000 have a filing fee of $270.00***
- ***Cross claims, counterclaims and third party claims have a filing fee of $295.00.***

Issuance of Summons: ..... $10.00 per summons

Sheriff's Fee:
For service – each defendant.... $20.00

Certification:
For each page copied..... $1.00
For certifying the copy $2.00

Recording:
For a one page document $10.00
For each additional page $8.50

Execution (Sheriff's Fees):
For executing (Minimum).....$610.00

Garnishment:

- For filing fee(one time-1st garnishment only).....$85.00
- For deposit for Garnishee in Court Registry $100.00*
- For Clerk's fee $3.00
- For Sheriff's service fee $20.00

*** To be used for garnishee's attorney's fees**

This brochure is not meant to be a substitute for an attorney's services. If you do not understand any part of this brochure, you should consult an attorney

FILING LOCATIONS
BUSINESS HOURS:
9:00 A.M. - 4:00 P.M.

Dade County Courthouse
73 W. Flagler Street, Room 137
Miami, Florida 33130

Hialeah District Court
11 East 6th Street, Room 100
Hialeah, Florida 33010

Joseph Caleb Center
5400 N.W. 22nd Avenue, Room 205
Miami, Florida 33142

Coral Gables District Court
3100 Ponce de Leon Blvd.
Coral Gables, Florida 33134

Miami Beach District Court
225 Washington Avenue
Miami Beach, Florida 33139

North Dade Justice Center
15555 Biscayne Boulevard, Room 100
Miami, Florida 33160

South Dade Justice Center
10710 S.W. 211th Street, Room 1200
Miami, Florida 33189

Sweetwater Branch
500 S.W. 109th Avenue
Sweetwater, Florida 33142

For more information call (305) 275-1155

Persons with Disabilities: Anyone with a disability needing special accommodation to access these services, please contact the Clerk's ADA Coordinator at (305) 349-7175 (voice/TT) or (305) 349-7355 FAX. **NOTE:** Due to demand, sign language interpreters must be requested, at least five days (5) prior to appointment date. Transportation and legal services are **not** provided by the Clerk's Office or Court Administration. This document is available in alternate formats upon request.

HOW TO FILE A SMALL CLAIMS ACTION

Dade County Courthouse
73 West Flagler Street,
Miami, Florida 33130
Tel: (305) 275-1155

Business Hours: 9:00A.M. - 4:00 P.M.
Monday through Friday excluding Holidays.

Visit our website at:
www.miami-dadeclerk.com
click on
Civil / Family / Probate Records
to search for cases and view case dockets.

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What is a Small Claims Action?
A claim up to $5,000 (not including costs, interest and attorney's fees) can be filed with the Clerk of Courts as a Small Claims Action according to Rule 7.010 of the Florida Rules of Court.

When can you file a Small Claims Action?
Before you consider a Small Claims Action, you should first try to communicate to the other party exactly what is in dispute. It is a good idea to send a letter which clearly states your complaint. You may be able to resolve the problem without going to court. **A law suit should be your last resort in solving a civil dispute.**

Where can a Small Claims Action be filed?
Actions may be brought only in the county: a) where the defendant resides, b) where the cause of action occurred, or c) where the property involved is located. Landlord/Tenant disputes must be heard in the district where the property is located. The Clerk's Office can assist you in determining the correct district.

Once you decide to file:

Your lawsuit cannot proceed until the defendant has been served. (The law requires that a defendant be notified of a claim and be given an opportunity to defend against it).

- Be sure that you have the full name of the individual you want to sue and an address where that person can be served.
- If you are suing a business, you must find out whether or not it is incorporated.
- If you are suing a corporation, you must have the full name under which the business is incorporated and the name and address of either a corporate officer or the registered agent of the business. This information can be obtained from the State of Florida Corporate Information Department at (850) 488-9000.
- If the business you are suing is not incorporated, the correct company name and the full name and address of the owner can be obtained by calling the Occupational License Bureau of Miami-Dade County at (305) 270-4949.
- The company you are suing may use a name other than the owner's name, referred to as a "fictitious name". That information along with the name and address of the person who owns the company must be registered with the Florida Secretary of State and may be obtained by contacting them at (850) 488-9000.
- The costs for filing a Small Claims action include the filing fee, based on the amount of your claim, as well as a service fee for summoning each party to court (see fee schedule in this pamphlet). If a Final Judgment is entered in your favor as a result of your lawsuit, these costs may be added to the total amount of your Judgment.
- There are two methods which you may use to summon the other party or parties to court:

  1. The sheriff or a certified process server will serve the summons and a copy of your lawsuit on a defendant within Miami-Dade County for a fee (see schedule). To obtain a list of process servers in Miami-Dade County, you should contact the Administrative Office of the Courts at (305) 349-7369. For service outside of Miami-Dade County, you must make arrangements to have a process server or the sheriff of the county where the defendant lives serve the papers.

  2. You may attempt service of a summons on parties within the State of Florida by certified mail, return receipt requested. A deputy clerk can assist you with this procedure at any of the filing locations. There is no fee for this except the actual cost of mailing.

When you go to file:

- Bring all the information and papers concerning your claim with you to one of the filing locations (see list in this pamphlet). If the claim is based on a written document, a copy must be attached to your formal Statement of Claim.
- At the filing location, a deputy clerk will assist you. You will be required to fill out an information sheet with details of your claim, including the date and place the alleged debt was incurred and the amount and type of the claim. The deputy clerk then will assist you in the preparation of your Small Claims suit (see fee schedule). You should be aware that the clerk is not able to offer any legal advice.

After your claim has been filed:

- Once the deputy clerk has processed your suit, you will receive a copy. A pre-trial hearing date will be assigned and you will be notified, either at the time of filing or later by mail.
- When you go to your pre-trial hearing, you should take any documents, which will assist you in proving your case. This is your opportunity to appear with the defendant(s) before the judge and attempt to settle your case without a trial. Do not bring witnesses with you at this time.
- If you do not appear at your pre-trial hearing, your case may be dismissed. If the defendant does not appear, the judge may enter a default. If a default is entered, the Judge can either award a Default Final Judgment or require a court appearance to prove the claim.
- If and when the judge feels that you have proven your case, you will either be mailed a Default Final Judgment or be told to obtain the Final Judgment form from the Clerk's Office to fill out and submit to the Judge for signature. If you are instructed to submit the Final Judgment form to the Judge, it is your responsibility to include copies of the completed form and addressed stamped envelopes for yourself and the defendant(s).
- If all parties appear at the pre-trial hearing and no agreement is reached at that time, your case will be referred to mediation or scheduled for trial. In order for the judge to decide how much time is needed for the trial, you will need to inform the court of how many witnesses you plan to have
- If your case is referred to mediation, you and the defendant(s) will meet with a mediator assigned by the court to try to reach an agreement. If you still cannot reach an agreement, you will be given a trial date.
- After you have been given a trial date, it is your responsibility to subpoena any witnesses you want to call to prove your case. To do this, you must go to one of the filing locations. A deputy clerk will give you the appropriate forms and assist you.
- At the trial, the judge will hear both sides of the case and listen to any witnesses whom you and the defendant(s) have called. The judge may also ask questions as part of the hearing.
- If the judge makes a decision in your favor, you will receive a Final Judgment in the mail or be instructed to go to the Clerk's Office to obtain a Final Judgment form. You are required to submit the Final Judgment form to the judge for signature, you must complete it and provide copies to the judge, for yourself and the defendant(s), along with addressed stamped envelopes for all parties.

  A Final Judgment is a legal document stating that one party is entitled to recover damages in a specified amount from another party. Interest will be added on the amount awarded until the Final Judgment is satisfied.

At any time during this process, the defendant may pay you and settle the claim. However, obtaining a judgment against a party is NOT the same thing as collecting that judgment. Post-judgment legal procedures are often required prior to any collection. You may find it necessary to retain an attorney to assist you in post-judgment procedures.