

the Appendix (C). Mr. Trawick's first comment is moot because the Committee has withdrawn the proposed changes regarding venue. Mr. Trawick's second comment included an observation that "All of this is elementary law." The Committee discussed and reviewed that comment and agreed that form 7.347 was primarily for the use and benefit of pro se litigants who fail to file a satisfaction of judgment. Private counsel are not bound or obligated to use this form unless they so desire. This form would serve as a mechanism for pro se litigants to properly file a satisfaction of judgment when money is received. The Committee felt that perhaps Mr. Trawick did not realize form 7.347 was for the benefit of pro se litigants who fail to provide a satisfaction of judgment. The Committee proposed that this be included in the court file, as with other small claims form documents, so the clerk can find it easily. This simplifies things for pro se litigants, who may not realize that they have to provide a satisfaction of judgment for recording purposes.

The Committee respectfully requests that this Court adopt these proposed amendments to the Florida Small Claims Rules.

Respectfully submitted _____, 2007

HON. PAULINE DRAYTON
Chair, Small Claims Rules Committee
Duval County Courthouse
330 E. Bay St.
Jacksonville, FL 32202-2921
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651 E. Jefferson St.
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(850) 561-5600
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by United States mail to Henry Trawick, P.O. Box 4009, Sarasota, FL 34230-4009, this ____ day of _____, 2007.

CERTIFICATE OF COMPLIANCE

I certify that this report was prepared in accordance with the font requirements of Fla. R. App. P. 9.210(a)(2).

MADELON HORWICH
Bar Staff Liaison, Small Claims Rules Committee
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FORM 7.347. SATISFACTION OF JUDGMENT

SATISFACTION OF JUDGMENT

The undersigned, the owner and holder of that certain final judgment rendered in the above-captioned civil action, dated, recorded in County, Official Records Book beginning at Page, does hereby acknowledge that all sums due under it have been fully paid and that final judgment is hereby satisfied and is canceled and satisfied of record.

DATED on

Judgment Owner and Holder (or their attorney)

Committee Note

2007 Amendment. This satisfaction of judgment is a general form. It is a new form. To ensure identity of the signer, notarization is prudent but not required. If a certified copy of the judgment is recorded, it may be prudent to include that recording information.

Proposed changes:

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Reasons for change:

This is a new form. In some small claims cases, once a judgment was satisfied, there was no record of it. This form will put parties on notice that the judgment has been satisfied. This is the same form as Fla. R. Civ. P. Form. 1.981.

June 20, 2006

The Honorable Pauline Drayton
Duval County Court
330 East Bay Street
Jacksonville, Florida 32202

Dear Judge Drayton:

I have reviewed the proposed changes in the Small Claims Rules and have two comments:

1. Lawyers are becoming less scholarly by the month when we have to change where payment is to be made to where payment is to be received. Even layman know where to make payments.
2. Form 7.347 must have recording information for a certified copy of the judgment. It is not prudent to do it. It is necessary. Otherwise, real property lawyers may decline to pass title because the judgment only becomes a lien when the certified copy is recorded. The entire form used is archaic. It would be much better as:

The undersigned holder of the final judgment rendered by the County Court of _____ County, Florida, dated _____, 20____, and recorded in Official Records Book _____ at page _____ with a certified copy being recorded in Official Records Book _____ at page _____ of the public records of the county is satisfied.

DATED on _____, 20_____.

(Judgment Holder's Name)

Many satisfactions are not placed in the court file and do not carry the caption of the case. The attorney cannot give the satisfaction unless it is in full payment. Many times a judgment debtor will offer less than the full amount and it will be accepted. An acknowledgment is required so that the satisfaction can be recorded. If it is not recorded, it will not eliminate the judgment lien. All of this is elementary law.

I hope the Committee will reconsider this form and either eliminate it or revise it so that it is properly done.

Yours very truly,

Henry P. Trawick, Jr.

HPT/jab

June 15, 2006

Amendments to the Florida Small Claims Rules

The Small Claims Rules Committee invites comment on the proposed three-year-cycle amendments to the Florida Rules of Civil Procedure. The full text of the proposals can be found at the Bar's web site at www.floridabar.org. The proposed amendments will be filed with the court by February 1, 2007. Interested persons have until August 1, 2006, to submit comments electronically to Judge Pauline Drayton, Chair, Small Claims Rules Committee, pdrayton@coj.net.

RULE	COMMITTEE VOTE	REASONS FOR CHANGE
7.060	11-0	Regarding venue: in an action for money due, if there is no agreement as to where suit may be filed, venue will be where payment is to be received rather than where it is to be made.
7.322	12-0	This form is amended to reflect the change above to rule 7.060 regarding venue.
7.347	11-0	This is a new form for a satisfaction of judgment.