

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 (you are to provide the stamped envelope). 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 DANIELLE L. BREWER
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**

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).

EVICITION SUMMONS/RESIDENTIAL

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

PLEASE READ CAREFULLY

You are being sued by (Plaintiff(s) name) _____
to require you to move out of the place where you are living for the reasons given in the attached
complaint.

You are entitled to a trial to determine 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) 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 Clerk of the Court at the County Civil Department, 115 E.
Oak St., Arcadia, Florida 34266.

2. Mail or give a copy of your written reason(s) to: (Plaintiff/Plaintiff's Attorney name
and address) _____

3. Pay to the Clerk of the Court the amount of rent that the attached complaint claims to
be due and any rent that becomes due until the lawsuit is over. If you believe that the amount
claimed in the complaint is incorrect, you should file with the Clerk of the Court a motion to have
the court determine the amount to be paid. If you file a motion, you must attach to the motion
any documents supporting your position and mail or give a copy of the motion to the plaintiff or
plaintiff's attorney. **NO CHECKS ACCEPTED.**

4. If you file a motion to have the court determine the amount of rent to be paid to the
Clerk of the Court, you must immediately contact the office of the judge to whom the case is
assigned to schedule a hearing to decide what amount should be paid to the Clerk of the Court
while the lawsuit is pending.

IF YOU DO NOT DO ALL OF THE THINGS SPECIFIED ABOVE WITHIN 5 WORKING DAYS AFTER THE DATE THAT THESE PAPERS WERE GIVEN TO YOU OR TO A PERSON WHO LIVES WITH YOU OR WERE POSTED AT YOUR HOME, YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.

5. If the attached complaint also contains a claim for money damages (such as unpaid rent), you must respond to that claim separately. You must write down the reasons why you believe that you do not owe the money claimed. The written reasons must be given to the Clerk of the Court at the address specified in paragraph (1) above, and you must mail or give a copy of your written reasons to the Plaintiff/Plaintiff's attorney at the address specified in paragraph (2) above. **THIS MUST BE DONE WITHIN 20 DAYS AFTER THE DATE THESE PAPERS WERE GIVEN TO YOU OR TO A PERSON WHO LIVES WITH YOU OR WERE POSTED AT YOUR HOME.** This obligation is separate from the requirements of answering the claim for eviction within 5 working days after these papers were given to you or to a person who lives with you or were posted at your home.

**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(s).

Dated on _____, _____.

NADIA K. DAUGHTREY
Clerk of the Court

By: _____
Deputy Clerk

**NOTIFICACION DE DESALOJO/RESIDENCIAL
SIRVASE LEER CON CUIDADO**

Usted esta siendo demandado por Demandante/Abogado del Demandante para exigirle que desaloje el lugar donde reside por los motivos que se expresan en la demanda adjunta.

Usted tiene derecho a ser sometido a juicio para determinar si se le puede exigir que se mude, pero ES NECESARIO que haga TODO lo que pide a continuacion en un plazo de 5 dias (no incluidios los sabados, domingos, ni dias feriados) a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, or se colocaron en sue casa.

USTED DEBERA HACER LO SIGNIENTE:

1. Escribir el (los) motivo(s) por el (los) cual(es) cree que no se le debe obligar a mudarse. El (los) motivo(s) debera(n) entregarse por escrito al secretario del tribunal en 115 E. Oak St., Arcadia, Florida 34266.

2. Enviar por correo o darle su(s) motivo(s) por escrito a Demandante/Abogado del Demandante.

3. Pagarle al secretario del tribunal el monto del alquiler que la demanda adjunta reclama como adeudado, as como cualquier alquiler pagadero hasta que concluya el litigo. Si usted considera que el monto reclamado en la demanda es incorrecto, debrá presentarle al secretario del tribunal una mocion para que el tribunal determine el monto que deba pagarse. Si usted presenta una mocion, debrá adjuntarle a esta cualesquiera documentos que resalden su posicion, y enviar por correo a entregar una copia de la misma al demandante/abogado del demandante. **NO CHECKS ACCEPTED.**

4. Si usted presenta una mocion para que el tribunal deterine el monto del alquiler que deba pagarse al secretario del tribunal, debera comunicarse de inmediato con la oficina del juezal que se le haya asignado el caso para que programe una audiencia con el fin de determinar el monto que deba pagarse al secretario del tribunal mientras el litigio este pendiente.

SI USTEDS NO LLEVA A CABO LAS ACCIONES QUE SE ESPECIFICAN ANTERIORMENTE EN UN PLAZO DE 5 DIAS LABORABLES A PARTIR DE LA FECHA EN QUE ESTOS DOCUMENTOS SE LE ENTREGARON A USTED O A UNA PERSONA QUE VIVE CON USTED, O SE COLONQUEN EN SUE CASA, SE LA PODRA DESALOJAR SIN NECESIDAD DE CELEBRAR UNA AUDIENCIA NI CURSARSELE OTRO AVISO.

5. Si la demanda adjunta tambien incluye una reclamacion por danos y perjuicios pecunarios (tles como el incumplimiento de pago del alquiler) usted debera responder a dicha reclamacion por separado. Debrá exponer por escrito los motivos por los cuales considera que usted no debe las suma reclamada, y entregarlos al secretario del tribunal en la direccion que se especifica en el parrafo (1) anterior, asi como enviar por correo o entregar una copia de los mismos al demandante/abogado del demandante en la direccion que se especifica en el parrafo (2) anterior. Esto debera llevarse a cabo en un plazo de 20 dias a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se coloquen en su casa. Esta obligacion es aparte del requisito de responder a la demanda de lesalojo en un plaza de 5 d as a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se coloquen en su casa.

CITATION D'EVICITION/RESIDENTIELLE LISEZ ATTENTIVEMENT

Vous estes poursuivi par Plaignant/Avocat du Plaignant pour exiger que vous evacuez les lieux de votre residence pour les raisons enumerees dans la plainte di-dessous.

Vous avez droit a un proces pour determiner si vous devez degenager, amis vous devez, au prealable, suivre les instructions enumerees ci-dessous, pendant les 5 jours (non copris le samedi, le dimanche, ou un jour ferie)a partir de la date ou ces documents ont ete donnes a vous ou a la personne vivant avec vous, ou ont ete affichees a votre residence.

LISTA DES INSTRUCTIONS A SUIVRE:

1. Enumerer par ecrit les raisons pour lesquelles vous pensez ne pas avoir a demenager. Elles doivent etre remises au clerc du tribunal Civil Department, 115 E. Oak St., Arcadia, Florida 34266.

2. Envoyer ou donner une copie au Plaignant/Avocat du Plaignant.
3. Paye au clerc du tribunal le montant de loyers dus comme établi dans la plainte et le montant des loyers dus jusqu'à la fin du procès. Si vous pensez que le montant établi dans la plainte est incorrect, vous devez présenter au clerc du tribunal une demande en justice pour déterminer la somme à payer. Pour cela vous devez attacher à la demande tous les documents soutenant votre position et faire parvenir une copie de la demande au plaignant/avocat du plaignant. **NO CHECKS ACCEPTED.**
4. Si vous faites une demande en justice pour déterminer la somme à payer au clerc du tribunal, vous devez immédiatement prévenir le bureau de juge qui présidera au procès pour fixer la date de l'audience qui décidera quelle somme doit être payée au clerc du tribunal pendant que le procès est en cours.

SI VOUS NE SUIVEZ PAS CES INSTRUCTIONS A LA LETTRE DANS LES 5 JOURS QUE SUIVENT LA DATE OU CES DOCUMENTS ONT ÉTÉ REMIS À VOUS OU À LA PERSONNE HABITANT AVEC VOUS, OU ONT ÉTÉ AFFICHÉS À VOTRE RESIDENCE, VOUS POUVEZ ÊTRE EX-ULSES SANS AUDIENCE OU SANS AVIS PRÉALABLE.

5. Si la plainte ci-dessus contient une demande pour dommages pécuniaires, tels des loyers arriérés, vous devez y répondre séparément. Vous devez énumérer par écrit les raisons pour lesquelles vous estimez ne pas devoir le montant demandé. Ces raisons écrites doivent être données au clerc du tribunal à l'adresse spécifiée dans le paragraphe (1) et une copie de ces raisons donnée ou envoyée au plaignant/avocat du plaignant à l'adresse spécifiée dans le paragraphe (2). Cela doit être fait dans les 20 jours suivant la date où ces documents ont été présentés à vous ou à la personne habitant avec vous, ou affichés à votre résidence. Cette obligation ne fait pas partie des instructions à suivre en réponse au procès d'éviction dans les 5 jours suivant la date où ces documents ont été présentés à vous ou à la personne habitant avec vous, ou affichés à votre résidence.

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) day time 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) day time 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: _____