TENANT EVICTION PACKET
FOR NON-PAYMENT OF RENT ONLY
BY OWNER

(THIS PACKET DOES NOT APPLY TO COMMERCIAL PROPERTY NOR MOBILE HOME PARKS.)

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.

THIS EVICTION PACKET IS FOR FILING BY AN OWNER OR THEIR ATTORNEY.

This Eviction Packet may be used for evictions of mobile home and lot or the lot only so long as the property is not in a mobile home park of ten or more lots/spaces.

The **Filing Fee** for an eviction is **$185.00** plus an additional **$10.00** per summons per person payable in check to **NADIA K. DAUGHTREY,**

A **THREE DAY NOTICE TO PAY RENT OR VACATE** must be completed. Make a copy of the Notice for yourself and serve the original to the Defendant or the person who lives with the Defendant or post it at the residence of the Defendant. Once you have given the person the Notice, he/she has **three (3) full days**, excluding weekends and legal holidays, to pay the rent. (For example, if the notice was given on Friday, skip Saturday and Sunday and begin counting on Monday, three (3) days.) The tenant has through to the end of the third day to pay. If the tenant(s) has not moved or paid the rent by the fourth (4th) day, make a copy of the Three Day Notice for the court file to be submitted with the remaining forms.

IT IS IMPORTANT THAT THE THREE DAY NOTICE HAVE THE LANDLORD'S NAME, ADDRESS AND PHONE NUMBER WITHIN IT. IF IT DOES NOT, YOUR CASE WILL BE DISMISSED BY THE COURT. IF YOU ONLY LIST A POST OFFICE BOX FOR LANDLORD'S ADDRESS YOU MUST ALLOW THE TENANT AN ADDITIONAL FIVE (5) DAYS FOR MAILING.

FILING THE EVICTION: On the fourth (4th) day, you may file the following forms, together with the copy of the Three Day Notice. Using black ink, please complete the **NOTICE OF PERMANENT MAILING ADDRESS and STATEMENT OF RESPONSIBILITY** enclosed in this packet**.** Type or clearly print the addresses of the parties, then sign and date the form and file them with the Clerk of Court.

Please complete the **COMPLAINT FOR TENANT EVICTION (NON-PAYMENT OF RENT)** by typing or clearly printing the addresses of the parties and fill in the appropriate blank lines. Sign the complaint before a notary public or a deputy clerk. **Make a copy of any written lease for the court file.** Make a copy of the Complaint, written lease, if any, and Three Day Notice for each Defendant and for your records. **If you have the Clerk's Office make copies for you, you will be charged $1.00 per page.**

> **Count I** applies to possession of the property. The Clerk's office will prepare a **Summons** advising the tenant(s) to submit a written response, along with the money owed to the Clerk's office within five (5) days (not including the day of service, weekends, or holidays).

Enclosed is the CERTIFICATE OF MAILING you are to provide the Clerk for certifying that the Complaint and Summons were mailed to Defendant(s). Please complete the CERTIFICATE OF MAILING by typing or printing the addresses of the parties at the top and the Defendant's name and address in the body of the certificate. The Clerk is to immediately mail a copy of the summons and the copy of the complaint you provided by first class mail (<u>you are to provide the stamped envelope</u>). Service on the Defendant shall be effective on the date of posting or mailing, whichever occurs later. At least 5 days must elapse from the date of service before a judgment for final removal of the Defendant may be entered. If service is not completed as described above, a judgment for final removal of Defendant will not be entered by the Court.

IF YOU ARE EVICTING A HUSBAND AND WIFE, YOU WILL NEED A SUMMONS ISSUED FOR EACH OF THEM AND HAVE THE SHERIFF'S OFFICE SERVE EACH OF THEM.

You are to take the summons packet to the Sheriff's Office to have the Defendant(s) served. A service fee of $40.00 per person is required by the DeSoto County Sheriff's Office, payable directly to them. You will receive a copy of the Summons for your records from the Clerk's office at no charge.

If a written response and the back rent is deposited with the Clerk's office **OR** a written response with supporting documents is filed indicating back rent is not owed, a court date may be scheduled with the Court as soon as possible. Notification of the hearing date will be mailed to both parties. At the hearing, the Court will make the determination if the tenant should be made to move.

If the tenant(s) **fails** to file a written response, complete the forms in the **Default Package for Count I** and follow the directions in order to regain possession of the property.

If a Final Judgment for Possession is entered by the Court, the Clerk's office will prepare a **Writ of Possession**. You will take the Writ of Possession, together with the completed **INFORMATION SHEET ON AND DESCRIPTION OF DEFENDANT(S) TO GO WITH WRIT OF POSSESSION**, to the Sheriff's Office. The Sheriff's Office will require a service fee of $90.00 for service. At this time, the tenant must leave the premises giving you back your property.

> **Count II** applies to the back rent. The summons will instruct the tenant(s) to file a written response within twenty (20) days (including weekends and holidays).

If a response is filed, a hearing will be scheduled. Notification of the hearing date will be mailed to both parties.

If a response is **not** filed, complete the forms in the **Default Package for Count II** and follow the directions in order to obtain a money 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 YOU RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE FILE. FOR EXAMPLE, IF YOU DO NOT RECEIVE A COURT DATE OR NOTICE FROM THIS 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 COURT JUDGE
DESOTO COUNTY, FLORIDA
115 EAST OAK STREET
ARCADIA, FLORIDA 34266

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

THREE DAY NOTICE TO PAY RENT OR VACATE

TO: _____
Tenant's Name

_____ _____
_____ _____
Street Address **Mailing Address**

FROM: _____
Landlord's Name

DATE: _____

You are hereby notified that you are indebted to me in the sum of $_____ for the rent and use of the premises at: _____ _____, Florida, now occupied by you and that I demand payment of the rent in full or possession of the premises within three (3) 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 delivery of this notice, excluding the date of delivery, Saturday, Sunday, and legal holidays).

_____ _____
Signature Printed Name of Landlord/Property Owner

_____ _____
Address City, State and Zip Code

_____
Telephone

PROOF OF SERVICE

I, the undersigned, being at least 18 years of age, declare under penalty of perjury that I served the Three Day Notice, of which this is a true copy, on the above-mentioned Tenant in possession in the manner(s) indicated below:

____ On _____, 20___, I handed the Notice to the tenant.
____ I handed the Notice to a person of suitable age (over 15 years of age) and discretion at the tenant's residence on _____, 20___.
____ I posted the Notice in a conspicuous place at the tenant's residence on _____, 20___.

Executed on _____, 20___.

_____
Owner

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
Attn: County Civil
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
Landlord - Tenant Action

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 Landlord and Tenant Law of Florida, Chapter 83 Florida Statutes and as set forth in Chapter 51. 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) realizing that if the plaintiff is a corporation that such plaintiff may be required to be represented by an attorney.
5. I do not expect the Clerk who receives 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

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Name and Address
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Name and Address
Defendant(s).

COMPLAINT FOR TENANT EVICTION
(Non-Payment of Rent)

COUNT I

Plaintiff sues defendant and alleges:

1. This is an action to evict a tenant from real property in DeSoto County, Florida. This is not a mobile home in a park of ten or more lots/spaces. This is not commercial property.

2. Plaintiff(s) owns the following-described real property, to-wit: _____ _____.

3. That the defendant(s) has possession of the property under (**Check one**) ___ oral ____ written agreement (copy attached) to pay rent of $_____ per _____ for a total of $_____.

4. The agreement to pay rent (check **one**) ___ **does** ___ **does not** apply to a mobile home. If mobile home, the agreement covers (check **one**) ___ **mobile home and lot** ___ **lot only.**

5. Defendant(s) failed to pay rent due on _____, 20___.

6. Plaintiff(s) served defendant(s) with a notice on _____, 20___, to pay the rent or deliver possession but defendant(s) refuses to do either. A copy of the Notice is attached.

7. Plaintiff(s) (**Check one**) ___ has ___ has not received any payment since the Notice was delivered.

WHEREFORE, plaintiff(s) demands judgment for possession of the property against defendant(s).

COUNT II

Plaintiff(s) sue(s) defendant(s) and alleges:

1. This is an action for damages in the amount of $_____ that is due for rent for the period of _____, plus any additional rent that may accrue to the time of the hearing for damages, together with court costs. The court may also award physical damages.

WHEREFORE, plaintiff(s) demand(s) judgment for damages against defendant(s).

_____
Signature of Plaintiff or Agent

_____

_____
Address
Telephone: _____

STATE OF FLORIDA,
COUNTY OF _____.

SWORN TO and subscribed before me by _____, who is personally known to me or produced _____ as identification this _____ day of _____, _____.

_____
Notary Public or Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs.

_____ CASE NO. _____
_____
_____
Defendant(s).

EVICTION SUMMONS/RESIDENTIAL

TO: (Defendant(s) name and address)
_____
_____
_____

PLEASE READ CAREFULLY

You are being sued by (insert landlord's name)
_____
_____to require you to move out of the property located at 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 Saturdays, Sundays, or legal holidays) 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 TO CHALLENGE THE EVICTION ARE AS FOLLOWS:

1. Write down the reason(s) why you think you should not be forced to move. (You may use Florida Supreme Court Form 1.947(b), Answer—Residential Eviction, to do this.) The written reason(s) must be given to the clerk of the court at the DeSoto County Courthouse, 115 East Oak Street, Arcadia, FL 34266.

2. Mail or take a copy of your written reason(s) to: (insert landlord's name and address)
   _____
   _____

3. Pay the Clerk of Court the rent that is due. You MUST pay the Clerk of the Court the rent each time it becomes due until the lawsuit is over. Whether you win or lose the lawsuit, the judge may release this rent to the landlord. [By statute, public housing tenants or tenants receiving rent subsidies must be required to pay only that portion of the full rent for which the tenant is responsible under the federal, state, or local program in which they are participating.] **NO CHECKS ACCEPTED.**

4. If you and the landlord do not agree on the amount of rent owed, you must file a written request (motion) that asks the judge to decide how much money you must pay to the Clerk of the Court. The written request must be filed with your answer to the eviction complaint. A copy of your motion must also be mailed or hand delivered to the plaintiff(s) attorney, or if the plaintiff(s) has no attorney, to the plaintiff.

IF YOU DO NOT DO ALL OF THESE THINGS WITHIN 5 DAYS (NOT INCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS FOR YOUR COURTHOUSE) YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.

SUMMONS ACTION FOR BACK RENT OR OTHER DAMAGES

Each defendant is further required to serve written defenses to the demand for back rent or any other damages alleged in the complaint on the above (insert landlord's name and address)_____within 20 days after service of this summons on the defendant, exclusive of the day of service, and to file the original of the written defenses with the Clerk of the Court either before service on (insert landlord's name)_____or thereafter. If you fail to do so, a default may be entered against the defendant for the relief demanded in that portion of the complaint.

You may want to call a lawyer right away. If you do not know a lawyer, you can contact the Lawyer Referral Service on The Florida Bar's website. If you cannot afford a lawyer, you may be eligible for free legal aid. You can locate legal aid programs by searching for "legal aid" on The Florida Bar's website.

If you cannot afford an attorney, you may contact Florida Rural Legal Services at (239) 334-4554 (Ft. Myers) or https://www.frls.org. If you do not qualify for free legal assistance or do not know an attorney, you may use an attorney referral service or contact the Florida Bar Referral Service at (800) 342-8011 or https://www.floridabar.org/public/lrs/.

This space left blank

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
DESOTO CLERK OF COURTS

(COURT SEAL)

By: _____
Deputy Clerk
115 East Oak Street, Arcadia, FL 34266

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the DeSoto Clerk of Court at 863-993-4876 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff

Vs. Case No._____

_____
_____
_____
Defendant

CERTIFICATE OF MAILING

I, NADIA K. DAUGHRTEY, Clerk of the County Court, do hereby certify that pursuant to Florida Statutes 48.183, the landlord has provided the Clerk of the Court with copies of the complaint and pre-stamped envelopes addressed to the defendant(s) and complaint were mailed to:

I further certify that the filing of this Certificate of Mailing has been properly docketed and on the date below copies of the summons and complaint were mailed to:

_____
_____
_____

Service shall be effective on the date of posting or mailing, whichever occurs later; and at least 5 days from the date of service must have elapsed before a judgment for final removal of the defendant may be entered.

Dated on: _____

NADIA K. DAUGHTREY
Clerk of the Court
Desoto County, Florida

By: _____
Deputy Clerk

Attachment "A"

IN THE COUNTY COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR DESOTO/MANATEE/SARASOTA COUNTY, FL

_____,
Plaintiff/Landlord

v.

Case No.: _____

_____,
Defendant/Tenant

CONSENT TO CASE CLOSURE AFTER 90 DAYS OF INACTIVITY

Plaintiff/Landlord does hereby consent to the closure of this case upon 90 days of inactivity.

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail, email service, or initial service of process to the above-named Defendant(s)/Tenant(s) at this address:

_____

_____.

Dated this _____ day of _____, 20___.

_____
Plaintiff/Landlord

DEFAULT PACKAGE
FOR COUNT I
(POSSESSION)

Motion for Clerk's Default - Residential Eviction (Count I)
Type or clearly print the names of the parties and fill in the appropriate blank lines. Present the form to the Clerk's office and a deputy clerk will verify that a response has not been filed within the five (5) daytime limit. If a response has not been filed, the Clerk will enter the Default - Residential Eviction.

Affidavit in Proof of Claim and Non-Military Service (Count I)
Type or clearly print names of the parties and fill in the appropriate blank lines. Please sign this form before a notary public or a deputy clerk.

Motion for Final Judgment for Possession - Residential Eviction (Count I)
Type or clearly print the names of the parties and fill in the appropriate blank lines. Present the form to the Clerk's office.

If the Court signs the Final Judgment of Possession - Count I, the Clerk's office will issue a **WRIT OF POSSESSION**. Please complete the **INFORMATION ON AND DESCRIPTION OF DEFENDANT(S) TO GO WITH WRIT OF POSSESSION** for use by the Sheriff's Department. You may then deliver the Writ of Possession to the DeSoto County Sheriff's Office for service. A payment of $90.00 must be made payable to the DeSoto County Sheriff's Office for service of the Writ of Possession. The Sheriff's Office will serve the Writ of Possession indicating the tenant has twenty-four (24) hours to evacuate the premises, not including weekends or holidays. The Sheriff's office will contact the plaintiff to arrange a date and time to evict the tenant.

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Defendant(s).

MOTION FOR CLERK'S DEFAULT -
RESIDENTIAL EVICTION
(COUNT I)

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

_____
Plaintiff's signature

_____
_____
Address
Phone: _____

DEFAULT - RESIDENTIAL EVICTION

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

Dated: _____

NADIA K. DAUGHTREY
CLERK OF COURT

BY: _____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Defendant(s).

AFFIDAVIT IN PROOF OF CLAIM AND NON-MILITARY SERVICE
COUNT I

STATE OF FLORIDA,
COUNTY OF DESOTO.

Before me, the undersigned authority, personally appeared _____ _____, who being duly sworn, deposes and says:

1. That he/she is the Landlord of rented premises located in DeSoto County, Florida, described as follows: _____ _____.

2. That Defendant(s) _____ rented the subject premises from the Landlord agreeing to pay the rent of $_____ per [ ] week, [ ] month, [ ] other _____.

3. The Defendant(s) failed to pay the rent due on _____, whereupon the Landlord, on the _____ day of _____, 20___, served a three (3) day notice demanding payment of the rent or possession of the premises.

4. The Defendant(s) failed to comply with either of the demands of the notice within the applicable time period.

5. The Defendant(s) owe(s) the Landlord $_____ for **past-due rents** as of the date of this affidavit.

6. In addition, the Landlord has paid a filing fee in the amount of $_____ and a service of process fee in the amount of $_____.

7. Therefore, as of the filing of this affidavit the Defendant(s) are indebted to Plaintiff for the total amount of $_____ which amount is comprised of past due rents and fees.

8. The Defendant(s) is/are not now nor has/have been in the military service of the United States of America since the institution of this action.

_____

Landlord

STATE OF FLORIDA,
COUNTY OF DESOTO.

The foregoing instrument was acknowledged before me this _____ day of _____ _____, 20___, by _____ who is personally known to me or who has produced _____ as identification and who [ ] did [ ] did not take an oath.

_____
Notary public or deputy clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Defendant(s).

MOTION FOR FINAL JUDGMENT FOR POSSESSION - RESIDENTIAL EVICTION (COUNT I)

Plaintiff(s) asks the court to enter a Final Judgment for Possession against _____, the Defendant(s) for residential eviction and says:

1. Plaintiff filed a complaint alleging grounds for residential eviction of Defendant(s).

2. A Default was entered by the Clerk of Court on _____.

WHEREFORE, Plaintiff asks this court to enter a Final Judgment for Possession against Defendant(s).

Dated: _____

_____
Plaintiff's signature

DEFAULT PACKAGE
FOR COUNT II
(BACK RENT)

Motion for Clerk's Default - Damages (Residential Eviction) - Count II
Type or clearly print the names of the parties and fill in the appropriate blank lines. Present the form to the Clerk's office and a clerk will verify if a response has been filed or not within the twenty (20) daytime limit. If a response has not been filed, the Clerk will enter the Default - Damages.

Affidavit of Proof of Landlord's Claim for Past Due Rent - Count II
Type or clearly print the names of the parties and fill in the appropriate blank lines. Attach an itemized list of the damages. Please sign before a notary public or deputy clerk, then present to the Clerk's office.

Motion for Default Final Judgment - Damages (Count II)
Type or clearly print the names of the parties in the appropriate blank lines. Present the Motion to the Clerk's office.

If the court signs the Default Final Judgment - Damages (Count II), copies will be mailed.

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Defendant(s).

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

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

Dated: _____

_____
Plaintiff's signature

_____
_____
Address
Phone: _____

DEFAULT - DAMAGES

A default is entered in this action against the Defendant(s) for damages for failure to respond as required by law.

Dated: _____

NADIA K. DAUGHTREY
CLERK OF COURT

BY: _____
Deputy Clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Defendant(s).

AFFIDAVIT IN PROOF OF LANDLORD'S CLAIM FOR PAST DUE RENT
COUNT II

STATE OF FLORIDA,
COUNTY OF DESOTO.

Before me, the undersigned authority, personally appeared _____ _____, who being duly sworn, deposes and says:

1. That he/she is the [ ] owner [ ] landlord of the property involved in this lawsuit, and that the Defendant(s) defaulted in the lease agreement by failing to make rental payments.

2. The rent was $_____ per [ ] week [ ] month [ ] other.

3. Defendant(s) owe(s) $_____ to Plaintiff for the period from ____ _____ to _____ being (number) _____ full [ ] weeks [ ] months and (number) _____ days at $_____ per day, plus late charges, if any, of $_____ per day for _____ days.

4. Plaintiff holds a security deposit from the Defendant(s) in the amount of $_____.

THE BALANCE DUE IS: AMOUNT OWED $_____
AMOUNT CREDITED $_____
NET BALANCE OWED $_____

Further affiant sayeth not.

_____
Signature and Title

STATE OF FLORIDA,
COUNTY OF DESOTO.

The foregoing instrument was acknowledged before me this ____ day of _____ _____, 20___, by _____, who is personally known to me or who has produced _____as identification and who [ ] did [ ] did not take an oath.

_____
Notary Public or deputy clerk

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
Defendant(s).

MOTION FOR FINAL JUDGMENT - DAMAGES
(RESIDENTIAL EVICTION)
COUNT II

Plaintiff asks the court to enter a Default Final Judgment against _____ _____ Defendant(s), for damages, and says:

1. Plaintiff filed a complaint for damages against the Defendant(s).

2. Defendant(s) has failed to timely file an answer and a Default has been entered by the Clerk of Court on _____.

3. In support of this Motion, Plaintiff submits the attached Affidavit in Proof of Landlord's Claim for Past Due Rent.

WHEREFORE, Plaintiff asks this Court to enter a Default Final Judgment - Damages Count II against Defendant(s).

Dated: _____

_____
Plaintiff's signature

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

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

vs. CASE NO. _____

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

INFORMATION ON AND DESCRIPTION OF DEFENDANT(S)
TO GO WITH WRIT OF POSSESSION
(This is information for Sheriff's Department for purposes of identification)

DEFENDANT NO. 1:

1. Defendant's last known place of employment: _____
_____.
Address of employment: _____.
Working hours: _____.

2. Physical description of Defendant:
Race: _____ Sex: Male ___ Female ___ Date of Birth or Age: _____
Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____ Distinguishing marks and/or scars: _____.
Other names Defendant goes by (aliases or nicknames): _____.

DEFENDANT NO. 2:

3. Defendant's last known place of employment: _____
_____.
Address of employment: _____.
Working hours: _____.

4. Physical description of Defendant:
Race: _____ Sex: Male ___ Female ___ Date of Birth or Age: _____
Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____
Distinguishing marks and/or scars: _____.
Other names Defendant goes by (aliases or nicknames): _____.

DATED: _____

_____
Signature of Landlord/Plaintiff
_____
_____
Address
Phone: _____

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
Plaintiff(s),

vs.
_____ CASE NO. _____
_____
_____
Defendant(s).

ANSWER—RESIDENTIAL EVICTION

1. The defendant answers the complaint as follows:
(Check ONLY 1, a. or b.)

_____a. Defendant generally denies each statement of the complaint.
_____b. Defendant admits that all the statements of the complaint are true EXCEPT:
_____(i) The following statement(s) in paragraph(s) of the complaint is/are false. Please explain:
_____
_____
_____
_____
_____
_____
_____(ii) I do not know whether the information in paragraph(s) of the complaint is/are true or false, so I am denying them.

2. If you write down any defense other than payment of rent, then you must take one of the following steps:
_____a. If you agree with the landlord about the rent owed, then you must pay the rent owed into the court registry when you file this response.
_____b. If you disagree with the landlord about the rent owed for any reason, then you must check box 3(b) below and describe with detail why you disagree.
_____c. You MUST pay the Clerk of the Court the rent each time it becomes due until the lawsuit is over.
If you fail to follow these instructions, then you will lose your defenses. You will not have a hearing in your case and you may be evicted without a court date.

3. The defendant sets forth the following defenses to the complaint:
(Check ONLY the defenses that apply, and state brief facts to support each checked defense.)
_____a. The landlord did not make repairs, and I withheld my rent after sending written notice to the landlord. (Attach a copy of the written notice to the

landlord.) Please explain:
_____
_____
_____
_____
_____b. I do not owe the total amount of rent or ongoing amount of rent the landlord claims I owe. I am also asking this court to determine the amount of rent that must be deposited into the court registry and requesting a hearing. **(Motion to Determine Rent.)** Please explain:_____
_____
_____
_____
_____
_____
_____c. I attempted/offered to pay all the rent due before the notice to pay rent expired, but the landlord did not accept the rent payment. Please explain:_____
_____
_____
_____
_____
_____
_____d. I paid the rent demanded by the landlord in the notice to pay rent. Please explain:_____
_____
_____
_____
_____
_____e. The landlord waived, changed, or canceled the notice that required me to move out of the residence. Please explain:_____
_____
_____
_____
_____
_____f. The landlord filed the eviction in retaliation against me. For example, the tenant has complained to a governmental agency charged with responsibility for enforcement of building, housing, or health codes of a suspected violation, or tenant has complained directly to the landlord. Please explain:_____
_____
_____

_____
_____
_____
_____g. The landlord filed the eviction in violation of the Federal Fair Housing Act and/or the Florida Fair Housing Act. Please explain:_____
_____
_____
_____
_____
_____h. The landlord accepted rent from me after sending me the notice to terminate. Please explain:_____
_____
_____
_____
_____
_____i. I already corrected the violations claimed by the landlord on the notice to terminate. Please explain:
_____
_____
_____
_____
_____
_____j. The landlord is not the owner of the property where I live. Please explain:_____
_____
_____
_____
_____
_____k. I did not receive the notice to terminate or the notice was legally incorrect. Please explain:_____
_____
_____
_____
_____
l. Other defenses. Please explain:
_____
_____
_____
_____
_____
_____

_____
_____

4. **You have a constitutional right to request a trial by a jury of your peers instead of a judge. However, there are some things you should know about this right:**

a. You may have waived this right in your lease, so review it carefully before requesting a jury trial.

b. If you want a jury trial, you should request it in writing when you file your answer or you may waive your right to a jury trial.

c. Jury trials are not simple to conduct. You will bear some responsibility in the process and, if you are unprepared, it may be difficult to represent yourself in a jury trial. Additionally, once you request a jury trial, if you change your mind and you want the judge to decide your case, the landlord will need to agree.

d. If you have questions about whether to request a jury trial, you should speak with an attorney.

5. Select whether you want to request a jury trial: (Check only one.)

_____I want a judge to decide my case.

_____I want a jury to decide my case.

All of the statements made above are true to the best of my knowledge and belief.

Date:_____

Signature:_____

Printed Name:_____

Address:_____

Telephone Number:_____

E-mail Address:_____

NOTE: Each defendant named in the complaint for whom this answer is filed must sign this answer unless the defendant's attorney signs.