

UNLAWFUL DETAINER FORMS AND INSTRUCTIONS

Unlawful Detainer is a county court lawsuit filed pursuant to Florida Statute Chapter 82 requesting that another person be ordered to leave your property. It is similar to an eviction proceeding except that in an Unlawful Detainer case, there is **no landlord/tenant relationship** between the parties, i.e. there is **no agreement to pay rent**, either verbal or in writing. If there is an agreement to pay rent, you should consider filing an eviction case. Consult with an attorney if you are not sure.

The Unlawful Detainer should be used if:

- 1) You are trying to remove someone from your home, and
- 2) You have a legal right to reside in your home (You are the owner or the legal tenant), and
- 3) The person you are trying to remove does not have a legal right to reside in your home (they are not an owner or a legal tenant), and
- 4) There is no agreement for rent (verbal or in writing) between you and the person you are trying to remove.

The attached forms are designed for your use in the event there is no landlord/tenant relationship. These forms should be used if there is no residential lease or verbal agreement for rent. If you have a residential, commercial, agricultural, or personal property lease, you should consult with an attorney. No form should be used until you have carefully reviewed and understand the instructions preceding the form and you have reviewed Florida Statute Chapter 82.

At the time the complaint is filed, the Plaintiff must ask the Clerk of the Court to issue the summons. This is achieved by filing the completed summons with the Complaint for Unlawful Detainer.

You will also need the following:

- 1) Filing fee of \$300.00
- 2) Summons Issue fee of \$10.00 per summons, per defendant
- 3) A separate money order made out to the Hernando County Sheriff's Office for \$40.00 per defendant to be served, unless you wish to take the packet to the Sheriff's Office yourself
- 4) One (1) original and (1) copy of the Complaint, Summons and Non-Military Affidavit for each defendant
- 5) Payment for the filing fee & summons fee must be paid by Cash, Money Order, Cashier's Check, or Business/Personal check with Photo ID of the signor of the check

The Defendant will have five (5) days after service (this excludes the date of service, weekends, and legal holidays) to file a written response to a complaint for unlawful detainer. If the defendant fails to file a written response, you are entitled to a Clerks Default and Final Judgment by Default from the Court.

E-file, mail or bring in a Motion for Clerk's Default and Motion for Default Final Judgment to our office to have the Clerks Default entered and the Motion for Default Final Judgment forwarded to the judge for review.

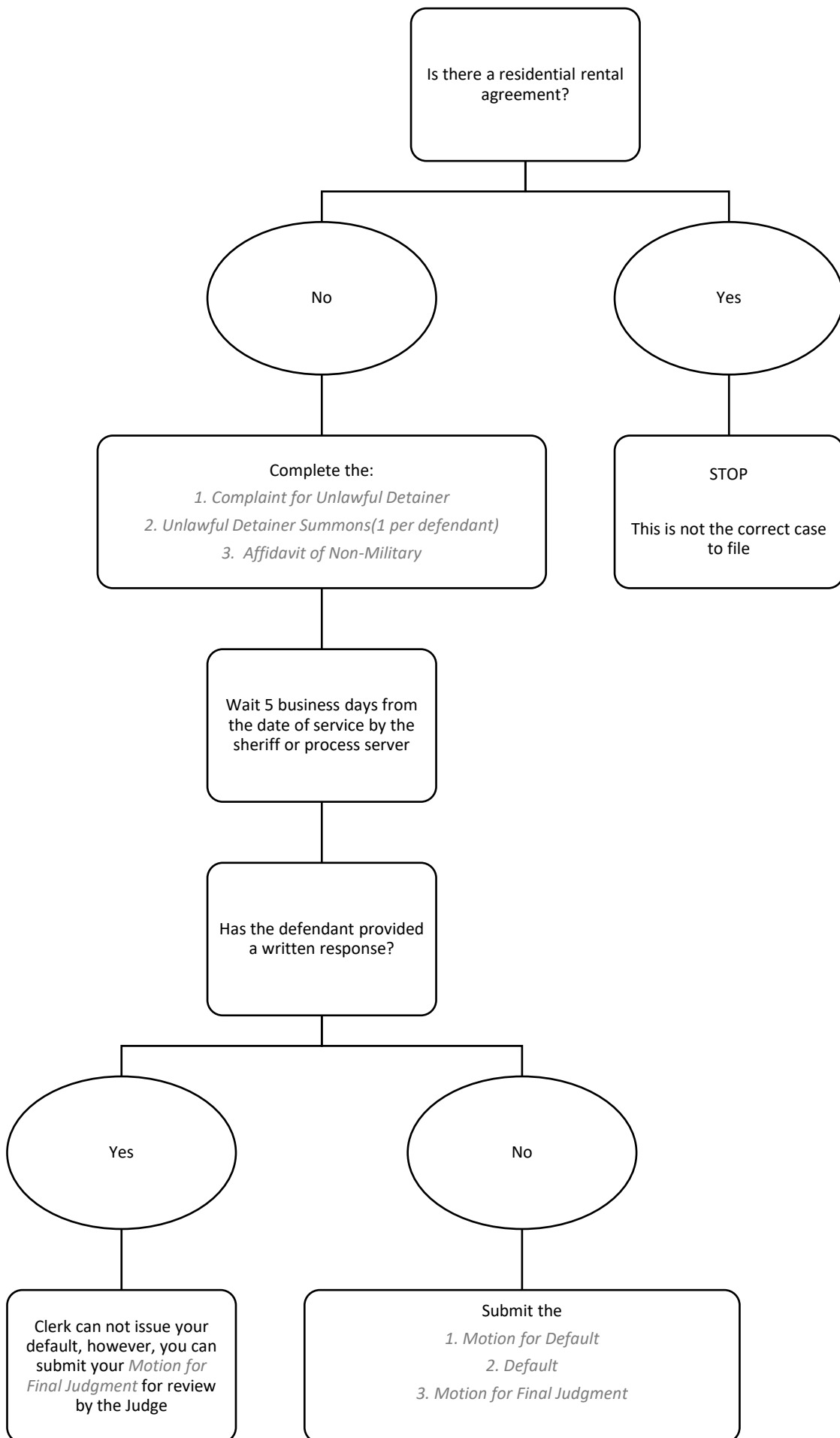
If you filed your documents using e-filing, it is your responsibility to send the Motions and stamped envelopes to the Clerk's Office.

*****Please note, valid proof of service must be filed with the Clerk before a Clerks Default or Default Final Judgment can be issued by the court.*****

Once the judge has signed the Final Judgment, you may then request the Clerk to issue a Writ of Possession for service on the defendant(s)- if the defendant(s) has not already moved from the premises. You will then need to take the Writ of Possession to the Sheriff's Office and pay \$90 per defendant to be served.

Contact the Hernando County Sheriff's Office Civil Department at 352-754-6830 for questions about service.

Please note that all forms and instructions are for informational purposes only and may not completely describe requirements of Florida law. You should consult an attorney as needed.



FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

(Name of Court)_____.

Plaintiff _____ Case # _____
_____ Judge _____

vs.
Defendant _____

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. \$ _____

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

_____ Condominium
_____ Contracts and indebtedness
_____ Eminent domain
_____ Auto negligence
_____ Negligence—other
_____ Business governance
_____ Business torts
_____ Environmental/Toxic tort
_____ Third party indemnification
_____ Construction defect
_____ Mass tort
_____ Negligent security
_____ Nursing home negligence
_____ Premises liability—commercial
_____ Premises liability—residential
_____ Products liability
_____ Real property/Mortgage foreclosure

- ☐ Commercial foreclosure
- ☐ Homestead residential foreclosure
- ☐ Non-homestead residential foreclosure
- ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice—business
 - ☐ Malpractice—medical
 - ☐ Malpractice—other professional
- ☐ Other
 - ☐ Antitrust/Trade regulation
 - ☐ Business transactions
 - ☐ Constitutional challenge—statute or ordinance
 - ☐ Constitutional challenge—proposed amendment
 - ☐ Corporate trusts
 - ☐ Discrimination—employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation

COUNTY CIVIL

- ☐ Civil
- ☐ Replevins
- ☐ Evictions
- ☐ Other civil (non-monetary)

IV. REMEDIES SOUGHT (check all that apply):

- ☐ Monetary;
- ☐ Nonmonetary declaratory or injunctive relief;
- ☐ Punitive

V. NUMBER OF CAUSES OF ACTION: []

(Specify) _____

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- ☐ yes
- ☐ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

_____ no

___ yes If "yes," list all related cases by name, case number, and court. _____

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

_____ yes

_____ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature _____ Fla. Bar # _____
Attorney or party (Bar # if attorney)

(type or print name)

Date

IN THE COUNTY COURT, IN AND FOR
HERNANDO COUNTY, FLORIDA

Case No. _____

Plaintiff(s)

VS

Defendant(s)

COMPLAINT FOR UNLAWFUL DETAINER

Plaintiff(s), _____, sue(s)

Defendant(s) _____,

stating as follows:

1. This is a cause of action for unlawful detainer pursuant to Chapter 82, Florida Statutes.
2. Plaintiff(s) is/are entitled to possession of the following real property (address or legal description): _____

3. Plaintiff(s) is/are entitled to possession of the real property by virtue of the following:

4. With the consent of the Plaintiff(s), Defendant(s) occupied or otherwise made use of the property described in Paragraph 2 above.

5. On or about (date) _____, Plaintiff(s) revoked this consent, informed Defendant(s) of this revocation, and demanded that Defendant(s) vacate the premises.
6. Defendant(s), however, has/have refused to vacate the premises.
7. There is no residential rental agreement between Plaintiff(s) and Defendant(s).
8. In accordance with section 82.04(1), Florida Statutes, Plaintiff(s) is/are entitled to summary procedure under section 51.011, Florida Statutes.

WHEREFORE, Plaintiff(s) respectfully request(s) that the Court (1) find that the Defendant(s) wrongfully hold(s) possession of the subject property; (2) grant Final Judgment in favor of Plaintiff(s) and against Defendant(s); (3) order the issuance of a Writ of Possession in accordance with section 82.091, Florida Statutes; and (4) grant to the Plaintiff(s) such other relief as is justified by the circumstances in this case.

Signature

Print Name

Address

City, State, Zip Code

Phone Number

Email address

IN THE COUNTY COURT, IN AND FOR
HERNANDO COUNTY, FLORIDA

Case No. _____

Plaintiff(s)

VS

Defendant(s)

UNLAWFUL DETAINER SUMMONS

TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA:

YOU ARE COMMANDED to serve this SUMMONS and a copy of the COMPLAINT in the above styled cause upon the DEFENDANT(S): whose name(s) and address is:

TO THE DEFENDANT(S):

YOU ARE REQUIRED to mail or deliver the original of your WRITTEN ANSWER AND DEFENSES to the attached COMPLAINT to the CLERK OF THE COUNTY COURT, 20 North Main Street, Brooksville, FL 34601, AND a copy to the Plaintiff or Plaintiff's attorney whose name and address is:

PERSONAL SERVICE: IF THIS SUMMONS and a copy of the COMPLAINT have been personally served upon you or upon anyone residing in your residence who is 15 years of age or older, your WRITTEN ANSWER AND DEFENSES MUST be received by the CLERK within FIVE (5) WORKING DAYS of service as to the claim for possession of the premises. POSTED-MAIL SERVICE: IF THIS SUMMONS and a copy of the COMPLAINT have been attached to a conspicuous place on your residence, your WRITTEN ANSWER AND DEFENSES MUST be received by the CLERK within FIVE (5) WORKING DAYS of the date that it was attached to some conspicuous place on the property described in the COMPLAINT. The date of posting is the date noted thereon by the Process Server.

A DEFAULT may be entered against you and a JUDGMENT to remove you from the property and/or for reasonable costs and attorney fees may be entered without further notice to you, if you do not follow these instructions.

Witness my hand and the seal of this Court on the _____ day of _____, 20 .

Doug Chorvat Jr.
As Clerk of the Circuit Court

By: _____
Deputy Clerk

IN THE COUNTY COURT, IN AND FOR
HERNANDO COUNTY, FLORIDA

CASE NO. _____

Plaintiff,

vs.

NON-MILITARY AFFIDAVIT

Defendant.

On this day personally appeared before me, the undersigned
authority, _____, who, after being first duly sworn, says:

Defendant, _____, is known by Affiant not to be in the military
services or any governmental agency or branch subject to the provision of the Soldiers' Civil Relief Act.

DATED: _____

Signature of Affiant

Name: _____

Address: _____

Telephone No. _____

Sworn and subscribed before me on _____, by _____, who
_____ is personally known to me _____ produced _____ as identification and who took
an oath.

NOTARY PUBLIC-STATE OF FLORIDA OR DEPUTY CLERK

Name: _____

Commission No. _____

My Commission Expires: _____

IN THE COUNTY COURT, IN AND FOR
HERNANDO COUNTY, FLORIDA

Case No. _____

Plaintiff(s)

VS

Defendant(s)

MOTION FOR DEFAULT
UNLAWFUL DETAINER

Plaintiff(s) move for entry of a default by the clerk against defendant(s)

for
failure to serve any paper on the undersigned or file any paper as required by law.

Plaintiff(s) Signature

Plaintiff(s) Printed Name

Plaintiff Address

City, State, Zip Code

Phone Number

IN THE COUNTY COURT, IN AND FOR
HERNANDO COUNTY, FLORIDA

Case No. _____

Plaintiff(s)

VS

Defendant(s)

DEFAULT
UNLAWFUL DETAINER

A Default is entered in this action against the defendant(s), named in the forgoing motion, for failure to serve or file any paper as required by law.

Dated on the _____ day of _____, 20 .

Doug Chorvat Jr.
As Clerk of the Circuit Court

By: _____
Deputy Clerk

IN THE COUNTY COURT, IN AND FOR
HERNANDO COUNTY, FLORIDA

Case No. _____

Plaintiff(s)

VS

Defendant(s)

MOTION FOR FINAL JUDGMENT -UNLAWFUL DETAINER

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

_____ Defendant(s), for unlawful detainer and says:

1. Plaintiff filed a complaint alleging grounds for unlawful detainer against the Defendant(s).

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment for Unlawful Detainer against the Defendant(s).

Plaintiff(s) Signature

Plaintiff(s) Printed Name

Plaintiff Address

City, State, Zip Code

Phone Number

IN THE COUNTY COURT, IN AND FOR
HERNANDO COUNTY, FLORIDA

Case No.: _____

_____,
Plaintiff(s),
vs.

_____,
Defendant(s).

FINAL JUDGMENT FOR POSSESSION UNLAWFUL DETAINER

THIS CAUSE was considered by the Court upon Plaintiff's(s') **COMPLAINT FOR UNLAWFUL DETAINER** from the premises described in the Complaint, and it appears that Defendant(s) was/were duly served with Notice and process as required by law and:

_____ Defendant(s) failed to file any pleading contesting the allegations of the Complaint and a default has been entered by the Clerk.

_____ The Court has taken testimony or received Affidavits from Plaintiff(s).

IT IS THEREFORE ordered by the Court that a Judgment be and is hereby entered against Defendant(s), and that Plaintiff(s) have and recover of and from Defendant(s),

_____,
Possession of the premises situated in the County of Hernando State of Florida described as:

and the Clerk of this Court shall issue a Writ of Possession under the Seal of this Court directed to the Sheriff of Hernando County, Florida, describing the premises and commanding him to put Plaintiff(s), in possession of the premises.

WRIT OF POSSESSION SHALL:

_____ issue upon signing of this Judgment.

_____ not issued for ten (10) days from date of this Judgment.

Plaintiff is awarded Court costs in the amount of \$_____ for which let execution issue with interest at _____% per annum in accordance with section 55.03, Florida Statutes. The Court may reserve jurisdiction to enter a money judgment against Defendant(s) in accordance with section 83.625, Florida Statutes, if applicable.

DONE AND ORDERED in Hernando, Florida, this _____ day of _____,
20____.

COUNTY COURT JUDGE

IN THE COUNTY COURT, IN AND FOR
HERNANDO COUNTY, FLORIDA

_____, Case No.: _____
Plaintiff(s)
vs.
_____,
Defendant(s)

WRIT OF POSSESSION

THE STATE OF FLORIDA:

TO THE SHERIFF OF HERNANDO COUNTY, FLORIDA

YOU ARE COMMANDED to remove all persons from the following described property in
Hernando County, Florida:

(Street Address)

(City, State, Zip Code)

and to put Plaintiff of the above action in possession of it forthwith. The Plaintiff(s) to be
put in possession is/are:

(Plaintiff[s'] name)

WITNESS my hand and seal of this Court on _____.

DOUG CHORVAT JR.
CLERK OF THE CIRCUIT COURT AND
COMPTROLLER

By: _____
DEPUTY CLERK

Plaintiff

Address

Phone