

NOTICE OF SEIZURE

REPORT NO.: _____

CIRCUIT CIVIL NO.: _____

DATE: _____

(To be filled in by Clerk of the Court)

TO: _____ (Claimant's Name)

ADDRESS: _____

RE: (Description of Seized Property) _____

This is to advise you that on _____ Date the _____ (Seizing Agency) seized the above-reference property for a violation of the Florida Contraband Forfeiture Act, §932.701-707, Florida Statutes.

YOU ARE HEREBY NOTIFIED that you are entitled by law to request an adversarial preliminary hearing to determine whether there is probable cause to believe the property was used in violation of the Act.

PLEASE NOTE that the adversarial preliminary hearing is not mandatory and you need not request a hearing to later contest the action taken against the property described herein. Each claimant will be given the opportunity to appear in court before final disposition of this matter.

IF YOU DESIRE SUCH A HEARING you must make a request in writing by certified mail, return receipt requested, to _____ (Name of Seizing Agency) at the address listed below, within fifteen (15) days of receiving this Notice. This request must be accompanied by a copy of this Notice. The seizing agency will notify you of the time, date and place of that hearing.

I HEREBY CERTIFY that I have:

_____ provided a copy of this Notice to the person named above, or

_____ forwarded a copy of this Notice by certified mail, return receipt requested to

_____ (person or entity to which Notice was sent)

this _____ day of _____, 19__.

Seizing Officer/Person Sending Notice

I HEREBY CERTIFY that I have:

_____ received the foregoing Notice apprising me of my right to post seizure adversarial hearing.

Claimant

(Attorney for seizing agency)

(Address)

(SPN/Fla. Bar Number)

(Telephone Number)

Any persons with a disability requiring reasonable accommodations should call (813) 464-4062, (V/TDD), no later than seven (7) days prior to any proceeding.

ATTACHMENT ONE

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL NO. _____

IN RE FORFEITURE OF:

(Describe Property)

COMPLAINT FOR FORFEITURE

COMES NOW Complainant, _____, for the use or benefit of the _____ by and through his undersigned attorney, and files his Complaint for Forfeiture, and says:

(1) This is an action for forfeiture pursuant to Section 932.701-.707, Florida Statutes; jurisdiction is in this Court pursuant to Section 932.704, Florida Statutes.

(2) _____ is a seizing agency as set forth in Section 932.704, Florida Statutes.

(3) A description of the property that is the subject of this action is as follows:
(Description of all property)

(4) On or about _____ *(date property was used in violation of the Contraband Forfeiture Act)*, said property was in violation of the Florida Contraband Forfeiture Act by virtue of one or more of the following:

- a) ___ The property is a contraband article as defined in Section 932.701(2)(a), Florida Statutes.
- b) ___ The property was used to transport, carry, convey, conceal or possess, a contraband article in violation of Sections 932.702(1) or (2) Florida Statutes.
- c) ___ The property was used to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange, or giving away of any contraband article, or used as an instrumentality in the commission of or in aiding or abetting in the commission of a felony or violation of the Florida Contraband Forfeiture Act pursuant to §932.702(3) & (4), Florida Statutes.
- d) ___ The property was acquired by the use of proceeds obtained in violation of the Florida Contraband Forfeiture Act in violation of §932.701 or §932.702(5), Florida Statutes.
- e) ___ The property is subject to forfeiture pursuant to:
(This section for other statutory violations which authorize forfeiture under the Contraband Forfeiture Act, i.e., felony littering, VIN-HIN violations, aircraft violations, fleeing in a vessel, etc.)

ATTACHMENT TWO

(5) On or about _____ (date property was actually seized), the _____ (name of seizing law enforcement agency) discovered and seized the property described in paragraph 3 above at or near _____ (address or location where property was seized).

(6) The Complainant has conducted a reasonably diligent search for all persons or entities who may have an interest in the property described in paragraph 3 above by virtue of possession, ownership, registration law, or perfected lien, and who are known to Complainant as:

(names of persons or entities)

and all others who claim an interest in the following described property: (describe property)

(7) Complainant has or will comply with the Notice requirements of the Florida Contraband Forfeiture Act.

(8) A statement of the facts and circumstances upon which the seizure was based and which support the forfeiture of the property is set forth in the attached affidavit which is specifically incorporated herein by attachment and reference.

WHEREFORE, _____, prays for this Court to
(Name of Petitioner)

enter a Finding of Probable Cause requiring the persons or entities listed in Paragraph 6 above, and any other persons or entities who claim an interest in the property described in Paragraph 3 above to file an Answer to Complaint, and after hearing upon the Complaint for Forfeiture, to enter a Final Order of Forfeiture perfecting the right, interest, and title to said property for the use or benefit of the

(law enforcement agency)

Complainant additionally demands judgment for costs and a reasonable attorney's fee pursuant to Section 57.105, Florida Statutes.

(Signature of Attorney)
(Name)
(Address)
(Telephone Number)
(SPN Number)
(Florida Bar Number)

PROBABLE CAUSE AFFIDAVIT

THIS AFFIDAVIT IS IN SUPPORT OF THE FINDING OF PROBABLE CAUSE AND FOR FINAL ORDER OF FORFEITURE AND IS A PART THEREOF.

STATE OF FLORIDA

COUNTY OF PINELLAS

COMES NOW _____ who,
(Name of Law Enforcement Affiant(s))

after being duly sworn, does swear and aver that based upon personal knowledge, investigation, police reports, and other information known or available, states as follows:

(Signature of Affiant)

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this ____ day of _____, 1995 by
(Name of Affiant) _____ who is personally known to me or produced
_____ as identification and who did take an oath.

Signature of Person Taking Acknowledgement

Name of Acknowledger Typed, Printed or Stamped)

(Title or Rank)

(Serial Number, if any) (NOTARY'S SEAL)

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL NO. _____

IN RE FORFEITURE OF:

(Description of Property)
_____ /

FINDING OF PROBABLE CAUSE AND ORDER TO ANSWER

TO: (Name and Address of All Persons Having an Interest)

THIS MATTER having come before this Court subsequent to the seizure of the above described property by _____ (Name of Seizing Agency) and the Court having considered all matters presented before it and being otherwise fully advised in the premises, FINDS:

1. That there is probable cause to seize the above described property based on:
 - a) _____ Complaint and Affidavit filed in this matter.
 - b) _____ Evidence presented at a preliminary adversarial hearing which took place on _____ (Date).

2. The _____ (Name of Seizing Agency) shall retain possession of the seized property pending further order of this Court.

THEREFORE, probable cause having been found, it is the Order of this Court, that ANY PERSONS WHO CLAIM AN INTEREST IN THE ABOVE-DESCRIBED PROPERTY, SHALL, WITHIN TWENTY (20) DAYS FROM SERVICE OF A COPY OF THE COMPLAINT FOR FORFEITURE and PROBABLE CAUSE AFFIDAVIT, FILE IN THIS COURT, ANY RESPONSIVE PLEADING, ANSWER AND/OR AFFIRMATIVE DEFENSES TO THE COMPLAINT FOR FORFEITURE.

YOU ARE FURTHER COMMANDED to serve a copy of such answer or responsive pleading within said time period under the attorney who filed the Complaint for Forfeiture. Failure to file and serve such answer or pleading within said time period shall result in the entry of a Default pursuant to Florida Rule of Civil Procedure 1.500(a), and Final Order of Forfeiture.

DONE AND ORDERED in Pinellas County, Florida, this _____ day of _____, 1995.

Circuit Court Judge

ATTACHMENT THREE