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Mr. Sid White  
Clerk, Supreme Court of Florida  
Tallahassee, Florida 32399-1927

Re: Small Claim Rules

Dear Mr. White:

I noted in the Florida Bar News of May 15, 1988 that recommendations had been submitted for changes in the small claims rules. The problem to which I would like to draw your attention is not addressed in the recommendations nor, to the best of knowledge, in the applicable rules or statutes. It is the following: I have twice provided representation in disputes concerning real estate deposits or escrows established in connection with real estate transactions where the amount in controversy was less than \$5,000. In such cases, the appropriate form of action is ordinarily an interpleader. However, the interpleader procedure is not addressed in the county court rules, much less the small claims rules. I would suggest that this problem be solved by the inclusion of provision for the interpleader process in the county court and small claims rules.

I have not done an updated and exhaustive review of the authorities on the point discussed above, and it may be that it has been addressed in a satisfactory manner. If the problem remains unresolved, however, I would urge that it would be addressed in the next revision of the small claims rules. Please contact me if I can be of further assistance.

Very truly yours,

*Santiago G. Leon*  
Santiago G. Leon, Esq.

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