COMPLAINT FOR DECLARATORY JUDGMENT

SECOND JUDICIAL CIRCUIT

This packet can assist in obtaining a declaratory judgment for a vehicle when a title was not secured at the time of purchase. A declaratory judgment directs the Florida Department of Highway Safety and Motor Vehicles to issue a certificate of title for a vehicle. There is no guarantee that either the instructions below or the attached forms will achieve the desired results. **Using these instructions and forms is at your own risk. If you have legal questions, please contact an attorney or legal aid**.

Before the Court considers granting a declaratory judgment, you must take the following steps:

1) Perform a diligent search to locate the former owner to transfer title.

2) Provide a bill of sale, cancelled check, letter, memorandum, or some means of providing your rights to ownership of the vehicle.

3) If the former owner has moved from the area without leaving a forwarding address you should mail a certified, return receipt requested letter demanding title to the vehicle to the former owner's last known address.

4) You must get and complete a Motor Vehicle, Vessel and Mobile Home Records Request which lists the last title number issued to this vehicle, to whom the title was issued and that there are no liens against the vehicle. This form is obtained from and submitted to the Florida Department of Highway Safety and Motor Vehicles.

5) You must get and complete a Motor Vehicle Identification Number and Odometer Inspection Verification Form, establishing that the vehicle has not been reported as stolen as per the Vehicle Identification Number (VIN). This form is obtained from the Florida Department of Highway Safety and Motor Vehicles and is submitted to your local Tax Collector Office.

6) You will be required to complete an affidavit for Vehicle Title Application and an Affidavit of Diligent Search and Inquiry. **Both documents must be notarized**.

7) YOU MUST ATTACH YOUR COMPLETED PAPERWORK (#1-6 ABOVE) TO YOUR COMPLAINT FOR DECLARATORY JUDGMENT AND RELIEF AND FILE WITH THE CLERK OF THE CIRCUIT COURT. A FILING FEE IS REQUIRED. Filing Fees are Non-Refundable.

A. The filing fee is $300 and the summons fee is $10.00 per defendant. The vehicle must be valued at less than $50,000.00. You may also have to pay postage for certified mail sent to the defendant.
B. There may be additional fees for sheriff service or for publishing notice in the newspaper.

8) AFTER YOU FILE YOUR PAPERWORK, PLEASE CONTACT THE JUDGE'S OFFICE TO SCHEDULE A HEARING ON YOUR COMPLAINT.

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR JEFFERSON COUNTY, FLORIDA

_____,
Plaintiff

vs. Case No.:_____

_____,
Defendant

And

The Florida Department of Highway Safety and Motor Vehicles,
Defendant

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff, _____ under penalty of perjury, states the following.

1. files this complaint seeking a declaratory and alleges as follows:

2. This is an action for declaratory judgment and other relief pursuant to Chapters 86 and 319, Florida Statutes, involving the acquisition of a clear title for a _____.

3. The Plaintiff is a resident of Jefferson County, Florida, and the owner of _____ purchased and paid for in Jefferson County, Florida.

4. The property has an estimated value of $ _____, which is within the jurisdictional amount of this Court.

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 vehicle, the former owner, _____ did not give the Plaintiff the original title.

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

_____

_____

(attach evidence)

9. The Plaintiff has taken the following actions to secure legal title: _____

_____

_____

10. The Plaintiff has complied with the requirements of the Department of Highway Safety and Motor Vehicles.

11. 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).

12. Plaintiff is entitled to this property because: _____

_____

_____

13. 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

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: _____ [make, model, VIN of vehicle] which is in the possession of the plaintiff, as expeditiously as possible to enable the Plaintiff to register and license this vehicle as required by law.

Dated:_____.

_____

Signature

Address: _____

City St Zip: _____

Phone: _____

Email: _____

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. IF YOU NEED THE CLERK TO DO THE NOTARIZATION, THERE IS A FEE FOR THIS SERVICE.

NOTICE OF ACTION

_____ Complete this form and bring to the Clerk's Office. The Clerk will sign and seal the document when it is filed.

_____ Take this completed form to the Jefferson County newspaper for publication. It must run in the paper once a week for 4 consecutive weeks (for 4 publications total). The Newspaper will charge you a fee. Once the publications are done, the newspaper will provide you with a notarized affidavit of proof that the document was published [Proof of Publication]. File this Proof of Publication with the Clerk.

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR JEFFERSON COUNTY, FLORIDA

Case No.:_____

_____,
Plaintiff

vs.

_____,
Defendant

And

The Florida Department of Highway Safety and Motor Vehicles,
Defendant

Notice of Action

TO: _____

_____

_____

YOU ARE HEREBY NOTIFIED that a Complaint for Declaratory Judgment has been filed and you are required to serve a copy of your written defenses, if any, to it on Plaintiff, whose name and address is _____

_____,

within 30 days from the date of first publication, and file the original with the Clerk of this Court either before service on Plaintiff or immediately thereafter; otherwise a Default judgment will be entered for the relief demanded in the Complaint.

Dated on _____.

Jefferson County Courthouse
1 Courthouse Circle
Monticello, FL 32344

Cecil "Trey" Hightower
Clerk of the Circuit Court

by: _____
Deputy Clerk

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR JEFFERSON COUNTY, FLORIDA

Case No.:_____

_____,
Plaintiff

vs.

_____,
Defendant

And

The Florida Department of Highway Safety and Motor Vehicles,
Defendant

AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

I, (*full legal name*)_____, [_] individually or [__] as an Employee of _____, 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 _____, who is [__] over 18 years old [__] under 18 years old [__] age is unknown.

Refer to checklist below and 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** that apply]

_____ Telephone listings in the last known locations of prior owner's residence.
_____ Statewide directory assistance search
_____ Internet people finder search {specify sites searched}: _____
_____ Voter registration in the last known residential area of prior owner.
_____ Nationwide Masterfile Death Search
_____ Tax Collector's records in the area where prior owner last resided.
_____ Tax Assessor's records in the area where prior owner last resided.
_____ Department of Motor Vehicles records in the state of prior owner's last known address.
_____ Driver's License 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.
_____ Federal Prison records search
_____ Regulatory agencies for professional or occupational licensing.
_____ Inquiry to determine if prior owner is in military service.
_____ Last known employment of prior owner.

{List all additional efforts made to locate prior owner}

_____
_____
_____
_____

Attempts to Serve Process and Results

_____

_____

_____

_____

_____ I inquired of the occupant of the premises whether the occupant knows the location of the prior owner, with the following results:

_____

_____

_____

_____

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

_____ a. Prior owner's current residence is unknown to me.

_____ b. Prior owner's current residence is in a state or county _____ other than Florida, and prior owners last known address is

_____

_____

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

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 Affiant)

Printed Name: _____
Address: _____
City, State, Zip: _____
Phone: _____

STATE OF FLORIDA
COUNTY OF_____

Sworn to (or affirmed) and subscribed before me by means of [__] physical presence or [__] online notarization on _____, by _____.

_____
Notary Public

_____
(Print, Type, or Stamp Commissioned Name of Notary Public).

[___]Personally Known OR [___] Produced Identification
Type of Identification Produced _____

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR JEFFERSON COUNTY, FLORIDA

Case No.:_____

_____,
Plaintiff

vs.

_____,
Defendant

And

The Florida Department of Highway Safety and Motor Vehicles,
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.

Dated: _____

_____
(Signature of Plaintiff)

Printed Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR JEFFERSON COUNTY, FLORIDA

Case No.:_____

_____,
Plaintiff

vs.

_____,
Defendant

And

The Florida Department of
Highway Safety and Motor Vehicles,

Defendant.

DEFAULT

A default is entered in this action against _____, the defendant named in the foregoing motion, for failure to serve or file any document as required by law.

Dated on _____.

Cecil "Trey" Hightower,
Clerk of Court

By: _____
Deputy Clerk

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR JEFFERSON COUNTY, FLORIDA

Case No.:_____

_____,
Plaintiff

vs.

_____,
Defendant

And

The Florida Department of Highway Safety and Motor Vehicles,
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 _____.

Dated: _____ _____
(Signature of Plaintiff)

Printed Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR JEFFERSON COUNTY, FLORIDA

Case No.:_____

_____,
Plaintiff

vs.

_____,
Defendant

And

The Florida Department of Highway Safety and Motor Vehicles,
Defendant.

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 pursuant to Florida Statute 86.011 and Florida Statute 319.28(2)(a).
2. The description and value of the vehicle is described as:

   YEAR: _____

   MAKE: _____

   MODEL: _____

   VIN: _____

   VALUE: $ _____ US DOLLARS.
3. The above-described vehicle has not been reported stolen.
4. The applicant(s): _____ is/are entitled to have a certificate 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 Gainesville, Alachua County, Florida on _____.

_____
COUNTY JUDGE