

# 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 (4<sup>th</sup>) 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 (4<sup>th</sup>) 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 GUY A. FLOWERS  
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).

**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, deبرا presentarle al secretario del tribunal una mocion para que el tribunal determine el monto que deبرا pagarse. Si usted presenta una mocion, deبرا adjuntar 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 deبرا pagarse al secretario del tribunal, deبرا 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 deبرا 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 deبرا responder a dicha reclamacion por separado. Deبرا 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 deبرا 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 cleric 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 etabli dans la plainte et le montant des loyers dus jusgu'a la fin du proces. Si vous pensez que le montant etabli dans la plainte est incorrect, vous devez presenter au clerc du tribunal une demande en justice pour determiner la somme a payer. Pour cela vous devez attacher a la demande tous les documents soutenant votre position et faire parvenir une copie de le demande au plaignant/avocat du plaignant. **NO CHECKS ACCEPTED.**
4. Si vous faites une demande en justice pour determiner las somme a payer au clerc du tribunal, vous devrez immediatement prevenir le bureau de juge que presidera au proces pour fixer la date de l'audience que decidera quelle somme doit etre payee au clerc du tribunal pendant que le proces 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 ETE REMIS A VOUS OU A LA PERSONNE HABITANT AVEC VOUS, OU ONT ETE AFFICHES A VOTRE RESIDENCE, VOUSA POUVEZ ETRE EX-ULSES SANS AUDIENCE OU SANS AVIS PREALABLE.**

5. Si la plainte ci-dessus contient une demande pour dommages pecuniaries, tels des loyers arrieres, vous devez y respondre separement. Vous devez enumerer par ecrit les raisons pour lesquelles vous estimez ne pas devoir le montant demande. Ces raisons ecrites doivent etre donnees au clerc du tribunal a l'adresse spedifiee dans le paragraphe (1) et une copie des ces raisons donnee ou envoyee au plaignant/avocat du plaignant a l'adresse specifiee dan le paragraphe (2). Cela doit etre fait dans les 20 jours suivant la date ou ces documents ont ete presentes a ous ou a la personne habitant avec vous, ou affichees a votre residence. Cette obligation ne fait pas partie des instructions a suivre en response au proces d'eviction dans les 5 jours suivant la date ou ces documents ont ete presentes a vous ou a la personne habitant avec vous, ou affichees a votre residence.

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: \_\_\_\_\_