

PROCEDURE TO FILE AN EVICTION

FILING FEE: \$185.00 SUMMONS: \$10.00

SHERIFF'S FEE TO SUMMONS: \$40.00 Per Tenant
(Sheriff will only accept cash, money order or a business check)

1. **A 3 Day Notice to Vacate must have been posted prior to filing.**
2. **Bring a copy of Notice and Lease or Rental Agreement**
3. **You will need to know before filing, if you will be filing for Count I only or Count I and Count II.**

Count I: EVICTION ONLY (No recovery of past due rent owed)

- A. **Rental must be in Jefferson County**
- B. **File Complaint, Non Military Affidavit** with the Clerk of Court to remove tenant
- C. **5 day Summons will be issued, and after (5) five business days (excludes Saturday, Sunday and Legal Holidays) you will need to contact the Clerk's Office** and inquire if tenant has filed a response with the court. If they have not responded a Motion for Default and an Affidavit as to Defendants Default will need to be filed and then a Final Judgment for Eviction will be issued. If tenant does respond a hearing will be scheduled before the Judge.

Count I and II: EVICTION AND RECOVERY OF PAST DUE RENT OWED

- A. **Count I, same as above**
- B. **Count II, the tenant has 20 days to answer this summons, after 20 days landlord needs to contact Clerk** and inquire if tenant has filed a response. If tenant has not responded a Motion for Default should be filed and then a Final Judgment will be issued. If tenant does respond a hearing will be scheduled before the Judge.

CLERK OF COURT (850) 342-0218 Extension 223

**PLEASE NOTIFY THE CLERK IN WRITING IF YOUR CASE HAS BEEN SETTLED
BEFORE YOUR COURT DATE**

IN THE COUNTY COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR JEFFERSON COUNTY, FLORIDA

CASE NUMBER: _____

DIVISION: _____

IN RE: THE MATTER OF:

_____,
PLAINTIFF

-vs-

_____,
DEFENDANTS

CIVIL COVER SHEET

I. TYPE OF CASE (Place an X in one box only. If the case fits more than one type of case, select the most definitive.)

DOMESTIC RELATIONS

TORTS

OTHER CIVIL

- Simplified dissolution
- Dissolution
- Support IV-D
- Support Non IV-D
- UIFSA IV-D
- UIFSA NON IV-D
- Domestic violence
- Other domestic relations

- Professional malpractice
- Products Liability
- Auto negligence
- Other negligence

- Contracts
- Condominium
- Real property/Mortgage foreclosure
- Eminent domain
- Challenge to proposed constitution amendment
- Other
- Eviction
- Small Claims

II. IS JURY TRIAL DEMANDED IN COMPLAINT?

- YES
- NO

III. THIS SECTION SHALL BE COMPLETED BY THE PLAINTIFF. PLEASE INDICATE IF THERE HAS BEEN A PREVIOUS CASE FILED (INVOLVING THE ABOVE STYLED PARTIES ARISING OUT OF THE SAME OR SIMILAR FACTS) THAT WAS DISMISSED FOR ANY REASON.

- Yes. Please provide the appropriate case number(s) _____.
- No

DATE: _____

Signature of Attorney or Party initiating action: _____.

Date: _____

Name: _____

Address: _____

NOTICE TO VACATE
(3 DAY)

You are hereby notified that you are indebted to me in the sum of \$ _____ for the rent and use of the premises located at _____

_____ now occupied by you, and that I demand payment of said rent or possession of said premises **within 3 days** from the date of delivery of this notice (**excluding the day of service of this notice, Saturdays, Sundays and Holidays**), that is to say, on or before the _____ day of _____, 20____.

Landlord

Address

Address

Phone

I certify that the foregoing NOTICE TO VACATE was served on the above named tenant on the _____ day of _____, 20____ in the following manner.

() HAND DELIVERED

() POSTED THE NOTICE at the above described premises in the absence of said tenant.

LANDLORD

Date: _____

Name: _____

Address: _____

NOTICE TO VACATE
(5 DAY)

You are hereby notified that you are indebted to me in the sum of \$ _____ for the rent and use of the premises located at _____

_____ now occupied by you, and that I demand payment of said rent or possession of said premises **within 5 days** from the date of delivery of this notice (**excluding the day of service of this notice, Saturdays, Sundays and Holidays**), that is to say, on or before the _____ day of _____, 20____.

Landlord

Address

Address

Phone

I certify that the foregoing NOTICE TO VACATE was served on the above named tenant on the _____ day of _____, 20____ in the following manner.

() HAND DELIVERED

() POSTED THE NOTICE at the above described premises in the absence of said tenant.

LANDLORD

Date: _____

Name: _____

Address: _____

NOTICE TO VACATE
(15 DAY)

You are hereby notified that you are indebted to me in the sum of \$ _____ for the rent and use of the premises located at _____

_____ now occupied by you, and that I demand payment of said rent or possession of said premises **within 15 days** from the date of delivery of this notice (**excluding the day of service of this notice, Saturdays, Sundays and Holidays**), that is to say, on or before the _____ day of _____, 20____.

Landlord

Address

Address

Phone

I certify that the foregoing NOTICE TO VACATE was served on the above named tenant on the _____ day of _____, 20____ in the following manner.

() HAND DELIVERED

() POSTED THE NOTICE at the above described premises in the absence of said tenant.

LANDLORD

IN THE COUNTY COURT IN AND FOR JEFFERSON COUNTY, FLORIDA

**COMPLAINT FOR EVICTION
AND DAMAGES**

Landlord/Plaintiff

CASE NO: _____

VS.

Tenant/Defendant

Plaintiff, _____ sues Defendant, _____,
and alleges:

**COUNT I
TENANT EVICTION**

1. This is an action to evict a tenant from real property in Jefferson County, Florida.
2. Plaintiff owns the following said property located at:

Street Address Including Unit Number
3. Defendant has possession of the property under an (oral/written) agreement to pay rent in the amount of \$ _____ payable _____
Weekly, Monthly, Etc
4. Defendant failed to pay the rent due _____, 20____.
Date
5. Plaintiff served Defendant with a notice on _____, 20____, to pay the rent or deliver possession but Defendant refuses to do either. A copy of the notice is attached as Exhibit B.

WHEREFORE, Plaintiff demands judgment for possession of the property against Defendant.

**COUNT II
DAMAGES**

6. This is an action for damages that do not exceed \$15,000.00.
7. Plaintiff restates those allegations contained in paragraphs 1 through 5 above.
8. Defendant owes Plaintiff \$ _____ that is due with interest since _____, 20____.

WHEREFORE, Plaintiff demands judgment for damages against Defendant.

LANDLORD'S SIGNATURE

PRINTED NAME

ADDRESS

ADDRESS

PHONE

IN THE COUNTY COURT, IN AND FOR JEFFERSON COUNTY, FLORIDA

CASE NO: _____

Landlord/Plaintiff

**NON-MILITARY
AFFIDAVIT**

VS.

Tenant/Defendant

STATE OF FLORIDA,
COUNTY OF JEFFERSON

_____, being first duly sworn, states under penalty of perjury:

- _____ 1. I know personally that the Tenant/Defendant is not on active duty in the armed forces of the United States.
- _____ 2. I have inquired of the armed forces of the United States and the U.S. Public Health Service to determine whether the Tenant/Defendant, _____ is a member of the armed services and I am attaching certificates stating that the Tenant/Defendant is not now in the armed forces.

Signature of Landlord/Plaintiff

Date

Address

Address

Phone

Acknowledged before me on this _____ day of _____, 20__ by

_____, who is _____ personally known to me or who has produced _____ as identification and did not take an oath.

Notary Public/Deputy Clerk

(SEAL)

Printed Name

COUNTY COURT, JEFFERSON COUNTY, FLORIDA

CIVIL DIVISION/LANDLORD TENANT ACTION CASE NO: _____

Plaintiff:

Defendant:

Address:

Address:

{SUES}

Telephone:

Telephone:

SUMMONS FOR TENANT EVICTION AND NONPAYMENT OF RENT

TO THE SHERIFF OF JEFFERSON COUNTY, FLORIDA:

You are hereby commanded to serve this summons and a copy of the Complaint for Tenant Eviction and Nonpayment of Rent in the above case upon the Defendant.

THIS SUMMONS IS FOR TWO (2) SEPARATE LAWSUITS
AND REQUIRES TWO (2) SEPARATE RESPONSES

**1st LAWSUIT
FOR EVICTION**

YOU ARE REQUIRED, forthwith to remove from the premises now occupied by you at:

OR IN DEFAULT THEREOF to show cause by serving written defenses to said Complaint, along with a deposit of the amount in controversy, unless the defense is payment. The original of the defenses and deposit must be filed with the Clerk of the Court on or before the 5th day following this service of process on you (excluding Saturdays, Sundays and Holidays) showing why possession thereof should not be delivered to the Plaintiff. A copy of the original of said written defenses with the Clerk of defenses must be served immediately thereafter on the Plaintiff or his Attorney.

**2nd LAWSUIT
FOR MONEY OWED**

YOU ARE HEREBY NOTIFIED that the above named Plaintiff has made a claim and is requesting Judgment against you as shown by the attached statement, together with court costs and any further costs which may accrue.

Each defendant is hereby required to serve written defenses to said Complaint on the Plaintiff:

within 20 days after service of this summons upon you, exclusive of the day of service and to file the

Court either before service on Plaintiff or his Attorney or immediately thereafter. If you fail to do so, a default will be entered against you for the relief demanded in the Complaint.

Witnessed before me this _____ day of _____, 20_____.

Cecil "Trey" Hightower, CLERK OF COURT by: _____
Deputy Clerk

IN THE COUNTY COURT
IN AND FOR JEFFERSON COUNTY, FLORIDA

CASE NO. _____

Landlord/Plaintiff

VS.

Tenant/Defendant

AFFIDAVIT AS TO DEFENDANT'S DEFAULT

(CIRCLE ONE OR BOTH)

A. PAYMENT FOR RENT B. FAILURE TO MOVE FROM PREMISES

I, _____ certify that the Defendant(s) in the above styled case
Landlord/Plaintiff/Agent/Attorney
has failed to A) Make payment of money due for rent, B) Move from the premises stated in the Complaint for
Eviction.

I, further certify that \$ _____ is still owed.

The Plaintiff moves this court for entry of a Final Judgment of Eviction without further notice.

Landlord/Plaintiff/Agent/Attorney

State of Florida, County of Jefferson

Before me the undersigned authority, personally appeared _____
who being by me first duly sworn, deposes and says that the foregoing statements are true and correct.

Sworn and Subscribed before me this _____ day of _____, 20__.

Cecil "Trey" Hightower
CLERK OF COURT

By: _____
Deputy Clerk/Notary

IN THE COUNTY COURT
IN AND FOR JEFFERSON COUNTY, FLORIDA

CASE NO: _____

Landlord/Plaintiff

VS.

Tenant/Defendant

MOTION FOR DEFAULT

Plaintiff moves for entry of default by the Clerk of Court against Defendant, for failure to serve or file any response to the Complaint as required by law.

Defendant

Landlord/Plaintiff/Attorney

DEFAULT

A Default is entered in this action against the defendant, named in the foregoing motion, for failure to serve or file any response as required by law.

Dated this _____ day, _____, 20____.

Cecil "Trey" Hightower
CLERK OF CIRCUIT COURT

By: _____
Deputy Clerk

IN THE COUNTY COURT
IN AND FOR JEFFERSON COUNTY, FLORIDA

CASE NO. _____

Landlord/Plaintiff

**FINAL JUDGMENT
EVICTION**

VS.

Tenant/Defendant

THIS ACTION came before the Court upon Plaintiff's Complaint for Eviction. On the evidence presented it is,

ADJUDGED that the Plaintiff, _____, recover from the Defendant, _____, possession of the real property described as follows: _____

(Legal address of rental property including Unit Number)

and \$ _____ as court costs, for which let Writs of Possession and Execution now issue.

ORDERED in MONTICELLO, JEFFERSON COUNTY, FLORIDA on

_____, 2010.

JUDGE

cc: _____
Landlord

Tenant

IN THE COUNTY COURT
IN AND FOR JEFFERSON COUNTY, FLORIDA

CASE NO. _____

WRIT OF POSSESSION

Landlord/Plaintiff

VS.

Tenant/Defendant

TO THE SHERIFF OF JEFFERSON COUNTY, FLORIDA:

YOU ARE COMMANDED to remove all persons from the following described property in Jefferson County, Florida:

Physical Address

and to put _____ in possession of it.
Landlord/Plaintiff

Dated this _____ day of _____, 20__.

Cecil "Trey" Hightower
CLERK OF COURT

By: _____
Deputy Clerk

(THIS IS A 24 HOUR NOTICE)

SHERIFF INFORMATION SHEET

Case No: _____

Plaintiff(s)

VS

Defendant(s)

The following information is required in order to make arrangements with the proper person regarding the changing of locks and the acceptance of possession of the premises.

_____ 1. **Plaintiff** will meet the Deputy Sheriff on the premises and change own locks.

Phone Numbers: Home: () _____
 Work: () _____
 Cell: () _____

_____ 2. **Plaintiff's Agent**, _____, will meet the Deputy Sheriff on the premises, change the locks and accept possession on behalf of the Plaintiff.

Phone Numbers: Home: () _____
 Work: () _____
 Cell: () _____

ADDITIONAL INFORMATION:

IN THE COUNTY COURT
IN AND FOR JEFFERSON COUNTY, FLORIDA

CASE NO. _____

Landlord/Plaintiff

VS.

Tenant/Defendant

VOLUNTARY DISMISSAL
WITH PREJUDICE

THE PLAINTIFF does hereby voluntarily dismiss the above styled case. The case has been amicably settled between both parties.

Dated this _____ day of _____, 20_____.

Plaintiff

(SEAL)

Deputy Clerk of Notary Public

In the County Court in and for _____ County, Florida

Case No _____

Plaintiff(s)

vs

Defendant(s)

Notice of Hearing

To: _____

Defendant(s)-

YOU ARE HEREBY NOTIFIED that a final hearing will be held on (month/day/year)
_____ at _____ a.m./p.m. in the Judges Chambers, Room _____
of the _____ County Courthouse, _____, Florida.

DATED on
(month/day/year) _____

Certificate of Service

I hereby certify that a true copy of the foregoing notice of hearing has been mailed,
posted or hand delivered to the parties named above on the date (month/day/year) _____

By: _____