

NOTICE CLAIM FORM

The undersigned hereby notifies the Florida Pawnbroker who has possession of the described property that the property has been reported stolen to a police agency and the undersigned is requesting the property be surrendered to this claimant.

Property:

Case Report #:

If the claimant and the Pawnbroker do not resolve the matter within 10 days after the receipt of this notice, the claimant may petition the court to order the return of the property.

Claimant/Victim

Date

Pawnbroker:

Date

Location of Pawn Shop:

Disclaimer: This material is for general information only and shall not be construed as legal advice or counseling.

Recovering Pawned Stolen Property

INFORMATION FOR VICTIMS



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Eighth Judicial Circuit
Alachua, Baker, Bradford, Gilchrist,
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Pawn Broking Statute – a way for victims to get
their property back!
FS 539.001 - The Pawn Broking Act

1. Victim/Law Enforcement identifies item(s) at a pawn shop to be stolen property belonging to the victim.
2. **Victim sends a certified letter with return receipt** to the pawnbroker (or goes to the pawnbroker and has them sign a written receipt) claiming rightful possession of the item. *See suggested wording on back of brochure.* **The victim must provide a clear and accurate description of the item and include a copy of the police report.**
3. The victim and the pawnbroker have 10 days from the receipt of the above-mentioned letter to work out return of the victim's item.
4. If the pawnbroker refuses to return the item to the victim without consideration (payment), victim may go to the civil courthouse and file a writ of replevin and serve it on the pawnbroker. At this point, the pawnbroker **MUST** maintain (hold, not sell/melt, etc) the item in question until the matter is resolved. *The victim will not have to pay filing fees with the clerk or service fees with the sheriff for this process.
5. The court will then hold a hearing to determine if the property should rightfully be returned to the victim.
6. If the victim prevails, the pawnbroker has to pay all costs associated with the replevin, and the pawnbroker becomes the victim for restitution purposes in the criminal case. The pawnbroker may then lawfully ask the state for the cost they paid for the item as well as any and all legal fees from the replevin hearing.

If the victim has not complied with the appropriate pre-replevin-hearing procedures, or the court finds against the victim, the victim may pay the pawnbroker's legal fees and court costs.

A Message from Your State Attorney
William P. Cervone

The purpose of this brochure is to explain the steps you can take to recover stolen property that has been sold to pawn shops. Although we are not authorized to act as your attorney in this process, my staff will try to answer your questions. Recovery of your property requires you to be pro-active and I hope this information will provide some guidance for you.

Respectfully,



William P. Cervone
State Attorney