INSTRUCTIONS FOR FILING A DECLARATORY JUDGMENT

Compiled by Sherry Coker

IMPORTANT – PLEASE READ

IF NOT PROPERLY COMPLETED AND PARTIES NOT PROPERLY SERVED, YOUR CASE MAY BE DISMISSED OR YOU MAY NOT OBTAIN YOUR FINAL JUDGMENT.

A Declaratory Judgment establishes the rights and other legal relations of the parties without providing for enforcement. For example, if you purchased a vehicle or boat and cannot obtain the Certificate of Title from the previous owner, you would need to obtain a judgment declaring your ownership.

NOTE: Be sure to clearly <u>PRINT</u> your name and the Defendant(s) name in the Caption (top) of all of the enclosed documents. Also be sure the Case Number is written in the caption.

<u>REQUIREMENTS TO FILE A CASE.</u> You must be at lease 18 years of age. You may be an individual, a person Doing Business As (d/b/a) or a corporation. A minor child must have a parent or legal guardian file on their behalf.

<u>VENUE.</u> Venue is in the County where the property is located.

<u>JURISDICTION.</u> This action must be brought in the court of competent jurisdiction based on the value of the property. Your claim amount is based on the value of the property. If the amount of your claim is for $8,000 or less, then jurisdiction would be in Small Claims Court. If the amount of your claim is from $8,001 to $50,000, then jurisdiction would be in County Civil Court. THIS PACKET CONTAINS THE DOCUMENTS FOR THESE TWO COURTS.

THIS PACKET IS NOT TO BE USED IF THE AMOUNT OF YOUR CLAIM IS OVER $15,000, WHICH MUST BE FILED IN CIRCUIT COURT. THIS PACKET IS ONLY PREPARED FOR <u>COUNTY COURT</u>.

<u>PROPER NAME AND ADDRESS OF DEFENDANT(S).</u> Before filing your claim, you should make **<u>sure</u>** you have the proper name(s) and address(s) of the party(s) you want to sue.

If you are suing an individual, and if the spouse will be included in the suit, obtain the proper name and street address of the spouse. First names must be used and any alias names, if known. **Avoid using "Mr. and Mrs.".**

If you are suing a corporation, you must know the correct name of the corporation and the state in which it is incorporated. Obtain the name and address of an officer of the corporation: the president, vice president, etc...; or in the absence of any of these, the name and address of the business agent residing in this state; or the name of the resident agent transacting business for the corporation in this state. To find this information, you may write or call: SECRETARY OF STATE OF FLORIDA, Attn: Corporation Division, Tallahassee, Fl. 32304, (850) 488-9000, or locate them on the internet at http://www.sunbiz.org This information is needed for service on the corporation.

If you are suing a partnership, you will need to obtain the names and addresses of **all** of the partners.

Many individuals, partnerships, and corporations do business under a fictitious name, such as: Jim Jones d/b/a Baby World; Jim Jones, Joe Black, a partnership, d/b/a Jones & Black Construction; or XYZ, Incorporated, a Florida corporation, d/b/a Chicken Shack. You cannot sue a fictitious name because it is not an entity. You have the burden of investigating to determine whether individuals, partnerships, or a corporation are doing business under a fictitious name. This information may be determined by calling the Secretary of State, Division of Corporations, the Occupational License Section of the Tax Collector's Office, or the licensing department of the City or County where the principal place of business is located.

FILING YOUR CASE: Using black ink, please complete the enclosed **CIVIL COVER SHEET, NOTICE OF PERMANENT MAILING ADDRESS and STATEMENT OF RESPONSIBILITY** forms and file them with the **Clerk of Court**. A filing fee must be paid to the Clerk of Court. The Clerk can accept cash, personal or business checks, cashier checks or money orders.

Please complete the **COMPLAINT FOR DECLARATORY JUDGMENT** enclosed in this Packet and sign it in the presence of a Deputy Clerk or Notary Public. Be sure to attach any additional explanations, if necessary. **You will need to fully explain to the Court how you obtained ownership and possession of the property. Be Specific. You will also need to explain to the Court the reason you are entitled to ownership. Your explanation of the reason you are entitled to ownership of the property must be CLEAR AND CONVINCING**. If your complaint is based on an instrument of writing such as a Bill of Sale, it will be necessary for you to furnish a copy of such instrument for attachment as an exhibit.

The Defendant(s) will need Service of Process to be served by means of a Summons and a copy of the complaint and all accompanying documents, if any, by a Deputy Sheriff. See **INSTRUCTIONS FOR SUMMONS: PERSONAL SERVICE ON AN INDIVIDUAL** enclosed in this Packet. The Defendant(s) will have twenty (20) days from date of service of the Summons in which to file an Answer to the complaint. The Summons, included in this Packet, must be executed by the Clerk or a Deputy Clerk. If the whereabouts of the Defendant(s) are unknown, you may use Constructive Service provided you make an actual, diligent search to discover the location of, and provide notice to, the Defendant(s). See **INSTRUCTIONS FOR CONSTRUCTIVE SERVICE** enclosed in this Packet.

If the Defendant(s), after having Service of Process by either Summons or Constructive Service, has not responded to the complaint, you may file the **MOTION FOR DEFAULT** and **DEFAULT** included within this Packet with the Clerk of Court.

In addition, please complete and file the **MOTION FOR HEARING** enclosed in this Packet, and provide the Court with stamped envelopes addressed to you and the Defendant for mailing of Order Scheduling Hearing. The Court will set a hearing, which you will need to attend in order to obtain your final judgment.

*****NOTICE*****

ALL PAPERWORK PROVIDED BY THIS OFFICE IS USED FOR 'PRO SE' LITIGANTS ONLY. 'PRO SE' MEANS THAT YOU ARE ACTING AS YOUR OWN ATTORNEY. ACTING AS YOUR OWN ATTORNEY MAKES <u>YOU</u> RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE FILE. FOR EXAMPLE, IF YOU DO NOT RECEIVE A COURT DATE OR NOTICE FROM THE CLERK'S OFFICE OR THE JUDGE, IT IS UP TO YOU TO CONTACT THE JUDGE FOR A HEARING DATE.

THIS PACKET PREPARED BY:

HONORABLE PARKER R. HALL
COUNTY JUDGE
DESOTO COUNTY, FLORIDA
115 EAST OAK STREET, SUITE 201
ARCADIA, FLORIDA 34266

HONORABLE NADIA K. DAUGHTREY
CLERK OF THE COURT
DESOTO COUNTY, FLORIDA
115 EAST OAK STREET
ARCADIA, FLORIDA 34266

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.

I. CASE STYLE

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff (Name and Address)

vs. CASE NO. _____

_____
_____
_____
Defendant (Name and Address)

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
____ Simplified dissolution	____ Professional Malpractice	____ Contracts
____ Dissolution	____ Products Liability	____ Condominium
____ Support – IV-D	____ Auto negligence	____ Real property/ Mortgage foreclosure
____ Support – Non-IV-D	____ Other negligence	____ Eminent Domain
____ URESA – IV-D		____ Other
____ URESA – Non-IV-D		____ Eviction
____ Domestic Violence		____ Small Claims
____ Other domestic relations		

III. Is Jury Trial Demanded in Complaint?

____ Yes
____ No

Date: _____ _____
Plaintiff's signature/Signature of Plaintiff's Attorney

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

NOTICE OF PERMANENT MAILING ADDRESS

I/We, _____, the Plaintiff(s) in the above styled cause of action hereby certify that my/our permanent mailing address is as follows:

_____
_____
_____
Phone: _____

I/WE UNDERSTAND THAT ONLY THIS ADDRESS WILL BE USED BY THE COURT, THE OPPOSING PARTY, AND ANY INTERVENING PARTIES TO THIS CASE FOR THE PURPOSE OF PROVIDING ME WITH:

a. Notice of all future hearings in this case, and
b. Any Court documents and papers pertaining to this case.

I/We understand that all notices and court papers in this case will be sent to me/us only at the above address and that in the event personal service of any court documents is necessary that they will first be attempted to be served at the above listed address unless and until I/We notify the court of my/our new address. I/We also understand that if I/We change my/our permanent mailing address or residence address, I/We must notify the Clerk of Court of my/our new address **in writing** by completion of another form similar to this form at the following address within one week of the change of address and with a copy being furnished to all parties:

CLERK OF COURT
County Civil/Small Claims Division
115 East Oak Street
Arcadia, Florida 34266

I/We have read this document and I/We understand that it is my/our responsibility to keep the Court informed of any change in my/our current address. I/We understand that copies of any court documents and notice of all future hearings which are mailed to my/our current address set forth herein will constitute proper notice and service, and the Court may proceed on all matters noticed and mailed to the above address even if I/We do not appear for said hearing.

Dated: _____ _____
Signature

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

STATEMENT OF RESPONSIBILITY
(Civil Case $15,000.00 or less)

Before filing this case I have considered the following matters and acknowledge that:

1. This case is being filed in the County Court under the Summary Procedure Rules of Court; that it is considered a layman's court; that I, and the Defendant(s), may be represented by an attorney of our individual choice but neither is required to do so, and that the conduct of this case will be in accordance with the rules of procedure and laws of Florida which apply to this case.

2. The naming of proper parties is an important element of the case and the responsibility for naming the proper Plaintiff(s) and Defendant(s) in this case is mine.

3. I am responsible for the furnishing of a correct address or location at which the Defendant(s) can be served or given notice of this suit.

4. I assume responsibility as to my right to file this case for myself or for the named Plaintiff(s).

5. I do not expect the Clerk, who received and files this claim, to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.

6. I am solely responsible for the collection of any judgment entered in my favor.

Dated: _____

_____
Signature
_____
_____
Address
Phone: _____

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Phone)_____
Plaintiff,

vs. CASE NO. _____

_____
_____
_____
(Phone)_____
Defendant.

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff, _____ sues Defendant, _____ _____, and alleges:

1. This is an action for ownership of personal property located in _____ _____ County, Florida.

2. The description of the property is:_____ _____ _____.

To the best of Plaintiff's knowledge, information and belief, the value of the property is $_____.

3. Plaintiff submits the following as proof of ownership:_____ _____ _____

(attach evidence).

4. Plaintiff is entitled to this property because:_____

_____

_____

_____

_____.

WHEREFORE, Plaintiff demands judgment for ownership of the above-described property.

_____
Plaintiff's Signature

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20___.

_____
Notary Public/Deputy Clerk

INSTRUCTIONS FOR SUMMONS:
PERSONAL SERVICE ON AN INDIVIDUAL

When should this form be used?

This form should be used to obtain **personal service** on the Defendant when you begin your lawsuit. **Service** is required for **all** documents filed in your case. Service means giving a copy of the required papers to the other party using the procedure that the law requires. Generally, there are two ways to make service: (1) personal service, or (2) constructive service.

You will need to find out how much the sheriff charges to serve the papers. The fees to the Sheriff's Department must be paid separate from the filing fee and are paid directly to the Sheriff's Department. Personal checks are not accepted. You should attach to the summons a cashier's check or money order made payable to the sheriff and deliver all of the paperwork and the fee to the sheriff yourself.

Personal service is required for the Complaint filed by you in this case. You cannot serve this paper on the Defendant yourself or by mail or by hand delivery. Personal service must be made by the Sheriff's Department in the county where the Defendant lives or works or by a private process server certified in the county where the Defendant lives or works.

In many counties, there are private process servers who, for a fee, will personally serve the summons and other documents that require personal service. You should look under **"process servers"** in the yellow pages of the telephone book for a list of private process servers in your area.

How do I start?

When you begin your lawsuit, you need to complete this form (summons). The forms should be typed or printed legibly in black ink. Next, you will need to take these forms and, if you have not already done so, **file** your Complaint with the **Clerk of Court** in the county where the property is located. You should keep a copy of the forms for your records. The Clerk will sign the summons, and then the summons, with a copy of the Complaint attached, must be delivered to the appropriate Sheriff's Department or to a private process service for service on the Defendant.

IF THE DEFENDANT CANNOT BE LOCATED OR DOES NOT LIVEFD IN FLORIDA: If, after you have made diligent effort to locate the Defendant, you absolutely cannot locate the Defendant, you may serve the Defendant by publication. Service by publication is also known as **constructive service**. You may also be able to use constructive service if the other party does not live in Florida. See the **INSTRUCTIONS FOR CONTRUCTIVE SERVICE** enclosed in this Packet.

Special notes…

If you have been unable to obtain proper service on the Defendant within **120 days** after filing your lawsuit, the court will dismiss your lawsuit against the Defendant unless you can show the court a good reason why service was not made within **120 days.** For this reason, if you had the sheriff serve the papers, you should check with the clerk every couple weeks after completing the service papers to see if service has been completed. You may need to supply the sheriff with a new or better address.

If the Defendant fails to respond, i.e., fails to file a written response with the court, within **20 days** after the service of the summons, you are entitled to request a **default.** See the instructions to **Motion for Default** and **Default** for further information.

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
Plaintiff,

vs. CASE NO. _____

_____
Defendant.

SUMMONS

IMPORTANT

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the court you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 dias, contados a partir del ricibo de esta notificacion, para contester la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defense, debe presenter su respuesta por escrito, incluyendo el numero del daso y los numbers de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado immediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de assistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante al tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANTE

Des poursuites judiciaries ont ete enterprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes obliges de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le relai requis, vos risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocet. Si vos 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 deposer vous meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir, ou expediter une copie de votre reponse ecrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocet) nomme cidessous.

_____
Plaintiff/Plaintiff's Attorney

_____

_____
Address
Florida Bar No. _____

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 _____.

NADIA K. DAUGHTREY
CLERK OF COURT

(SEAL)

By: _____
Deputy Clerk

INSTRUCTIONS FOR CONSTRUCTIVE SERVICE

When should this form be used?

This form may be used to obtain **constructive service** (also called service by publication) in a case if you do not know where the Defendant lives or if the Defendant lives outside Florida and you are unable to obtain **personal service.** However, if you use constructive service, the court may grant only limited relief because its jurisdiction is limited. This is a complicated area of the law, and you may wish to consult an attorney before using constructive service.

You must also complete and file an **AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY**, which is included in this Packet. This form includes a checklist of places you can look for information on the location of the Defendant(s). While you do not have to look in all of these places, the Court must believe that you have made a very serious effort to get information about the Defendant(s) location and that you have followed up on any information you received.

You should also complete and file a **NOTICE OF ACTION** with the Clerk for their execution of same. After the Clerk has signed this form, you must deliver it to a qualified local newspaper to be published for four (4) consecutive weeks. When in doubt, ask the Clerk which newspapers in your area are "qualified". The newspaper will charge you for this service.

Be sure to keep copies of the Affidavit of Diligent Search and Inquiry and Notice of Action for your records.

Special notes…

If the Defendant fails to respond to your Complaint within the time limit stated in the Notice of Action that is published, you are entitled to request a **default**. See **ISTRUCTIONS FOR MOTION FOR DEFAULT AND DEFAULT** enclosed in this Packet.

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
Plaintiff,

vs. CASE NO. _____

_____
Defendant.

AFFIDAVIT OF DILIGENT SEARCH AND INQUIRY

I, (full legal name) _____, being sworn, certify that the following information is true:

1. I have made diligent search and inquiry to discover the name and current residence of Defendant: (Specify details of search) **Refer to checklist below and identify all actions taken (any additional information included such as the date the action was taken and the person with whom you spoke is helpful) (attach additional sheet if necessary):**

[X all that apply]

____ United States Post Office inquiry through Freedom of Information Act for current address or relocations.

____ Last known employment of Defendant, including name and address of employer. You should also ask for any addresses to which W-2 Forms were mailed, and, if a pension or profit-sharing plan exists, then for any addresses to which any pension or plan payment is and/or has been mailed.

____ Unions from which Defendant may have worked or that governed particular trade or craft.

____ Regulatory agencies, including professional or occupational licensing.

____ Names and addresses of relatives and contacts with those relatives, and inquiry as to Defendant's last known address. You are to follow up any leads of any addresses where Defendant may have moved. Relatives include, but are not limited to: parents, brothers, sisters, aunts, uncles, cousins, nieces, nephews, grandparents, great-grandparents, former in-laws, stepparents, stepchildren.

____ Information about the Defendant's possible death and, if dead, the date and location of the death.

____ Telephone listings in the last known locations of Defendant's residence.

____ Internet at http://www.switchboard.com or other Internet people finder or the library checked for me.

____ Law enforcement arrest and/or criminal records in the last known residential area of Defendant.

____ Highway Patrol records in the state of Defendant's last known address.

____ Department of Motor Vehicle records in the state of Defendant's last known address.

____ Department of Corrections records in the state of Defendant's last known address.

____ Title IV-D (child support enforcement) agency records in the state of Defendant's last known address.

____ Hospitals in the last known area of Respondent's residence.

____ Utility companies, which include water, sewer, cable TV, and electric, in the last known area of Defendant's residence.

____ Letters to the Armed Forces of the U. S. and their response as to whether or not there is any information about Defendant.

____ Tax Assessor's and Tax Collector's Office in the area where Defendant last resided.

____ Other: (explain) _____

_____

_____

_____

2. The age of Defendant is {**X one** only] (__) known {enter age} _____ **or** (__) unknown.

3. Defendant's current residence

[**X one** only]

____ a. Defendant's current residence is unknown to me.

____ b. Defendant's current residence is in some state or country other than Florida, and Defendant's last known address is: _____ _____.

____ c. The Defendant, having residence in Florida, has been absent from Florida for more than 60 days prior to the date of this affidavit, or conceals him(her)self so that process cannot be served personally upon him or her, and I believe there is no person in the state upon whom service of process would bind this absent or concealed Defendant.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

_____
Signature of Plaintiff

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

STATE OF FLORIDA,
COUNTY OF _____.

Sworn to or affirmed and signed before me on _____ by _____.

_____
Notary Public or Deputy Clerk

____ Personally known

____ Produced identification

Type of identification produced _____

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
Plaintiff,

vs. CASE NO. _____

_____
_____
Defendant.

NOTICE OF ACTION

TO: _____

YOU ARE NOTIFIED that an action for establishment of ownership of personal property described as: _____
_____
has been filed against you and you are required to serve a copy of your written defenses, if any, to it on Plaintiff, _____, whose address is: _____
_____, on or before _____, 20___, and file the original with the Clerk of this Court immediately thereafter; otherwise a Default will be entered against you for the relief demanded in the Complaint.

DATED on _____.

NADIA K. DAUGHTREY
As Clerk of the Court

By: _____
Deputy Clerk

INSTRUCTIONS FOR MOTION FOR DEFAULT and DEFAULT

When should these forms be used?

If the Defendant has failed to **file** or **serve** any documents within the 20 days after the date of service of your complaint by **Summons** or by the date shown in the **Notice of Action** you may ask the **Clerk of Court** to enter a **default** against him or her by filling out this form and filing it with the Court. Generally, a default allows you to obtain an earlier **final hearing** to finish your case. Once the default is signed by the Clerk, you can request the Clerk to submit the entire case to the Judge.

To obtain a default, you will need to complete **MOTION FOR DEFAULT**. You will then need to file your motion for default along with the **DEFAULT** so that the Clerk can enter a default for you if your motion is proper.

This form should be typed or printed in black ink. After completing this form, you should file the original with the **Clerk of Court** in the county where you filed your complaint and keep a copy for your records.

What should I do next?

Please complete and file the enclosed **MOTION FOR HEARING** with the Clerk of Court who will present your motion to the Court for scheduling of hearing. Please submit stamped envelopes addressed to you and the Defendant(s) for mailing of Order Scheduling Hearing by the Court.

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
Plaintiff,

vs. CASE NO. _____

_____
Defendant.

MOTION FOR DEFAULT

TO THE CLERK OF THE COURT:

PLEASE ENTER A DEFAULT AGAINST DEFENDANT(S) WHO HAS FAILED TO RESPOND TO THE COMPLAINT.

I certify that a copy of this document was [**X one** only] (__) mailed (__) faxed and mailed (__) hand delivered to the Defendant on _____.

Dated: _____

_____
Signature of Plaintiff

_____

_____
Address
Phone: _____

DEFAULT

A default is entered in this action against Defendant(s) for failure to serve or file a response or any paper as required by law.

Dated: _____

NADIA K. DAUGHTREY
Clerk of Court

(SEAL)

By: _____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____,
Plaintiff,

vs. CASE NO. _____

_____,
Defendant.
_____/

MOTION FOR HEARING

Plaintiff(s), _____,
files(s) this motion for hearing and allege(s):

1. Plaintiff(s) has filed a Complaint for Declaratory Judgment with this Court.
2. That Plaintiff(s) are entitled to a hearing on this matter because: (check **one** only):

___ a. The Defendant(s) have been served by Service of Process and have failed to file a written response and a default has been entered against him/her.

___ b. The Defendant(s) have been served by Service of Process and have responded and the matter is now at issued.

WHEREFORE, Plaintiff(s) ask(s) this court to set a hearing in this matter.

Signed this _____ day of _____.

_____
Plaintiff's signature

_____

_____

_____
Plaintiff's Name and Address

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the Defendant(s), _____
at _____
this _____ day of _____, by U. S. Mail.

_____
Plaintiff