

INFORMATION NEEDED TO FILE YOUR CLAIM

IF YOU ARE SUING AN INDIVIDUAL: You need to obtain the proper name and address of the individual. If married, you must also obtain the proper name of the spouse, if you feel he/she is also responsible. First names must be used an any alias names, if known.

IF YOU ARE SUING A CORPORATION: You must know the correct name of the corporation and the state in which it is incorporated. You also need to know the name and address of an officer of the corporation or the name and address of the resident agent transacting business for the corporation in this state. To find out this information you may write or call:

Secretary of State
Attn: Corporate Division
Capitol Building
Tallahassee, Florida 32304
Phone: (850)-488-9000
WWW.SUNBIZ.ORG

IF YOU ARE SUING A PARTNERSHIP: You must know the name and address of all partners.

GENERAL INFORMATION: Many individuals, partnerships and corporations do business under fictitious names such as:

- 1.) John Jones d/b/a Book World
- 2.) John Jones and Frank Smith, a partnership d/b/a Jones and Smith Publishing
- 3.) ABC, Inc. A Florida Corporation d/b/a The Snack Shop

You cannot sue a fictitious name because it is not an entity. You have the burden of investigating to determine whether individuals, partnerships, or a corporation are doing business under a fictitious name.

If the name is not registered, the law will not allow the opposing party to defend the action until the name is registered. You may also attempt to secure this information from the Defendant's occupational license information located at the Indian River County Tax Collector's office. Conversely, if you are doing business under a fictitious name, you must be registered under the fictitious name statute before you can maintain a suit in any court in the state.

When you come in to file your case, you must bring the original Statement of Claim with any attachments (if any), and a copy of the Statement of Claim with attachments for each defendant, and a copy for yourself.

If you are a business filing a case (the Plaintiff), you must designate whether you are incorporated, d/b/a, a franchise, etc., when filling out the claim forms.

The Statement of Claim must be notarized or may be signed by a deputy clerk. The service charge for a deputy clerk to sign and seal your claim is \$3.50. There is also a charge of \$10.00 to prepare, sign, and seal each summons.

THE CLERK'S OFFICE DOES NOT ACCEPT PERSONAL CHECKS

You will need to bring two (2) self-addressed stamped envelopes; (1) for the return of your copy of the claim and summons, and (1) to provide to the sheriff's office. If you are serving a party that resides outside of Indian River County, you will also need to provide an addressed, stamped envelope and service fee for that county's Sheriff's Department.

If you have any questions regarding this information, please contact the Clerk of Court's Small Claims Division at (772) 770-5185. Thank you.