

UNLAWFUL DETAINER FORMS AND INSTRUCTIONS

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:

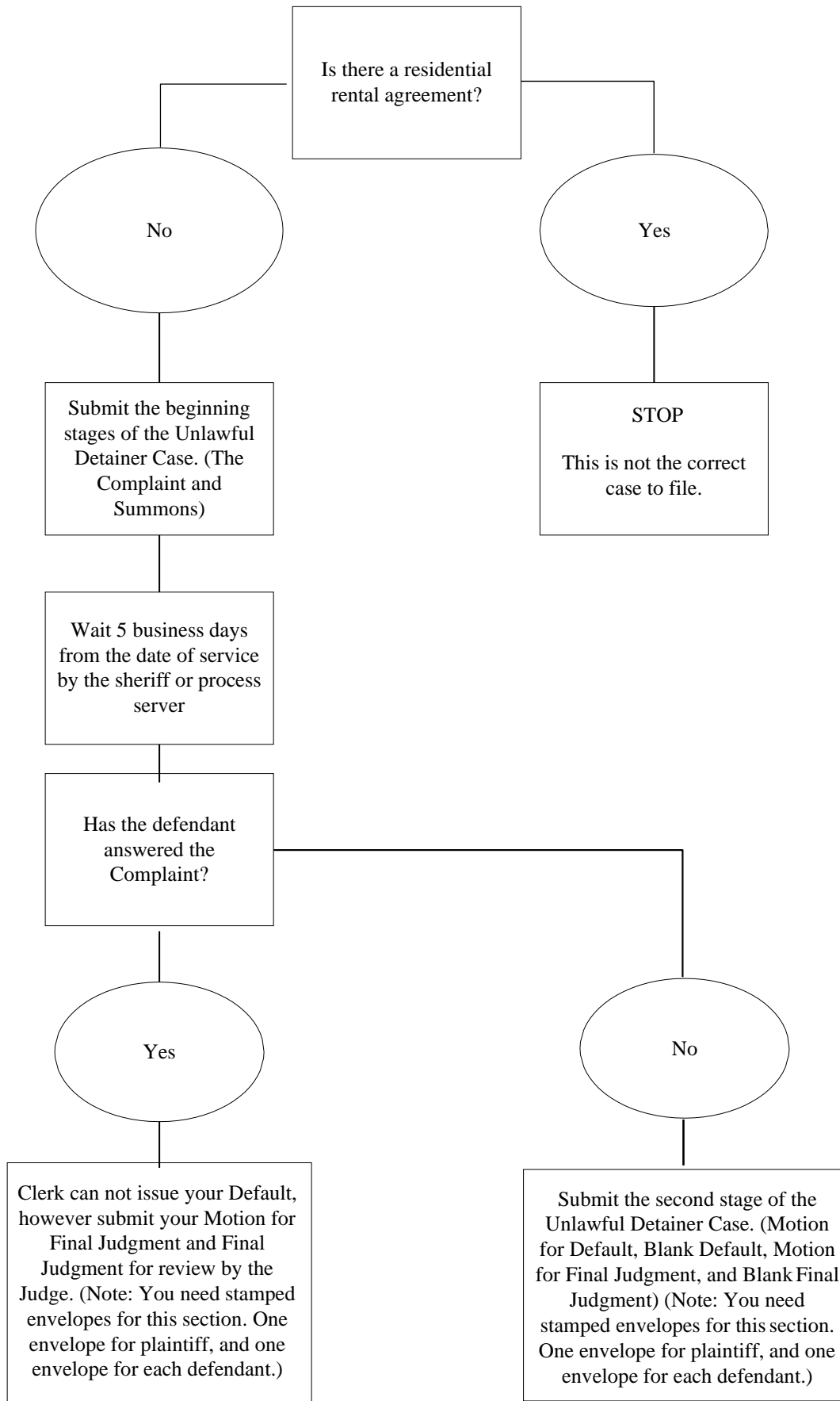
- 1) You are trying to remove someone from your home, and
- 2) You have a legal right to reside in your home (You are the owner or the legal tenant), and
- 3) The person you are trying to remove does not have a legal right to reside in your home (they are not an owner or a legal tenant), and
- 4) There 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. They 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 reviewed Florida Statutes 82.

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

If the court rules that the plaintiff is entitled to have the defendant removed from the property, the court will sign a judgment in the plaintiff's favor. Once a plaintiff receives a final judgment for Unlawful Detainer, he/she must ask the clerk of the court to execute a Writ of Possession. The Writ of Possession should be delivered to the sheriff by the plaintiff for service on the defendant.

Unlawful Detainer Flow Chart



IN THE COUNTY/CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT IN
AND FOR WAKULLA COUNTY, FLORIDA

_____, Plaintiff,

v.

_____, Defendant.

CASE NO: _____

DIVISION: _____

**DESIGNATION OF E-MAIL ADDRESS FOR A PARTY
NOT REPRESENTED BY AN ATTORNEY [Fla. R. Gen. Prac. & Jud. Admin. FORM 2.602]**

Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1)(C),

I, _____, designate the e-mail address(es) below for electronic service
of all documents related to this case.

By completing this form, I am authorizing the court, clerk of court, and all parties to send copies of notices, orders, judgments, motions, pleadings, or other written communications to me by e- mail or through the Florida Courts E-filing Portal.

I understand that I must keep the clerk's office and any opposing party or parties notified of my current mailing address or e-mail address. I will file a written notice with the clerk if my mailing address or e-mail address changes again.

Designated e-mail address: _____

Secondary designated e-mail address(es), if any: _____

I certify that a copy has been furnished on _____, by ☐ e-mail, ☐ delivery,
☐ mail [choose one] to:

(insert name(s) and address(es))

Signature: _____ .

Printed Name: _____

E-mail address: _____

Address: _____

Phone number: _____

IN THE COUNTY COURT, SECOND
JUDICIAL CIRCUIT IN AND FOR
WAKULLA COUNTY, FLORIDA

CASE NUMBER: _____

DIVISION: _____

vs. Plaintiff(s)

_____ 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 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 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.

Date: _____

Plaintiff(s) Signature

Plaintiff(s) Printed Name

Plaintiff Address

Plaintiff City, State, Zip Code

Plaintiff Telephone Number

IN THE COUNTY COURT, SECOND
JUDICIAL CIRCUIT IN AND FOR
WAKULLA COUNTY, FLORIDA

CASE NUMBER: _____
DIVISION: _____

vs. Plaintiff(s)

Defendant(s)

UNLAWFUL DETAINER SUMMONS
(CLAIM FOR POSSESSION OF PREMISES)

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 DEFENDANTS(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, 3056 CRAWFORDVILLE HWY, CRAWFORDVILLE, FL 32327 AND a copy to 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 at your residence who is 15 years of age or older, your WRITTEN ANSWER AND DEFENSES MUST be received by the CLERK within 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 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.

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 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 Court Administrator, Isaac Shuler, no later than one day prior to the function at 850-926-0319 or by fax at 850-926-0938. TDD users may also call 1-800-955-8771 for the Florida Relay Service."

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

CLERK OF THE COURT WAKULLA COUNTY, FLORIDA

Date:_____

By:_____
Deputy Clerk

A TODOS Y SINGULAR LOS ALGUACILES DEL ESTADO DE LA FLORIDA:

USTED se manda a servir a esta convocatoria y una copia de la queja en el anterior estilo causa a los demandados (S): cuyo nombre y la dirección es:

AL ACUSADO (S):

USTED debe enviar o entregar el original de su escrito respuesta y defensas a la denuncia se adjunta a la Secretaria del Condado Tribunal, CLERK OF THE COUNTY COURT, 3056 Crawfordville Hwy, Crawfordville, FL 32327 o abogado del demandante que nombre y la dirección es:

SERVICIO PERSONAL: Si esta convocatoria y una copia de la denuncia han recibido personalmente a usted o a cualquier persona que reside en su residencia de 15 años de edad o más, su escrito respuesta y defensas deben recibirse en la Secretaria dentro de 5 días de trabajo de servicio como a la reclamación de posesión de los locales.

SERVICIO de correo publicado: Si esta convocatoria y una copia de la denuncia han sido conectados a un lugar en su residencia, su escrito respuesta y defensas deben recibirse en la Secretaria dentro de 5 días hábiles de la fecha que fue fijado en algún lugar visible la propiedad descrita en la denuncia. La fecha de publicación es la fecha que se señaló al respecto el proceso de servidor.

Un defecto puede introducirse contra usted y un juicio para desalojarlo de la propiedad o los gastos razonables y honorarios de abogado pueden entrar sin aviso a usted, si usted no sigue estas instrucciones.

TO ALL et singulier la shérifs de l'état de Floride : Vous est commandé de servir cette convocation ainsi qu'une copie de la plainte dans ce qui précède le titre cause sur les défendeurs (S) : dont les nom et adresse est :

Au défendeur (S) :

vous devrez poster ou remettre l'original de votre réponse écrite et DÉFENSES à l'attaché de plainte auprès du greffier de la Cour de comté, CLERK OF THE COUNTY COURT, 3056 Crawfordville Hwy, Crawfordville, FL 32327 la une copie au demandeur ou la demanderesse procureur dont le nom et adresse est :

SERVICIO de correo publicado : Si esta convocatoria y una copia de la denuncia han sido conectados a un lugar en su residencia, su escrito de su respuesta y defensas deben recibirse en la de la Secretaria dentro de 5 días hábiles de la fecha que fue fijado en algún lugar visible la Propiedad descrita en la denuncia. La fecha de publicación es la fecha que se señaló al respecto el proceso de servidor. Un defecto puede introducirse contra usted y un juicio para desalojarlo de la propiedad o los gastos razonables y honorarios de abogado pueden entrar sin aviso a usted, si usted no sigue estas instrucciones.

OBTAINING YOUR FINAL JUDGMENT FOR UNLAWFUL DETAINER

The defendant will have five (5) days after service (this excludes the date of service, Saturday, Sunday, 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 final judgment by default. File **ALL** of the original documents with the clerk no sooner than the 6th business day after service;

- MOTION FOR CLERK'S DEFAULT – UNLAWFUL DETAINER
- MOTION FOR DEFAULT FINAL JUDGMENT – UNLAWFUL DETAINER

If you filed your documents using e-filing, it is your responsibility to send proposed final judgment and self-addressed envelopes to the clerk's office.

Once the judge has signed off on the final judgment, you may then request the clerk to issue a writ of possession for service on the defendant(s) – (if defendant(s) have not already moved from the premises.) **See page 46 fee (Writ) \$7.00.**

NOTE: a copy of Motion for Default Final Judgment must be delivered to the defendant. These forms provide a certificate to be completed by you, establishing proper delivery of the motion.

IN THE COUNTY COURT, SECOND
JUDICIAL CIRCUIT IN AND FOR
WAKULLA COUNTY, FLORIDA

CASE NUMBER: _____

DIVISION: _____

vs. Plaintiff(s)

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

Plaintiff City, State, Zip Code

Plaintiff Telephone Number

IN THE COUNTY COURT, SECOND
JUDICIAL CIRCUIT IN AND FOR
WAKULLA COUNTY, FLORIDA

CASE NUMBER: _____

DIVISION: _____

vs. Plaintiff(s)

Defendant(s)

DEFAULT
UNLAWFUL DETAINER

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

Dated on the _____ day of _____, 20____.

GREG JAMES

Clerk of the Circuit and County Court
Wakulla County, Florida

Deputy Clerk

IN THE COUNTY COURT, SECOND
JUDICIAL CIRCUIT IN AND FOR
WAKULLA COUNTY, FLORIDA

CASE NUMBER: _____

DIVISION: _____

vs.

MOTION FOR FINAL JUDGMENT – UNLAWFUL DETAINER

Plaintiff 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

Plaintiff City, State, Zip Code