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THE  
**15<sup>TH</sup> JUDICIAL CIRCUIT**  
OF FLORIDA

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## **DECLARATORY JUDGMENT**

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## Declaratory Judgment Packet

A declaratory judgment establishes the rights and other legal actions of the parties without providing for or ordering enforcement.

One example is, if you purchased a vehicle or boat and cannot obtain a certificate of title from the previous owner, you can obtain a judgment declaring your ownership.

For more information on declaratory judgments, the following resources are available in the Law Library. A Law Library Associate can assist you with locating any of these resources.

<b>Title</b>	<b>Call Number</b>	<b>Law Library Locations</b>	<b>Electronic Access</b>
Florida Causes of Action	KFF 533.F56	Main, North, South	No
Florida Elements of an Action	KFF 533.F56	Main, North, South	Westlaw
Florida Statutes	KFF 30.O34	Main, North, South	<a href="https://www.flsenate.gov/Laws/Statutes">https://www.flsenate.gov/Laws/Statutes</a>
LaCoe's Pleadings Under the Florida Rules of Civil Procedure	KFF 530.L33	Main, North, South	Westlaw

## **Procedures and Information for Obtaining Alternate Proof of Vehicle Ownership Declaratory Judgment**

This packet will provide you with information to help you obtain a Florida Court order awarding ownership of a vehicle that you own but did not receive a title to at the time of purchase.

**Following these guidelines will not guarantee your request for Declaratory Judgment will be granted.** Court Orders will be issued in accordance to the ruling of the presiding Judge. For legal questions and advice, you must contact an attorney.

You will need to request and receive a Florida Court Order specifically directing the Department of Highway Safety and Motor Vehicles, Division of Motorist Services, to issue a certificate of title to you. The court order must describe the motor vehicle, vessel, or mobile home. The Florida Court Order must indicate the year, make, and vehicle/hull identification number and include any additional instructions, such as: the certificate of title is to be issued free and clear of all liens.

Before the Court will consider such an Order, you must complete each of the following steps:

1. You will be required to make a diligent search to locate the former owner to transfer title.
2. You will be required to provide a bill of sale, canceled check, letter, memorandum or some means of proving rights to ownership.
3. You will be subject to Sales Tax on the purchase price unless you can provide proof of prior legitimate payment.
4. If the former owner has moved from the area without leaving a forwarding address, you must mail a letter, requesting the title, to the former owner's last known address, via certified mail, return receipt requested. You will be required to submit a copy of the letter along with the **unopened** returned letter with your request for Declaratory Judgment. If the letter is signed for, it is assumed the owner can be located and the title would be required. It is advisable to send the certified letter with "restricted delivery" to prevent anyone other than the owner from signing for delivery of the letter.
5. You will be required to get a **Motor Vehicle Identification Number Inspection** from the County Sheriff's Office establishing that the vehicle has not been reported stolen. A judicial deputy may be able to help you with this and may be contacted through the office of the county Judge.
6. You will be required to complete an **Affidavit of Diligent Search and Inquiry**. The affidavit must be notarized.
7. You will be required to complete **Affidavit for Vehicle Title Application**. The affidavit must be notarized.
8. You must file your completed paper work with the Clerk of the Circuit Court in the appropriate county.

9. A filing fee is required. If you feel that you cannot afford the cost, you can request an Affidavit of Indigence to determine if the fee can be waived.
10. Once a case number has been issued, you will be required to submit a request for information to the Department of Highway Safety and Motor Vehicles, Motorist Services in Tallahassee, requesting the owner of record. You must complete **form HSMV 85054 – Driver License Motor Vehicle/Vessel Records Request**. Use exemption number five stating the record will be used in connection with a civil proceeding for investigation by any person in connection with any filed proceeding. You must indicate the case number.

Rev. 052422

## **Instructions for Complaint for Declaratory Judgment**

This packet is designed to help a person represent themselves in Court without the assistance of an attorney. If you have any legal questions, please consult an attorney or Legal Aid.

The packet is to assist you in obtaining a title for a vehicle you own but for which you did not receive a title at the time of purchase. The Court may issue an Order directing the Department of Highway Safety and Motor Vehicles to issue a certificate of title for your vehicle. We do not guarantee that either instructions or the forms will achieve the desired results by the parties. Any Person using these forms and instructions should do so at their own risk.

### **Step One**

Complaint for Declaratory Judgment and Relief

- Complete this form in its entirety, sign and date (with appropriate attachments)

Affidavit of Vehicle Title Application

- Complete form in its entirety

Motor Vehicle, Vessel, and Mobile Home Records Request

- Complete form in its entirety

Vehicle Identification Number and Odometer Verification

- Complete form in its entirety

Summons or Notice of Action/ Affidavit of Diligent Search

- Complete form in its entirety

Motion for Default/ Motion for Default Judgment

- Complete both forms in their entirety

### **Step Two**

Return to Clerk's Office with all necessary forms and fees to file

Clerk will issue Summons/ Notice of Action

Once days have been completed, please file the appropriate Proof of Publication, if applicable, with Clerk and request Default or Notice of Hearing.

IN THE COUNTY COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

\_\_\_\_\_  
Plaintiff

Case No.: \_\_\_\_\_

Vs.

\_\_\_\_\_  
Defendant

And

STATE OF FLORIDA  
DEPARTMENT OF HIGHWAY SAFETY AND  
MOTOR VEHICLES,  
Defendant

**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiff, \_\_\_\_\_ under penalty of perjury files this complaint seeking a declaratory judgment and other relief pursuant to Chapters 86 and 319, Florida Statutes, and alleges as follows:

1. This is an action requesting declaratory judgment and other relief involving the acquisition of a clear title for a \_\_\_\_\_.
2. The Plaintiff is a resident of \_\_\_\_\_ County and the owner of \_\_\_\_\_ purchased and paid for in \_\_\_\_\_ County, Florida.
3. The property has an estimated value of \$ \_\_\_\_\_, which is the jurisdictional amount of this Court.
4. This Court has jurisdiction in this matter.
5. On \_\_\_\_\_, the Plaintiff paid and purchased the above vehicle for the sum of \$ \_\_\_\_\_.
6. The VIN # is \_\_\_\_\_.
7. Upon Plaintiff's purchase of the \_\_\_\_\_, the owner, \_\_\_\_\_, did not give the Plaintiff the original title.
8. The Plaintiff has taken the following actions to secure legal title:  
\_\_\_\_\_  
\_\_\_\_\_.

9. The Plaintiff has complied with the requirements of the Department of Highway Safety and Motor Vehicles.
10. Plaintiff has contacted the State of Florida Department of Highway Safety and Motor Vehicles and was informed that a court of competent jurisdiction must determine ownership. (Attach copy of letter)
11. The Plaintiff has no alternative but to seek the intervention of this Court and request the Court grant relief in this matter.

WHEREFORE, Plaintiff requests this Court to take immediate jurisdiction in this matter, and

- A. Enter a declaratory Judgment finding that based upon circumstances outlined in this complaint that the document attached to this complaint is sufficient to facilitate the issuance of a duplicate title.
- B. Enter a declaratory judgment requiring the Department of Highway Safety and Motor Vehicles to issue a duplicate title for :

\_\_\_\_\_ which is currently in the Possession of the Plaintiff, as expeditiously as possible. This judgment would enable The Plaintiff to comply with the Florida law that requires the registration and licensing of this vehicle.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Plaintiff's Signature / Address

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on

\_\_\_\_\_ by \_\_\_\_\_

Date

Name of Affiant

( ) Personally Known

( ) Produced Identification \_\_\_\_\_

\_\_\_\_\_  
 Notary Signature

\_\_\_\_\_  
 (Print or Stamp Commissioned name of notary)

IN THE \_\_\_\_\_ COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. \_\_\_\_\_

**Motor Vehicle Identification Number Inspection\***

This is to certify that the below listed identification number has been verified as not appearing in the NCIC/FCIC Database as being stolen at the time of this affidavit.

This identification number is assigned to:

- Vehicle
- Vessel
- Trailer
- Mobile Home

Year	Make	Model	Identification Number

Deputy's Name	ID #	Agency	Date/Time
		County Sheriff's Office	

**Notes:**

\*This document does not supersede or replace HSMV 82042 (REV. 6/11) S – Vehicle Identification Number and Odometer Verification. HSMV 82042 (REV. 6/11) S must be completed at the time of registration.



FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
DIVISION OF MOTORIST SERVICES

**SUBMIT THIS FORM TO YOUR LOCAL TAX COLLECTOR OFFICE**

[www.flhsmv.gov/offices/](http://www.flhsmv.gov/offices/)

**VEHICLE IDENTIFICATION NUMBER AND ODOMETER VERIFICATION**

**PART A - OWNER'S VEHICLE IDENTIFICATION AFFIDAVIT AND ODOMETER DECLARATION**

(Completion of this part requires a physical inspection of the vehicle by the owner)

**AFFIDAVIT:**

**DATE:** \_\_\_\_\_

This is to certify that I, the undersigned, am the lawful owner of the motor vehicle described on this form and that I have, on the date entered above, made a physical inspection of the motor vehicle and have recorded the vehicle identification number and other identification information and the odometer reading and certification in the spaces provided on this form.

**VEHICLE IDENTIFICATION** (MOTOR NUMBER ALL MAKES THROUGH 1954 - IDENTIFICATION NUMBER 1955 AND LATER)

Vehicle Identification Number	Year	Make	Color	Body	Previous State Vehicle Titled In
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**ODOMETER DECLARATION**

**WARNING: Federal and State law require that you state the mileage in connection with an application for a Certificate of Title. Failure to complete or providing a false statement may result in fines and/or imprisonment.**

I/WE STATE THAT THIS  5 OR  6 DIGIT ODOMETER NOW READS  ,  .XX (NO TENTHS) MILES, DATE READ \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ AND I/WE HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE ODOMETER READING:

1. reflects ACTUAL MILEAGE.  2. is IN EXCESS OF ITS MECHANICAL LIMITS.  3. is NOT THE ACTUAL MILEAGE.

**UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.**

\_\_\_\_\_  
(Owner/ Purchaser Signature)

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
(Seller's Signature)

\_\_\_\_\_  
Printed name

**PART B – VERIFICATION OF THE VEHICLE IDENTIFICATION NUMBER**

This section requires a physical inspection under the windshield and in the door jamb to verify the vehicle identification number (VIN) for the motor vehicle described in this form. If the motor vehicle was manufactured prior to 1955, the motor number must be verified. If the verification is performed by someone other than a Notary, the VIN verification can be performed by a Florida Licensed Dealer, Law Enforcement Officer, Military Police Officer, or Florida Compliance Examiner/Inspector (Division of Motorist Services/Tax Collector employee). Complete this section on all used motor vehicles, including trailers, (with abbreviation of "TL" with a weight of 2,000 pounds or more) not currently titled in Florida.

I, the undersigned, certify that I have physically inspected the above described vehicle and find the vehicle identification number under the windshield and in the door jamb to be identical to the vehicle identification number recorded on this form.

**UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.**

Date: \_\_\_\_\_

(Seal)

Commissioned Name of Florida Notary: \_\_\_\_\_ Notary's Signature: \_\_\_\_\_  
(Print, Type or Stamp)

**If other than a Notary, check the box below that applies, and sign and complete the corresponding fields.** Verified by:

Florida Compliance Examiner/  
Inspector(DMS/TC Employee)

Military Police Officer/  
Law Enforcement Officer

Florida Licensed Dealer

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Florida Compliance Examiner/Inspector Name: \_\_\_\_\_ Badge or ID #: \_\_\_\_\_

Law Enforcement Agency Name: \_\_\_\_\_ LEO Badge #: \_\_\_\_\_

Florida Dealer Name: \_\_\_\_\_ Florida Dealer #: \_\_\_\_\_

◆ **NOTICE: ANY ALTERATION OR ERASURE MAY VOID THIS DOCUMENT** ◆

**WHO IS AUTHORIZED TO COMPLETE THIS FORM?**

ANY PERSON OR AUTHORIZED AGENT OF ANY PERSON REQUIRED TO MAKE APPLICATION FOR CERTIFICATE OF TITLE AND/OR REGISTRATION.

**WHEN SHOULD THIS FORM BE COMPLETED?**

ON ALL USED MOTOR VEHICLES, INCLUDING TRAILERS NOT CURRENTLY TITLED IN FLORIDA, WITH A NET WEIGHT OF 2,000 POUNDS OR MORE.

**WHEN SHOULD THIS FORM NOT BE COMPLETED?**

WHEN CERTIFICATE OF TITLE IS BEING APPLIED FOR ON ONE OF THE FOLLOWING:

1. NEW MOTOR VEHICLE, REGARDLESS OF WHETHER PURCHASED IN FLORIDA OR OUT OF-STATE
2. MOBILE HOME
3. TRAILER OR SEMITRAILER WITH A NET WEIGHT OF LESS THAN 2,000 POUNDS
4. TRAILER TYPE RECREATIONAL VEHICLE (TRAVEL TRAILERS AND CAMP TRAILERS)
5. OFF-HIGHWAY VEHICLE

Visit the following website for current mailing addresses <http://www.flhsmv.gov/offices/>



FLORIDA HIGHWAY SAFETY AND MOTOR VEHICLES

DIVISION OF MOTORIST SERVICES

2900 Apalachee Parkway, Room B231, Mail Stop 57
Neil Kirkman Building - Tallahassee, FL 32399

MOTOR VEHICLE, VESSEL AND MOBILE HOME RECORDS REQUEST

FEES ARE REQUIRED AT TIME OF REQUEST AND ARE PAYABLE TO DIVISION OF MOTORIST SERVICES.

PLEASE ALLOW A 2-WEEK PROCESSING TIME FROM THE DATE WE RECEIVE THIS REQUEST.

Requester's Information:

Name of Requester Date of Request Reference # (Case/File Name)

Street Address To receive personal information, provide the exemption number(s) above from the list on the back of this form. \* If you request your own personal information, see note below. Email Address

City State Zip Fax Number

Under penalty of perjury, I affirm that I am entitled to receive this information and understand that I may not redisclose this information, except as provided in section 119.0712(2), Florida Statutes, and the Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq.

Signature of Requester or Contact Person Telephone Number

\*NOTE: If requesting your own personal information you must sign this request.

Type of Record Request: [ ] Motor Vehicle [ ] Vessel [ ] Mobile Home [ ] Last known address
[ ] Certified Record Request (An additional \$3.00 is required per record) (Records are available up to 10 years. You may attach a separate sheet for additional requests.)

CURRENT REGISTRATION REQUEST - \$ .50 Each

VIN/HIN Number Make Year Title Number License Plate or FL #
[ ] Current OR [ ] (as of): Month Day Year

TITLE RECORD REQUEST (By Vehicle/Vessel Identification Number or Title Number Only)

VIN/HIN Number Title Number
[ ] Title History Printout (lists owner(s) of vehicle) - \$1.00
[ ] Complete Title History (scanned Images)- \$25.00
[ ] Specific Title Transaction - \$1.00 Per Page
We request \$25.00 as initial payment for each record. The fee is \$1 per page. If additional fees are required, we will contact you.
(Month, Day and Year)

MOTOR VEHICLE RECORD REQUEST BY NAME AND PERSONAL INFORMATION - \$ .50 Each

First Middle Last Date of Birth Driver License/ID number

## **DRIVER'S PRIVACY PROTECTION ACT EXEMPTIONS**

Pursuant to section 119.0712(2), F. S., personal information in motor vehicle and driver license records can be released for the following purposes, as outlined in 18 United States Code, section 2721.

Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321-331 of title 49, and, subject to subsection (a)(2), may be disclosed as follows:

1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
2. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
3. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only -
  - (a) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
  - (b) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
4. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.
5. For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
6. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
7. For use in providing notice to the owners of towed or impounded vehicles.
8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
9. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49.
10. For use in connection with the operation of private toll transportation facilities.
11. For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains.
12. For bulk distribution for surveys, marketing or solicitations if the State has obtained the express consent of the person to whom such personal information pertains.
13. For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
14. For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

If you have questions or need additional information, please contact the Department's Customer Service Center at (850) 617-2000.

Visit our website: [www.flhsmv.gov](http://www.flhsmv.gov)

IN THE COUNTY COURT FIFTEENTH JUDICIAL CIRCUIT IN  
AND FOR PALM BEACH COUNTY, FLORIDA

CASE \_\_\_\_\_

AFFIDAVIT  
VEHICLE TITLE APPLICATION

AFFIANT

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_

VEHICLE INFORMATION

Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_ Body \_\_\_\_\_  
Vehicle Title Number : \_\_\_\_\_ State of Issue \_\_\_\_\_  
Vehicle Identification Number (VIN) \_\_\_\_\_  
Purchase Price \_\_\_\_\_ Dollar Value \_\_\_\_\_  
Date of Purchase \_\_\_\_\_ Do you owe any money on this vehicle?  Yes  No

I have attached a letter from my county Sheriff's office, dated not more than 30 days from today's date confirming that this vehicle has not been reported stolen

PREVIOUS OWNER INFORMATION

I purchased this vehicle from \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

I did not receive the title at the time of purchase because \_\_\_\_\_

I cannot receive the title at this time because \_\_\_\_\_

I have conducted a diligent search in accordance with the attached Affidavit of Diligent Search

Date \_\_\_\_\_ Signature of Affiant \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_  
by \_\_\_\_\_  
Date \_\_\_\_\_ Name of Affiant \_\_\_\_\_

Personally Known  
 Produced Identification  
Type of Identification Produced:  
\_\_\_\_\_

NOTARY PUBLIC SIGNATURE

\_\_\_\_\_ Print or stamp commissioned name of notary

**IN THE COUNTY COURT, PALM BEACH COUNTY, FLORIDA  
CIVIL ACTION**

UNIFORM CASE NO. -----

DIVISION: -----

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PLAINTIFF(S),

-VS-

-----

DEFENDANT(S),

**\*\*\* S U M M O N S \*\*\***

THE STATE OF FLORIDA:

TO EACH SHERIFF IN THE STATE:

YOU ARE COMMANDED TO SERVE THIS SUMMONS AND A COPY OF THE COMPLAINT OR PETITION IN THIS ACTION ON DEFENDANT:

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ADDRESS: -----

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EACH DEFENDANT IS REQUIRED TO SERVE WRITTEN DEFENSES TO THE COMPLAINT OR PETITION ON PLAINTIFFS ATTORNEY WHOSE NAME AND ADDRESS IS:

WITHIN FORTY (40) DAYS AFTER SERVICE OF THIS SUMMONS ON THAT DEFENDANT, EXCLUSIVE OF THE DAY OF SERVICE, AND TO FILE THE ORIGINAL OF THE DEFENSES WITH THE CLERK OF THIS COURT EITHER BEFORE SERVICE ON PLAINTIFFS ATTORNEY OR IMMEDIATELY THEREAFTER. IF A DEFENDANT FAILS TO DO SO, A DEFAULT WILL BE ENTERED AGAINST THAT DEFENDANT FOR THE RELIEF DEMANDED IN THE COMPLAINT OR PETITION.

DATED ON

**Joseph Abruzzo**  
**Clerk of the Circuit Court & Comptroller**

By: -----

Deputy Clerk

**“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact William Hutchings , Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”**

**“Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con William Hutchings, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711.”**

**“Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedisa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte William Hutchings, kòdonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711.”**

IN THE COUNTY COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: STANDING ORDER FOR  
CASE MANAGEMENT FOR SUBMISSION  
OF AGREED CASE MANAGEMENT PLAN FOR  
CASES FILED ON OR AFTER APRIL 30, 2021

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**STANDING ORDER FOR CASE MANAGEMENT AND SUBMISSION OF AGREED  
CASE MANAGEMENT PLAN IN COUNTY CIVIL CASES IN THE  
PALM BEACH COUNTY COURT FILED ON OR AFTER APRIL 30, 2021  
(DCMSO)**

Pursuant to Florida Rule of Civil Procedure 1.200(a), Florida Rule of General Practice and Judicial Administration 2.545, and Administrative Order 3.107 entered by the Chief Judge of this Circuit, the parties are informed of the following information and procedures applicable to civil lawsuits filed on or after April 30, 2021:

1. **SERVICE OF THIS ORDER.** The Plaintiff is directed to serve a copy of this Order with each Summons issued in this case. One copy of this Order is to be filed with the Clerk of the Circuit Court with proof of service.

2. **CIVIL CASE MANAGEMENT SYSTEM.** The Supreme Court of Florida has established guidelines for the prompt processing and resolution of civil cases. This Court has adopted a case management system to help meet those guidelines. In contested cases, the parties are required to participate in the case management system. The case management system requires early consultation and cooperation among the parties for the preparation and submission of an Agreed Case Management Plan and early involvement by the Court. The Agreed Case Management Plan requires the parties to identify a case track, confer in a good faith and attempt to narrow the matters in controversy, identify the issues that require direct involvement by the Court, and establish a schedule for addressing those issues.<sup>1</sup> The Agreed Case Management Plan may be accessed at the Court's website at: <https://15thcircuit.com/civil-differentiated-forms-and-orders>.

Unless all of the Defendants have been served and have been defaulted or dropped, an Agreed Case Management Plan must be submitted to the assigned divisional queue via the Court's online scheduling system (OLS) as an attachment, in PDF format, to a proposed Order Accepting Agreed Case Management Plan on or before 130 days from the date of filing of the initial complaint. If

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<sup>1</sup> Case Track options include Expedited, Streamlined, General, or Complex. Case Tracks have been established in order to comply with the case disposition standards set forth in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B).



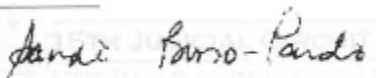
the parties are unable to agree on an Agreed Case Management Plan by the applicable deadline, a case management conference will be scheduled by the Court or the Court will review and issue an Order Implementing Case Management Plan without agreement of the parties. No matters that arise as a result of this standing order, including lack of agreement, will be set on the Court's Uniform Motion Calendar and will, instead, be settled by the Court either at the case management conference or via an Order Implementing Case Management Plan without agreement of the parties. If a case management conference is scheduled, attendance by trial counsel and those parties who are not represented by counsel is mandatory.

If all Defendants are served and defaulted or dropped, the Plaintiff will file the appropriate documentation to pursue a Default Final Judgment within 130 days of the filing of the complaint and Final Judgment is to be entered or set for hearing within 150 days of the filing of the complaint.

3. **NON-APPLICABILITY TO SMALL CLAIMS CASES.** The above outlined civil case management system does not apply to cases proceeding under the Florida Rules of Small Claims. However, when parties to a small claims case (including Personal Injury Protection cases) file a Stipulation to Invoke the Rules of Civil Procedure, the civil case management system will apply. Therefore, parties to small claims cases who invoke the Rules of Civil Procedure should submit an Agreed Case Management Plan and Order Approving the Agreed Case Management Plan as outlined above along with their Stipulation to Invoke the Rules of Civil Procedure.

4. **MEDIATION/ALTERNATIVE DISPUTE RESOLUTION (ADR).** ADR provides parties with an out-of-court alternative to settling disagreements. Mediation is a type of ADR wherein an independent third party attempts to arrange a settlement at a conference between the parties. The Court requires the parties to participate in Mediation prior to trial unless the parties agree to another form of ADR.

**DONE AND ORDERED** in Chambers at West Palm Beach, Florida, on this 26<sup>th</sup> day of April, 2021.



**Administrative County Judge**

## **INSTRUCTIONS FOR NOTICE OF ACTION/ AFFIDAVIT OF DILIGENT SEARCH**

When the Defendant is Unable to be served: If the plaintiff does not have a good address for service or if attempts for service were unsuccessful, you may serve the Defendant by publication in the local newspaper. The following forms are necessary:

### **AFFIDAVIT OF DILIGENT SEARCH**

\_\_\_\_\_ Complete this form. Check all actions that were attempted. **THIS FORM MUST BE NOTARIZED. THE CLERK'S OFFICE CHARGES FOR THIS SERVICE.**

### **NOTICE OF ACTION**

\_\_\_\_\_ Complete this form. The clerk to sign and seal the document when it is filed. This document must be taken a Nassau County newspaper for publication. It must run in the paper once a week for 4 consecutive weeks (four publications being sufficient). The Newspaper will charge you a fee.

The newspaper will provide you with a notarized affidavit of proof that the document was published according to Florida Statutes. This document must be filed with the Clerk.

## POINTERS FOR COMPLETING A DILIGENT SEARCH

**CAUTION** - These suggestions are not intended to be complete instructions, nor are they intended as a substitute for legal advice. They have been prepared only to help avoid some common mistakes that prevent consideration of your application. It is important that you realize that these pointers will not guarantee your request is granted.

The following is a list of actions the court may find are reasonable for the Affiant to take before filing a sworn statement that a "diligent search and inquiry" has been made.

- Ask the U.S. Postmaster in the cities of the prior owner's previously known residences for a forwarding address under the Freedom of Information Act
- Search phone directories of the cities and towns of the prior owner's possible residence
- Search public real estate and business tax records of the Tax Collectors office.
- Search public real estate records of the Property Appraiser's office.
- Inquire of persons in the neighborhood where the prior owner formally lived.
- Contact the last known employer of prior owner.
- Inquire of regulatory agencies including licensing agencies.
- Gather names and addresses of prior owner's relatives and contacts with those relatives. Ask them all for any information that may lead to finding the prior owner. You are required to follow up on any leads given, including searching for the prior owner in towns or cities to which he is known to have moved. Relatives include, but are not limited to, parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great-grandparents, former in-laws, stepparents, and stepchildren.
- Inquire as to whether or not prior owner may have passed away and, if deceased request the date and the location of the death.
- Inquire of law enforcement agencies at the last known residential area of prior owner including highway patrol, state police, and the department of corrections.
- Use services of private investigation agencies or similar "skip tracing" services.
- Search the Internet using such sites a [www.infousa.com](http://www.infousa.com) and [www.switchboard.com/](http://www.switchboard.com/)
- Use the internet to perform free searches like: [www.anywho.com/](http://www.anywho.com/) ; [www.infospace.com](http://www.infospace.com); [www.yahoo.com/search/people](http://www.yahoo.com/search/people)
- The Affiant should follow through on all leads that he or she discovers in making the search and should list in the affidavit all actions taken to try to locate the prior owner.

**Once a case number has been issued**, you are required to submit a request for information to DHSMV, Motorist Services in Tallahassee requesting the owner of record. You must complete form HSMV 85054 *Driver License, Motor Vehicle/Vessel Records Request*. You will use exemption number five (5) stating the record will be used in connection with a civil proceeding for investigation by any person in connection with any filed proceeding, and you must indicate the case number (see attached form).

IN THE COUNTY COURT, FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE MATTER OF

CASE NO.: \_\_\_\_\_

AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

I, (full legal name) \_\_\_\_\_, being sworn, certify that the following information is true:

1. I have made a diligent search and inquiry to discover the name and current residence of \_\_\_\_\_.

Specify details of search. Identify all action 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):

(Check all actions taken)

- United States Post Office inquiry through Freedom of Information Act, current address or any relocation.
- Last known employment of prior owner, including name and address of employer.

- Regulatory agencies, including professional or occupational licensing.
- Name and address of relatives and contacts with those relatives, and inquiry as to prior owner's last known address. (You are to follow any leads of any addresses where prior owner may have moved. Relatives included but are not limited to parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great-grandparents, former in-laws, stepparents, stepchildren.

- Information about prior owner's possible death, and if deceased, the date and location of the death.

- Telephone listings in the last known locations of prior owner's residence.
- Internet searches such as people finder
- Law enforcement arrest and/or criminal records in the last known residential area of prior owner.

- Highway Patrol records in the State of prior owner's last known address.
- Department of Motor Vehicles records in the state of prior owner's last known address.
- Department of Corrections records in the state of prior owner's last known address.
- Hospitals in the last known area of prior owner's residence.
- Utility companies, which include water, sewer, cable, TV and electric in the last known, area of prior owner's residence.
- Tax Assessor's and Property Records at Tax Collector's Office in the area where prior owner last resided.
- Other (explain): \_\_\_\_\_

2. The age of prior owner is (check only one):  known(enter age)\_\_\_\_\_  unknown

3. Prior owner's current residence (check only one)

- Prior owner's current residence is unknown to me.
- Prior owner's current residence is in a state or country other than Florida, and prior owners last known address is \_\_\_\_\_.

**Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.**

Dated: \_\_\_\_\_

Signature of Affiant \_\_\_\_\_

Printed name of Affiant: \_\_\_\_\_

Address of Affiant: \_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(Address including City, State, Zip)

Telephone Number \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before on

\_\_\_\_\_ by \_\_\_\_\_  
(Date) (Name of Affiant)

\_\_\_\_\_  
(NOTARY PUBLIC Signature)

\_\_\_\_\_  
(Print or stamp commissioned name of notary)

- Personally Known
- Produced identification

Type of identification produced \_\_\_\_\_

IN THE COUNTY COURT, OF THE FIFTEENTH  
JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY

FLORIDA \_\_\_\_\_

Plaintiff,

CASE NO. \_\_\_\_\_

vs.

\_\_\_\_\_

Defendant.

**MOTION FOR CLERK'S DEFAULT**

Plaintiff asks the Clerk to enter a default against \_\_\_\_\_ ,  
Defendant, for failing to respond as required by law to Plaintiff's Complaint.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

**DEFAULT**

A default is entered in this action against the Defendant for failure to respond as  
required by law.

DATE: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE COURT

By: \_\_\_\_\_  
Deputy Clerk

Cc: \_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Defendant

IN THE COUNTY COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

\_\_\_\_\_  
Plaintiff

CASE NO. \_\_\_\_\_

vs.

\_\_\_\_\_  
Defendant

**MOTION FOR DEFAULT FINAL JUDGMENT**

Plaintiff asks the Court to enter a Default Final Judgment for Declaratory Judgment against \_\_\_\_\_, Defendant, and says:

1. Plaintiff filed a Complaint for Declaratory Judgment against the Defendant.
2. Defendant has failed to timely file an answer and a Default has been entered by the Clerk of this Court.
3. Plaintiff has filed all required Affidavits.

WHEREFORE, Plaintiff asks this Court to enter a Default Final Judgment for Declaratory Judgment against Defendant.

I CERTIFY that I \_\_\_\_\_ mailed, \_\_\_\_\_ faxed and mailed, or \_\_\_\_\_ hand delivered a copy of this motion to the Defendant at \_\_\_\_\_.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

IN THE COUNTY COURT, FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

\_\_\_\_\_  
Plaintiff

Case No.: \_\_\_\_\_

Vs.

\_\_\_\_\_  
Defendant

And

State of Florida  
Department of Highway Safety and Motor  
Vehicles,

**DECLARATORY JUDGMENT GRANTING VEHICLE OWNERSHIP**

THIS CAUSE coming on to be considered before this Court, and the defendants having been properly served, and the Court being duly advised and having examined the supporting documents establishing proof of ownership and right of possession of the applicant and the Court being otherwise advised as to the circumstances relating to this matter the Court hereby finds:

- 1) The Court has jurisdiction herein pursuant to Florida Statute 86.011 and Florida Statute 319.28(2)(a).
- 2) The value of the vehicle described as a YEAR: \_\_\_\_\_  
MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_  
VIN: \_\_\_\_\_  
is \$ \_\_\_\_\_ US DOLLARS
- 3) The above described vehicle has not been reported stolen.
- 4) The applicant(s): \_\_\_\_\_  
is/are entitled to have a certificated of title issued in his/her name(s).

THEREFORE, the Court hereby awards to \_\_\_\_\_  
sole possession and ownership of the vehicle described herein and directs the Department Highway Safety and Motor Vehicles to issue a certificate of title to the vehicle upon presentation of an application thereof, along with the original of this Order of a certified copy thereof, and all applicable fees and charges.

**DONE AND ORDERED** in chambers at Palm Beach County, Florida this \_\_\_\_\_  
day of \_\_\_\_\_ in the year \_\_\_\_\_.

\_\_\_\_\_  
COUNTY JUDGE