

# MEMORANDUM

TO: Attorneys Practicing in the Tenth Circuit

FROM: Richard M. Weiss  
Clerk of the Circuit Court  
Polk County

RE: Incorrect Case Number Procedure

DATE: May 23, 2007

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We pride ourselves on maintaining court records in an accurate manner. We have noted recently, however, an increase in the receipt of pleadings containing incorrect or no case numbers. In order to ensure a consistent and comprehensive practice with regard to those pleadings, we have implemented the attached procedure.

Please contact me at 534-4544 if you should have any questions or concerns. I look forward to hearing from you.

<b>INCORRECTLY NUMBERED PLEADINGS PROCEDURE</b>
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1. Purpose: To establish a procedure for the processing of pleadings received by the Polk County Clerk of Courts Criminal and Civil Divisions with no or incorrect case numbers.
2. If a department receives a pleading with no or an incorrect case number, the department staff will attempt to look up the case in the applicable database to ascertain the correct case number.
3. If the correct case number can be ascertained with certainty, the pleading will be stamped with a stamp bearing the following language:

Correct Case Number: \_\_\_\_\_

Verified on \_\_\_\_\_ (date)

Deputy Clerk Initials \_\_\_\_\_

Richard M. Weiss, Clerk of the Circuit Court

4. If the correct case number cannot be ascertained with certainty, the pleading will be stamped with a stamp bearing the following language and will be returned to the filing party:

This document is returned to the filer on \_\_\_\_\_ because the correct case number cannot be ascertained. D.C. Initials \_\_\_\_\_ Richard M. Weiss, Clerk of the Circuit Court

5. If a party has a multiple cases, and a document (with the exception of a Notice of Bankruptcy – see below) filed does not specify the particular case, and the correct case number cannot be determined with certainty, the document will be returned to the filing party.
6. If a Notice of Bankruptcy is received listing multiple parties in the style of the case, and the intended case cannot be determined with certainty, a copy of the Notice will be filed in the case of each party in the case caption.
7. If a department is required to return a document, it will be accompanied by a cover letter specifying the reason for return. If a party has multiple cases, the letter will state that the Clerk's Office will provide a list of cases, upon request, by conducting a search that will cost \$1.50 per year under FS 28.24.