

COMPLAINT FOR DECLARATORY JUDGMENT

~~~~ EIGHTH 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 will consider granting a declaratory judgment, you must take the following steps:

- 1) You must make a diligent search to locate the former owner to transfer title.
- 2) You must 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. IF YOU FEEL THAT YOU CANNOT AFFORD TO PAY THE FILING FEE, ASK FOR AN AFFIDAVIT OF INDIGENCY TO DETERMINE IF THE FEE CAN BE WAIVED. 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 JUDICIAL ASSISTANT OF THE JUDGE ASSIGNED TO YOUR CASE TO SCHEDULE A HEARING ON YOUR COMPLAINT.
- 10) For further information contact the Self-Help Center at (352) 548-3781.

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA 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 Alachua County, Florida, and the owner of \_\_\_\_\_ purchased and paid for in Alachua 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 an Alachua 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. Newspapers published in Alachua County which meet the requirements of Chapter 50, Florida Statutes, for publication of legal notices are:

**Alachua Today**

Attn: Gail Luparello  
P O Box 2135  
Alachua, FL 32616  
Phone No.: (386) 462-3355  
Fax No.: (386) 462-4569  
[gail@alachuatoday.com](mailto:gail@alachuatoday.com)  
Publishes Thursday  
Deadline Tuesday 12:00 p.m.

**Gainesville Sun**

Attn: Legal Department, Ken Blake  
P O Box 147147, Gainesville, FL, 32614-7147  
Phone No.: (352) 374-5017  
Fax No.: (352) 338-3131  
[blakek@gvillesun.com](mailto:blakek@gvillesun.com)  
Publishes daily  
Deadline three business days prior to the first date of publication, 11:00 a.m.

**Mainstreet Daily News**

Attn: Janalyn Peppel  
100 NW 76 Dr. Ste 2, Gainesville, FL 32607  
Phone No.: 352-313-3192  
Self-Serve Online: <https://mainstreetgainesville.column.us/login>  
[janalyn.peppel@mainstreetdailynews.com](mailto:janalyn.peppel@mainstreetdailynews.com)  
Publishes Wednesday  
Deadline: Wednesday 5 p.m. for the following Wednesday publication

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA 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 \_\_\_\_\_.

Alachua County Family and Civil Justice Center  
201 E. University Ave  
Gainesville FL 32601

J. K. "Jess" Irby, Esq.  
Clerk of the Circuit Court

by: \_\_\_\_\_  
Deputy Clerk

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA 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 EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA 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 EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA 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 \_\_\_\_\_.

J. K. "Jess" Irby, Esq.,  
Clerk of Court

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

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA 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 EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA 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