

DECLARATORY JUDGMENT

F.S. 86

You must first obtain the VIN number from the property and take to the Tax Collector's office who will run the VIN number through the computer. They will need to type a statement as to who the vehicle is titled and their last known address. You should mail the last known owner a letter requesting the title and why you are entitled to it. Attach a copy of the letter with the Complaint along with any bill of sale or other documentation proving your ownership.

Complaint filed with Clerk must show adverse interest and chain of custody-Copy of bill of sale.

Summons issued for all named Defendants at last known address with copy of Complaint and any attachments and served by:

*certified mail return receipt requested or

*sheriff's service

Co-Defendant State of Florida, Dept. of Highway safety and motor vehicles may be served by certified mail to Enoch J. Whitney, Dept. of Highway Safety and Motor Vehicles, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Fl. 32399

(Clerk will make a copy of the summons for the court file)

If Defendants not found by sheriff or card returned from post office without signature, then you file and Affidavit of Diligent Search and Inquiry and obtain a Notice of Action for Declaratory Judgment from the Clerk of Court and publish in a qualified newspaper for four consecutive weeks.

*Affidavit of Diligent Search and Inquiry

*Notice of Action for Declaratory Judgment

File proof of publication with Clerk

If Defendants file an answer objecting to your Complaint, case will be given to the Judge for a hearing date to be scheduled.

If Defendants fail to file an answer with the Clerk after the 20 days have lapsed from the last date of publication, you file a Motion for Default (Clerk has form).

Default entered by Clerk

Defendant Contacts Judge Russell's office for hearing date/time.

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

CASE NO. _____

Name(s) of Petitioner

Mailing Address

Daytime Phone Number

Plaintiff(s),

Vs.

Name/Last Known Address of Person Holding Title

And

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,
Attn: Enoch J. Whitney
Neil Kirkman Building
2900 Apalachee Parkway
Tallahassee, Fl. 32399
Respondents.

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff(s), _____ under penalties
of perjury, hereby states the following:

1. This is an action for Declaratory Judgment and other relief pursuant to Chapter 86, Florida Statutes.
2. Plaintiff is a resident of _____ County, and have so resided during all times material to this action. Plaintiff's mailing address is:

_____.

3. Defendant(s) _____ whose last known address is: _____
_____ is the person or persons who must be sued because they are the last known owners of said property described in this action. Co-Defendant, State of Florida, Department of Highway Safety and Motor Vehicles is an agency of the State of Florida with duly constituted, statutory authority for the issuance of license, tags, identification numbers, plates and title certificates for vehicles, mobile homes, camper trailers, etc.
4. The property that is the subject of this Complaint is described as: _____
_____ and is located in Franklin County, Florida at the following address:

_____.
5. On or about _____, Plaintiff obtained the property from _____ by purchasing said property for the amount of \$_____. (Attached bill of sale). If the Plaintiff did not purchase said property, please describe the transaction or how Plaintiff came to own said property:

_____.
6. Plaintiff intends to use said property for the purpose of: _____
_____.
7. Plaintiff has contacted the Division of Motor Vehicles and was informed that a court of competent jurisdiction would have to determine ownership. A copy of said letter is attached.
8. Plaintiff has taken certain steps to acquire a valid certificate of title, please describe:

_____.
9. Plaintiff will be unable to sell above described property without a certificate of title.
10. Plaintiff understands that if a court awards ownership to said property, Plaintiff to be the true, sole owner of the subject property described above and directs the State of Florida Department of Highway Safety and Motor Vehicles to transfer said ownership to Plaintiff's name as listed above.

DATED this _____ day of _____, 20_____.

Plaintiff's Signature

Plaintiff's Signature

STATE OF FLORIDA
COUNTY OF FRANKLIN

SWORN to and subscribed before me this _____ day of _____,
20___ by _____ who is personally known
to me or who produced identification.

Notary Public or Deputy Clerk