

RESIDENTIAL TENANT EVICTION INSTRUCTIONS

All landlords should read and become familiar with Chapter 83 of the Florida Statutes. For any action that is taken, you will need to consult Chapter 83, contact an attorney, call Lawyer Referral Services at (407) 422-4537 or Consumer Services at 1-800-435-7352.

PLEASE NOTE THAT THE CLERK'S OFFICE IS PROHIBITED BY LAW FROM ADVISING OR HELPING COMPLETE YOUR PAPERWORK.

For your filing convenience we have offices located at:

<u>APOPKA</u>	<u>ORLANDO</u>	<u>OCOOE</u>	<u>WINTER PARK</u>
111 N Rock Springs Rd Apopka, FL 32712 (407) 654-1030	425 N Orange Ave Rm 310 Orlando, FL 32801 (407) 836-2000	475 W Story Rd Ocoee, FL 34761 (407) 656-3229	450 N Lakemont Ave Winter Park, FL 32792 (407) 671-1116

You must pay the following fees at the time of filing a case:

\$80.00 - For any evictions where the rent amount is less than \$5,000.00

Make \$80.00 check payable to Orange County Clerk of Courts.

The Clerk's Office accepts personal checks, cashiers checks, money orders, or cash. If you are an out of state Plaintiff, you must also pay an additional \$100.00 bond with a \$7.50 bond approval fee to be paid by cash, cashiers check, or money order. (F.S. 57.011)

\$20.00 - **For each defendant** that is to be served in Orange County (husband and wife are two services) **This separate check must be made payable to: Sheriff of Orange County. We are unable to accept cash for the sheriff.**

EVICTION AND RENT Please complete and submit the following paperwork:

- ☑ Original complaint (1 of 3 from the packet) + 3 copies for each defendant (pg. 9, 10 or 11)(Do not fill out all 3!)
- ☑ Copy of notice for the court + 3 copies for each defendant (pg. 5 or 6)
- ☑ Copy of lease for the court + 3 copies for each defendant
- ☑ Original 5 day summons for the court (pg. 13) + 2 copies for each defendant
- ☑ Original 20 day summons for the court + 1 copy for each defendant (form #64 A & B) This form must contain the tenant's address under the Tenant's name in order to be served. (pgs. 14 & 15)
- ☑ Legal size envelope with appropriate postage for each defendant
- ☑ Original certificate of mailing (pg. 16) - (Do not make copy)
- ☑ Original cover sheet signed at the bottom (pg. 7) - (Do not make copy)
- ☑ Original owners authorization for property manager (pg. 3 if applicable)

EVICTION ONLY Please complete and submit the following paperwork:

- ☑ Original complaint (1 of 3 from the packet) + 2 copies for each defendant (pg. 9, 10 or 11)(Do not fill out all 3!)
- ☑ Copy of notice for the court + 2 copies for each defendant (pg. 5 or 6)
- ☑ Copy of lease for the court + 2 copies for each defendant
- ☑ Original 5 day summons for the court (pg. 13) + 2 copies for each defendant
- ☑ Legal size envelope with appropriate postage for each defendant
- ☑ Original certificate of mailing (pg. 16) - (Do not make copy)
- ☑ Original cover sheet signed at the bottom (page 7) - (Do not make copy)
- ☑ Original owners authorization for property manager (page 3 if applicable)

\$70.00 - When obtaining a writ of possession This check must be made payable to: Sheriff of Orange County. We are unable to accept cash for the sheriff.

EVICTION FORMS – INSTRUCTIONS

Dear Landlord:

The attached forms are designed for your use in the event of common landlord/tenant disputes. They should be used only for residential leases. If you have a commercial, agricultural, or personal property lease you should consult with an attorney. No form should be used until you have carefully reviewed and understand the instructions preceding the form and reviewed any Florida Statute referred to.

The residential landlord/tenant relationship is controlled by the terms of your lease and by Part II of Chapter 88 of the Florida Statutes. The procedures for enforcing your rights under your lease and Part II of Chapter 88 are set forth in section 51.011, Florida Statutes. You are advised to carefully review these statutes before starting any legal proceeding concerning a residential lease. Copies of these statutes are usually available at the law library located at your county courthouse and at your public library.

Before you can start a lawsuit to end a residential lease, you must first give proper written notice. The form of the notice will depend on the landlord's reason for terminating the lease or withholding rent. There are two common reasons for a landlord to terminate a lease and evict a tenant. These reasons are:

1. The tenant has not paid his rent on time.
2. The tenant has not complied with the requirements of the lease or has violated Florida Statutes.

Forms 57 and 58 contain the notices the landlord will need to send to the tenant in order to terminate the lease and evict the tenant for those two reasons.

After sending the notice, the landlord will, as a general rule, have a suit against the tenant not only to evict the tenant (have tenant removed from the property), but also for damages for unpaid rent. Form 61 contains a complaint both for eviction and for damages for unpaid rent. If the landlord wants to evict the tenant for breaches of the lease other than failure to pay rent, his suit may be for eviction only. Form 62 contains the complaint to evict a tenant for failure to comply with the lease other than the payment of rent.

At the time the complaint is filed the landlord must ask the Clerk of the Court to issue summonses and deliver those summonses to the sheriff, with a copy of the complaint, for service on the tenant. A separate summons is necessary for an eviction and to recover damages for unpaid rent. If a landlord is suing the tenant both to evict him and for damages he will need to have both summonses issued and delivered to the sheriff with the complaint. Form 63 contains the form of the summons for eviction and Form 64, the additional summons, to be used if unpaid rent is also sought.

If the court rules that the landlord is entitled to evict the tenant and/or recover damages for unpaid rent, the court will sign a judgment in the landlord's favor. Form 66 contains the form of a final judgment for eviction he must as the Clerk of the Court to execute a Writ of Possession.

The form of the Writ of Possession is Form 67. The Writ of Possession should be delivered to the sheriff for service on the tenant after execution by the clerk.

IN THE COUNTY COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY,
FLORIDA

Plaintiff(s),

Vs.

Defendant (s),

_____ /

OWNER'S AUTHORIZATION FOR PROPERTY MANAGER TO BRING EVICTION ACTION

I _____, hereby authorize
(Name of owner)

_____ to bring this action on my behalf.
(Individual signing complaint to evict)

my behalf. I represent that this person is responsible for the day-to-day management of the residential rental property, which is the subject of this action as evidenced by such factors as responsibility for renting the units, maintenance of rental property and collection of rent. I understand this does not allow the property manager to be named as the plaintiff in the action and that the property manager may represent my interest only to the extent that possession is the only remedy sought. I understand that under the rules of the Supreme Court of Florida, the property manager cannot represent me for actions for past rent or other relief other than possession. I further understand that the property manager may represent me only as long as the eviction action is uncontested, that is, until some type of hearing is required. If the action becomes contested, I understand it will be necessary to appear on my own behalf (if the owner is an individual) or to secure an attorney (if the owner is partnership or corporation) to continue the action.

If owner is an individual or partnership
Sign here:

(Individual owner or general partner)

Date

If owner is a corporation
Sign here:

(Agent for corporation)

Date

Title

**FORM 57 – NOTICE FROM LANDLORD TO TENANT – TERMINATION
FOR FAILURE TO PAY RENT**

This notice may be delivered by mail or by delivering a copy to the property.

This notice must be delivered and the three-day time period must run before starting suit to evict the tenant or to recover past due rent.

SOURCE: Section 83.56(3), Florida Statutes (1990).

**FORM 58 – NOTICE FROM LANDLORD TO TENANT – TERMINATION FOR
NONCOMPLIANCE OTHER THAN FAILURE TO PAY RENT**

Lease violations which entitle the landlord to send this notice include having or permitting unauthorized pets, unauthorized guests or unauthorized vehicles; parking in an unauthorized manner or permitting such parking; failing to keep the premises clean and sanitary; or other activities not permitted by the lease.

Under some situations, such as the tenant's intentional destruction of property of the landlord or other tenants, the landlord may be able to terminate the lease without giving the tenant an opportunity to remedy. For the notice necessary to terminate the lease under these circumstances, see Florida Statute 83.52(2)(a).

The deliver of this written notice may be mailing or delivery of a true copy to the premises, or, if the tenant is absent from the premises, by leaving a copy of the notice at the premises.

This written notice must be delivered, and the seven-day time period must run, prior to any termination of the lease or any lawsuit for eviction.

SOURCE: Section 83.52(2)(b), Florida Statutes (1990).

To: _____
Tenant's Name

Address

City, State, Zip Code

From: _____

Date: _____

You are hereby notified that you are indebted to me in the sum of \$ _____
(Insert amount owed by tenant)

For the rent and use of the premises _____
(Insert address of leased premises, including county)

Florida, now occupied by you and that I demand payment of the rent or possession of the premises within three days (excluding Saturday, Sunday and legal holidays) from the date of delivery of this notice, to-wit: on or before the _____ day of _____, 20____ (insert the date which is three days from the deliver of this notice, excluding the date of delivery, Saturday, Sunday and legal holidays).

Signature

Name of Landlord/Property Manager
(Circle one)

Address

City, State, Zip Code

Phone Number

Approved for use under rule 10-2.1(a) of
The Rules Regulating The Florida Bar

The Florida Bar 1993

This form was completed with the assistance of:
Name:
Address:
Telephone Number:

To: _____
Tenant's Name

Address

City, State, Zip Code

From: _____

Date: _____

You are hereby notified that you are not complying with your lease in that _____

_____. Demand is hereby made that you remedy the
(Insert noncompliance)

noncompliance within seven days of receipt of this notice or your lease shall be deemed terminated and you shall vacate the premises upon such termination. If this same conduct or conduct of a similar nature is repeated within twelve months, your tenancy is subject to termination without you being given an opportunity to cure the noncompliance.

(Landlord's Signature)

Landlord's name _____

Address _____

Phone Number _____

Approved for use under rule 10-2,1(a) of
The Rules Regulating The Florida Bar

The Florida Bar 1993

This form was completed with the assistance of:

Name:

Address:

Telephone Number:

Form 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute 25.075. (See instruction on the reverse of the form.)

I. CASE STYLE

(Name of Court) _____

Plaintiff _____

Case #: _____

vs

Judge: _____

Defendant _____

II. 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
<input type="checkbox"/> Simplified dissolution	<input type="checkbox"/> Professional malpractice	<input type="checkbox"/> Contracts
<input type="checkbox"/> Dissolution <input type="checkbox"/> Support – IV-D	<input type="checkbox"/> Auto negligence	<input type="checkbox"/> Real property/ Mortgage foreclosure
<input type="checkbox"/> Support – Non IV-D	<input type="checkbox"/> Other negligence	<input type="checkbox"/> Eminent domain
<input type="checkbox"/> UIFSA – IV-D		<input type="checkbox"/> Challenge to proposed constitutional amendment
<input type="checkbox"/> UIFSA – Non IV-D		<input type="checkbox"/> Other
<input type="checkbox"/> Domestic violence		
<input type="checkbox"/> Other domestic relations		

III. Is Jury Trial Demanded in Complaint?

Yes

No

DATE _____

SIGNATURE OF ATTORNEY FOR PARTY/OR PARTY
INITIATING ACTION _____

FORM 61 – COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR FAILURE TO PAY RENT

FORM 61A – COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR FAILURE TO PAY RENT AND TO RECOVER PAST DUE RENT

Form 61 should be used if only eviction of the tenants is sought. Form 61A should be used to evict the tenants and recover damages (past due rent).

FORM 62 – COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR FAILURE TO COMPLY WITH LEASE (OTHER THAN FAILURE TO PAY RENT)

No instructions.

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord)
Plaintiff,

COMPLAINT FOR EVICTION

Vs.

(Insert name of Tenant)
Defendant,

Plaintiff, _____, sues Defendant, _____, and alleges:
(Insert name of Landlord) (Insert name of Tenant)

1. This is an action to evict a tenant from real property in _____
_____ County, Florida.

(Insert County in which the rental property is located)

2. Plaintiff owns the following described real property in said County: _____

(Insert legal street address of rental property including, if applicable, unit number)

3. Defendant has possession of the property under a/an (oral/written) agreement to pay rent of
\$ _____ payable _____
(Insert rental amount) (Insert terms of rental payments, i.e., weekly, monthly, etc.)

A copy of the written agreement, if any, is attached as Exhibit "A."

4. Defendant failed to pay the rent due _____,
(Insert date of payment Tenant has failed to make)
20_____.

5. Plaintiff served Defendant with a notice on _____, 20_____, to pay the rent or
(Insert copy of notice)
deliver possession but Defendant refused to do either. A copy of the notice is attached as Exhibit "B."

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

This form was completed

With the assistance of:

Name:

Address:

Telephone Number:

Approved for use under rule 10-21.1(a) of

The Rules Regulating The Florida Bar

The Florida Bar 1993

Signature

Name of Landlord/Property Manager

Address

City, State, Zip Code

Telephone Number

FORM 61

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord)

Plaintiff,

Vs.

**COMPLAINT FOR EVICTION
AND DAMAGES**

(Insert name of Tenant)

Defendant,

Plaintiff, _____, sues Defendant, _____, and alleges:
(Insert name of Landlord) (Insert name of Tenant)

1. This is an action to evict a tenant from real property in _____
_____ County, Florida.

(Insert County in which the rental property is located)

2. Plaintiff owns the following described real property in said County: _____

(Insert legal or street description of rental property including, if applicable, unit number)

3. Defendant has possession of the property under a/an (oral/written) agreement to pay rent of
\$ _____ payable _____
(Insert rental amount) (Insert terms of rental payments, i.e., weekly, monthly, etc.)

A copy of the written agreement, if any, is attached as Exhibit "A."

4. Defendant failed to pay the rent due _____,
_____ (Insert date of payment Tenant has failed to make)
20_____.

5. Plaintiff served Defendant with a notice on _____, 20_____, to pay the rent or
_____ (Insert copy of notice)
deliver possession but Defendant refused 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.

7. Plaintiff restates those allegations contained in paragraphs 1 through 5 above.

8. Defendant owes Plaintiff \$ _____ that is due with interest.
(Insert past due rent amount)
since _____, 20_____.
(Insert date of last rental payment tenant failed to make)

WHEREFORE, Plaintiff demands judgment for damages against Defendant.

This form was completed
With the assistance of:
Name:
Address:
Telephone Number:
Approved for use under rule 10-21.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1993

Signature

Name of Landlord/Property Manager

Address

CITY, STAT, ZIP CODE

Telephone Number

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord)
Plaintiff,
Vs.

(Insert name of Tenant)
Defendant,

COMPLAINT FOR EVICTION
FOR FAILURE TO COMPLY
WITH LEASE (OTHER THAN
FAILURE TO PAY RENT)

Plaintiff, _____, sues Defendant, _____, and alleges:
(Insert name of Landlord) (Insert name of Tenant)

1. This is an action to evict a tenant from real property in _____
_____ County, Florida.

(Insert County in which the rental property is located)

2. Plaintiff owns the following described real property in said County: _____

(Insert legal or street description of rental property including, if applicable, unit number)

3. Defendant has possession of the property under a/an (oral/written) agreement to pay rent of
\$ _____ payable _____
(Insert rental amount) (Insert terms of rental payments, i.e., weekly, monthly, etc.)

A copy of the written agreement, if any, is attached as Exhibit "A."

4. Plaintiff served Defendant with a notice on _____ 20_____, giving
(Insert date of notice)

written notice to the Defendant that the Defendant was in violation of his rental agreement. A copy of said notice, setting forth the violations of the rental agreement, is attached hereto as Exhibit "B."

5. Defendant has failed to correct or discontinue the conduct set forth in the above-mentioned notice.

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

This form was completed
With the assistance of:
Name:
Address:
Telephone Number:
Approved for use under rule 10-21.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1998

Signature

Name of Landlord/Property Manager

Address

CITY, STAT, ZIP CODE

Telephone Number

FORM 63 – SUMMONS – EVICTION CLAIM

If your complaint is only for eviction of the tenant, you need to fill out and deliver this form to the clerk with the complaint. If your complaint is also for damages you will need to attach form 64.

FORM 64 – SUMMONS – DAMAGES CLAIM

If a lawsuit is filed to evict the tenant and recover back rent, summonses, Forms 63 and 64 should be prepared and delivered to the Clerk of the Court at the time of filing the complaint. If the complaint seeks only to evict the tenant, only Form 63 needs to be prepared and delivered to the Clerk with the complaint. The summons or summonses should be attached to a copy of the complaint and after execution by the clerk, delivered to the Sheriff or other authorized process server to be served upon the tenant.

IN THE COUNTY COURT OF THE

NINTH JUDICIAL CIRCUIT OF FLORIDA
ORANGE COUNTY, FLORIDA

Case Number _____

(Insert name of Landlord)
Plaintiff

EVICTIION SUMMONS—RESIDENTIAL

If you deposit rent into the registry of the court, you must pay by Cash, Money Order or Cashier's Check made payable to Clerk of the Court. There is a fee to deposit, 3% for the first \$500.00 and 1.5% thereafter

(Insert name of Tenant)
Defendant

TO: _____
(Insert name, address, and phone number of Tenant)

PLEASE READ CAREFULLY

You are being sued by _____ to require you to move

(Insert Landlord's name)

out of the place where you are living for the reasons given in the attached complaint. You are entitled to a trial to decide whether you can be required to move, but you **MUST** do ALL of the things listed below. You must do them within 5 days (not including Saturday, Sunday or any legal holiday observed by the clerk of the court) after the date these papers were given to you or to a person who lives with you or were posted at your home.

THE THINGS YOU MUST DO ARE AS FOLLOWS:

1. Write down the reason(s) why you think you should not be forced to move. The written reason(s) must be given to the court clerk at:
COUNTY COURT CIVIL DIVISION
425 N. Orange Avenue, Room 310
Orlando, Florida 32801
2. Mail or take a copy of your written reasons(s) to:

(insert Landlord's name and address)

3. Give the court clerk the rent that is due as set forth in the landlord's complaint or as determined by the Court. **YOU MUST PAY THE CLERK THE RENT EACH TIME IT BECOMES DUE UNTIL THE LAWSUIT IS OVER.** Whether you win or lose the lawsuit, the judge may pay this rent to the landlord.
4. If you and the landlord do not agree on the amount of rent owed, give the court clerk the money you say you owe. Then before the trial you must ask the judge to set a hearing to decide what amount should be given to the court clerk.

IF YOU DO NOT DO ALL OF THESE THINGS WITHIN 5 WORKING DAYS, YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.

THE STATE OF FLORIDA:
TO EACH SHERIFF OF THE STATE:

You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above-named defendant.

DATED on _____

LYDIA GARDNER
Clerk of the Court

This form was completed with the assistance of:

Name: _____

Address: _____

Telephone Number _____

By: _____

Deputy Clerk
COUNTY COURT CIVIL DIVISION
425 N. Orange Avenue, Room 310
Orlando, FL 32801 (407) 836-2065

NOTICE TO PERSONS WITH DISABILITIES

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration at 425 N. Orange Avenue, Orlando, FL 32801, Telephone (407) 836-2303 within 2 working days of your receipt of this summons; If you are hearing or voice impaired, call 1-800-955-8771.

FORM 63

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____

(Insert name of Landlord)

Plaintiff,

Vs.

(Insert name of Tenant)

Defendant,

SUMMONS – ACTION FOR BACK
RENT AND DAMAGES

TO:

Each Defendant is further required to serve written defenses to the demand for Back Rent and All Other Damages to the Premises contained in said Complaint upon the above-named _____

(Insert Landlord's name)

At the above named address within 20 days after service of this Summons upon the Defendant, exclusive of the day Service, and to file the original of said written defenses with the Clerk of said court either before service on _____ or thereafter. If you fail to do so, a default will be entered against

(Insert Landlord's name)

the Defendant for the relief demanded in that portion of the Complaint.

LYDIA GARDNER
Clerk of the Courts

(COURT SEAL)

By: _____
Deputy Clerk

NOTICE TO PERSONS WITH DISABILITIES

If you are a person with a disability who needs any accommodation in order to participate in the proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration at 425 North Orange Avenue, Orlando, Florida 32801, Telephone (407) 836-2303 within 2 working days of your receipt of this document; if you are hearing or voice impaired, call 1.800.955.8771.

This form was completed
With the assistance of:
Name:
Address:
Telephone Number:

Approved for use under rule 10-21.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1993

FORM 64 (A)

IMPORTANTE

Usted ha sido demandado legalmente, Tiene veinte (20) dias, contados a Partir del recivo de esta notificacion, para contestar la demanda adjunto, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el number del caso y los nombres de las partes intersadas en dicho caso. Si usted no contesta la demanda a tiempo, podiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sinprevio aviso del tribunal. Existen otoros requisitos legales, Si lo desea, puede usted consultar a un abogado immediatament. Si no conoce a un abogado, puede llamar a uno de las oficinas de asistencia legal que aparecen en la guia telefonica. Si desa responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante al tribunal, debera usted enviar por correo a entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney." (Demandate o Abogado del demandante).

IMPORTANT

Des ooursuites judiciaries ont ete enterprises contre vous. Vous avez 20 jours consecutifts a partir de la date de 1' assignation de cette citation pour déposer une reponse ecrite a la plainte ci-jointe aupres de ce Tribunal. Un simple coup de telephone est insuffisant pour vous proteger; vouse etes obligé de déposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees isi, si vous souhaitez que le Tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur de Tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d' assistance juridique (figurant a l'annuaire de telephones). Si vous choisissez de déposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, fiare parvenir ou expedier une copie au carbone ou une photocopie de votre reponse exrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocat) nomme ci-dessous.

Plaintiff/Plaintiff's Attorney

Address

FORM 64 (B)

IN THE COUNTY COURT OF THE
NINTH JUDICAIAL CIRCUIT OF FLORIDA
ORANGE COUNTY, FLORIDA

Case Number _____

Plaintiff(s)

Vs.

Defendant(s)

CERTIFICATE OF MAILING

I hereby certify that I mailed a copy of the summons and complaint (with exhibits, if any) by first class mail to:

(insert address of property)

This _____, 20_____.

LYDIA GARDNER,
Clerk of the Circuit and County Courts

Deputy Clerk

FORM 76 – MOTION FOR CLERK’S DEFAULT – RESIDENTIAL EVICTION

FORM 77 – MOTION FOR CLERK’S DEFAULT – DAMAGES (RESIDENTIAL EVICTION)

FORM 78 – MOTION FOR DEFAULT FINAL JUDGMENT – RESIDENTIAL EVICTION

**FORM 79 – MOTION FOR DEFAULT FINAL JUDGMENT – DAMAGES RESIDENTIAL
EVICTION**

FORM 80 – AFFIDAVIT OF DAMAGES

FORM 81 – NON-MILITARY AFFIDAVIT

The tenant will have five days, after service, to file a written response to a complaint for eviction, and 20 days, after service, to file a written response to a complaint for back rent and damages. If the tenant fails to file a written response in that time you are entitled to a judgment by default.

Obtaining the judgment is a two-step process. First, a clerk’s default should be obtained by delivering to the clerk of the court an executed Motion for Clerk’s Default. **Form 76** should be used to obtain a clerk’s default when the tenant has failed to respond to an eviction complaint and **Form 77** should be used to obtain a clerk’s default when the tenant has failed to respond to a complaint for back rent and damages. In order to be entitled to a default, **Form 81**, Nonmilitary Affidavit, must be filed with the clerk.

Second, based on the clerk’s default, a default final judgment should be obtained from the judge handling the case. The default final judgment is obtained by delivering to the court a Motion for Default Final Judgment – Residential Eviction (**Form 78**) and/or a Motion for Default Final Judgment – Damages (Residential Eviction) (**Form 79**) with an Affidavit of Damages (**Form 80**). If you are seeking a Default Final Judgment – Damages (Residential Eviction), a copy of the motion and affidavit must be served on the defendant. The forms provide a certificate of service to be completed establishing proper service of the motion and affidavit.

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord) Plaintiff,
Vs.

MOTION FOR CLERK'S DEFAULT-
RESIDENTIAL EVICTION

(Insert name of Tenant) Defendant,
_____ /

Plaintiff asks the clerk to enter a default against _____, Defendant, for
(name)
failing to respond as required by law to plaintiff's complaint for residential eviction.

Signature

Name of Landlord

Address

CITY, STAT, ZIP CODE

Telephone Number

DEFAULT - RESIDENTIAL EVICTION

A default is entered in this action against the Defendant for eviction for failure to respond as required by law.

DATE: _____

LYDIA GARDNER,
Clerk of the Circuit and County Courts

Deputy Clerk

Cc: _____
(Insert name of Landlord)

(Insert name and address of Tenant)

Approved for use under rule 10-2.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1993

This form was completed
with the assistance of:
Name:
Address:
Telephone Number:

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord)

Plaintiff,

Vs.

MOTION FOR CLERK'S DEFAULT-
DAMAGES (RESIDENTIAL EVICTION)

(Insert name of Tenant)

Defendant,

Plaintiff asks the clerk to enter a default against _____, Defendant, for
(name)
damages, for failing to respond as required by law to plaintiff's complaint for damages.

Signature

Name of Landlord

Address

CITY, STAT, ZIP CODE

Telephone Number

DEFAULT - DAMAGES

A default is entered in this action against the Defendant for eviction for failure to respond as required by law.

DATE: _____

LYDIA GARDNER,
Clerk of the Circuit and County Courts

Deputy Clerk

Cc: _____
(Insert name of Landlord)

(Insert name and address of Tenant)

Approved for use under rule 10-2.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1993

This form was completed
with the assistance of:
Name:
Address:
Telephone Number:

FORM 77

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord)

Plaintiff,

Vs.

**MOTION FOR DEFAULT FINAL
JUDGMENT - (RESIDENTIAL EVICTION)**

(Insert name of Tenant)

Defendant,

Plaintiff asks the court to enter a Default Final Judgment against _____
(Name)

Defendant, for residential eviction and says:

1. Plaintiff filed a complaint alleging grounds for residential eviction of Defendant.
2. A Default was entered by the Clerk of this Court on _____
(Date)

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment for Residential Eviction against Defendant.

Signature

Name of Landlord

Address

CITY, STAT, ZIP CODE

Telephone Number

Cc: _____
(Insert name and address of Tenant)

Approved for use under rule 10-2.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1993

This form was completed
with the assistance of:
Name:
Address:
Telephone Number:

FORM 78

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord)

Plaintiff,

Vs.

**MOTION FOR DEFAULT FINAL
JUDGMENT - DAMAGES
(RESIDENTIAL EVICTION)**

(Insert name of Tenant)

Defendant,

Plaintiff asks the court to enter a Default Final Judgment against _____,
(Name)

Defendant, for damages and says:

3. Plaintiff filed a complaint for damages against Defendant.
4. Defendant has failed to timely file an answer and a Default has been entered by the Clerk of this Court on _____
(Date)
5. In support of this Motion, Plaintiff submits the attached Affidavit of Damages.

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment against Defendant.

I CERTIFY that I _____ mailed, _____ telefaxed and mailed, or _____ hand delivered a copy of this motion and attached affidavit to the Defendant at _____

(Insert address at which tenant was served and telefax number if sent by telefax)

Signature

Name of Landlord

Address

CITY, STAT, ZIP CODE

Telephone Number

Cc: _____
(Insert name and address of Tenant)

Approved for use under rule 10-2.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1993

FORM 79

This form was completed
with the assistance of:
Name:
Address:
Telephone Number:

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number)

(Insert name of Landlord)

Plaintiff,

AFFIDAVIT OF DAMAGES

Vs.

(Insert name of Tenant)

Defendant,

BEFORE ME, the undersigned authority personally appeared _____,
Who being first duly sworn, says:

1. I am ___ the Plaintiff or ___ the Plaintiff's agent (check appropriate response) in this case and am authorized to make this affidavit.
2. This affidavit is based on my own personal knowledge.
3. Defendant has possession of the property which is the subject of this eviction under an agreement to pay rent of \$_____ per _____.
(Rental Amount) (Week, month, or other payment period)
4. Defendant has not paid the rent due since _____.
(Date of payment tenant has failed to make)
5. Defendant owes Plaintiff \$_____ as alleged in the complaint plus interest.
(Past Due Amount)
6. Defendant owes Plaintiff \$_____ as alleged in the complaint plus interest.
(Amount of other damages)

Name

Acknowledged before me on _____, by _____, who
(Date) (Name)
_____ is personally known to me/ _____ produced _____ as identification
and who _____ did/ _____ did not take an oath.

Approved for use under rule 10-2.1(a) of the
Rules Regulating The Florida Bar
The Florida Bar 1993

NOTARY PUBLIC-STATE OF FLORIDA

Name: _____
Commission No: _____
My Commission Expires: _____

I CERTIFY that I ___ Mailed, ___ telefaxed and mailed, or ___ hand delivered a copy of this motion and attached affidavit to the Defendant at _____

(Insert address at which tenant was served and telefax number if sent by telefax)

This form was completed with the assistance of:
Name:
Address:
Telephone Number:

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number)

(Insert name of Landlord)

Plaintiff,

NONMILITARY AFFIDAVIT

Vs.

(Insert name of Tenant)

Defendant,

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

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

DATED: _____

Signature of Affiant
Name _____
Address _____
Telephone No. _____

Acknowledged before me on _____, by _____, who
(Date) (Name)
_____ is personally known to me/ _____ produced _____ as identification
and who _____ did/ _____ did not take an oath.

Approved for use under rule 10-2.1(a) of the
Rules Regulating The Florida Bar
The Florida Bar 1993

NOTARY PUBLIC-STATE OF FLORIDA

Name: _____
Commission No: _____
My Commission Expires: _____

I CERTIFY that I _____ Mailed, _____ telefaxed and mailed, or _____ hand delivered a copy of this motion and attached affidavit to the Defendant at _____

(Insert address at which tenant was served and telefax number if sent by telefax)

This form was completed with the assistance of:
Name:
Address:
Telephone Number:

FORM 65 – FINAL JUDGMENT – DAMAGES

After the court enters this judgment you should obtain a certified copy of the judgment from the Clerk of the Court and record the certified copy in the public records in any county in which the tenant owns real property. The clerk of the small claims court can probably provide you with information concerning the collection of the amounts owed you. See also Form 67

FORM 66 – FINAL JUDGMENT – EVICTION

When submitting a final Judgment to be entered, **YOU MUST** provide the original plus two (2) copies of the judgment along with two (2) envelopes with postage, one addressed to you the plaintiff and one addressed to the tenant (s).

FORM 67 – WRIT OF POSSESSION

This document should be delivered to the Clerk of the Court after the court enters the final judgment evicting the tenant. The clerk will sign this writ. After the clerk signs this writ, it must be delivered to the sheriff to be served upon the tenant and, if necessary, to forcibly evict the tenant after 24 hours from the time of service.

WHEN OBTAINING A WRIT OF POSSESSION, THE COST TO THE SHERIFF IS \$70.00, MADE PAYABLE TO THE SHERIFF OF ORANGE COUNTY.

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord)

Plaintiff,

FINAL JUDGMENT - DAMAGES

Vs.

(Insert name of Tenant)

Defendant,

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

ADJUDGED the Plaintiff, _____, recover from Defendant,
(Insert Landlord's name)

_____, the sum of \$ _____ on principal, with costs
(Insert Tenant's name)

of \$ _____, all of which shall bear interest at the rate of _____% for the current year and thereafter at the prevailing rate per year as provided for by Florida Statute, for all of which let execution issue.

ORDERED in _____, _____
(Insert city in which court is located) (Insert county in which court is located)
COUNTY, FLORIDA on _____, 20_____.

County Judge

Cc: _____
(Insert name of Landlord)

(Insert name of Tenant)

This form was completed
With the assistance of
Name:
Address:
Telephone Number:
Approved for use under rule 10-21.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1993

FORM 65

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord)

Plaintiff,

FINAL JUDGMENT - EVICTION

Vs.

(Insert name of Tenant)

Defendant,

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

ADJUDGED the Plaintiff, _____, recover from Defendant,
(Insert Landlord's name)

_____, possession of the real property described as follows:
(Insert Tenant's name)

(Insert street address of premises including, if applicable, unit number)

and \$ _____, as court costs, for which let Writs of Possession and Execution now issue. This judgment all of which shall bear interest at the rate of _____% for the current year and thereafter at the prevailing rate per year as provided for by Florida Statute, for all of which let execution issue.

ORDERED in _____,
(Insert city in which court is located) (Insert County in which court is located)

COUNTY, FLORIDA on _____, 20_____.

County Judge

Cc: _____
(Insert name of Landlord)

(Insert name of Tenant)

This form was completed
With the assistance of:
Name:
Address:
Telephone Number:
Approved for use under rule 10-21.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1993
FORM 66

IN THE COUNTY COURT, IN AND FOR ORANGE COUNTY FLORIDA

CASE NO. _____
(Insert case number assigned
By Clerk of the Court)

(Insert name of Landlord) Plaintiff,

(Insert address of Plaintiff)

WRIT OF POSSESSION

(Telephone number)

Vs.

(Insert name of Tenant) Defendant,

STATE OF FLORIDA
TO THE SHERIFF _____ COUNTY FLORIDA.
(Insert county in which rental property is located)

YOU ARE COMMANDED to remove all persons from the following described property in
_____ County, Florida _____
(Insert County in which rental property is located) (Insert street address of
_____ and to
premises including, if applicable, unit number)

put _____ in possession of it after 24 hours notice
(Insert Landlord's name)
posted on the premises.

DATED on _____ day of _____ 20_____.

LYDIA GARDNER
Clerk, County Court

(SEAL)

By: _____
Deputy Clerk

This form was completed
With the assistance of:
Name:
Address:
Telephone Number:
Approved for use under rule 10-21.1(a) of
The Rules Regulating The Florida Bar
The Florida Bar 1993

FORM 67