

7 DAY EVICTION PACKET



Filing Fee \$185.00

Summons Fee \$10.00 (per tenant)

Sheriff's Office fee \$40 CASH ONLY (per tenant)

Step 1

Give the tenant the Notice for Possession of Premises to the tenant either by hand delivery or posting.

TO: _____
TENANTS NAME

ADDRESS

CITY, STATE, ZIP

7 DAY NOTICE FOR POSSESSION OF PREMISES

YOU ARE HEREBY NOTIFIED THAT THE AGREEMENT FOR RENT (**IF APPLICABLE**) OF THE ABOVE NAMED PREMISES IS HEREBY TERMINATED. NO FURTHER RENT WILL BE ACCEPTED.

YOU ARE REQUESTED TO VACATE THE PREMISES WITHIN SEVEN (7) DAYS OF THE DATE OF THIS NOTICE PURSUANT TO FLORIDA STATUTES 83.57(4).

SIGNATURE OF LANDLORD/PROPERTY MANAGER

ADDRESS

CITY, STATE, ZIP

DATE OF DELIVERY: _____

METHOD OF DELIVER: _____ (BY HAND, MAIL, POSTING)

TO: _____
TENANTS NAME

ADDRESS

CITY, STATE, ZIP

7 DAY NOTICE FOR POSSESSION OF PREMISES

YOU ARE HEREBY NOTIFIED THAT THE AGREEMENT FOR RENT (**IF APPLICABLE**) OF THE ABOVE NAMED PREMISES IS HEREBY TERMINATED. NO FURTHER RENT WILL BE ACCEPTED.

YOU ARE REQUESTED TO VACATE THE PREMISES WITHIN SEVEN (7) DAYS OF THE DATE OF THIS NOTICE PURSUANT TO FLORIDA STATUTES 83.57(4).

SIGNATURE OF LANDLORD/PROPERTY MANAGER

ADDRESS

CITY, STATE, ZIP

DATE OF DELIVERY: _____

METHOD OF DELIVER: _____ (BY HAND, MAIL, POSTING)

Step 2

Complete the following forms after the time from on the Notice has expired:

1. Civil Cover Sheet
2. Complaint for Eviction
3. Non-Military Affidavit
4. Eviction Summons

Bring documents to the Clerks Office for proper filing. Pay the filing fee and service fee. The Sheriff's Office will service the tenants with the Complaint.

If a response has not been filed with the time frame listed on the Summons, then complete Step 3 of the Packet.

CIVIL COVER SHEET COUNTY COURT**I. CASE STYLE**

In the COUNTY Court of the Eighth Judicial Circuit
 In and for Baker County, Florida

Plaintiff _____

Case #: _____

vs.

Defendant _____

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim rounded to the nearest dollar

\$

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

☐ County Civil☐ Replevins☐ Other civil (non-monetary)☐ Civil (\$8,001 to \$15,000)☒ Evictions**IV. REMEDIES SOUGHT** (check all that apply):☐ monetary (rent or other damages); ☐ nonmonetary declaratory or injunctive relief (possession)**V. NUMBER OF CAUSES OF ACTION:** ☐ 1 (just possession); ☐ 2 (Also claiming money damages)

(specify) _____ Possession of Premises

_____ Money Damages for rent or other damages

VI. IS THIS ACTION 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 _____

Attorney or party

Fla. Bar # _____

(Bar # if attorney)

(type or print name)

Date

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL
CIRCUIT IN AND FOR BAKER COUNTY, FLORIDA

[Insert name of Landlord] Plaintiff, CASE NO.: _____ [insert case number assigned]

vs.

[Insert name of Tenant] Defendant. **COMPLAINT FOR EVICTION**

Plaintiff, _____ [insert name of Landlord] sues Defendant,
_____, [insert name of Tenant] and alleges:

1. This is an action to evict a tenant from real property in _____ [insert county in which the property is located], County, Florida.
2. Plaintiff owns the following described real property in the County:
_____ [insert legal or street description of the property including, if applicable, unit number].
3. Defendant has possession of the property under a/an (oral/written) agreement to pay rent of \$ _____ (insert rental amount) payable _____ [insert terms of rental payments, i.e., weekly, monthly, etc.]. A copy of the written agreement, if any, is attached as Exhibit "A."
4. Defendant failed to pay the rent due _____, 20____ [insert date of payment Tenant has failed to make].
5. Plaintiff served Defendant with a notice on _____, 20____, [insert date of notice], to pay the rent or deliver possession but Defendant refuses to do either. A copy of the notice is attached as Exhibit "B."

WHEREFORE, Plaintiff demands judgment for possession of the property against Defendant.

Signature

Name of Landlord/ Property Manager (circle one)

Address

City, State, Zip Code
()

Phone Number

This form was completed with the assistance of:

Name: _____

Address: _____

Telephone No.: (_____) _____

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____
Division: _____

NON-MILITARY AFFIDAVIT

I, _____, being first duly sworn, states under penalty of perjury:

1. That I know of my own personal knowledge that the respondent is not on active duty in the armed forces of the United States.
2. That I have inquired of the armed forces of the United States and the U. S. Public Health Service to determine whether the respondent, _____ is a member of the armed services and am attaching certificates that the respondent is not now in the armed forces.

Date: _____

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

Acknowledged before me on _____, by _____ who is
personally known to me _____ or produced _____ as identification, and who ☐
did / ☐ did not take an oath.

NOTARY PUBLIC/DEPUTY CLERK

Name: _____
Commission No.: _____
Commission Expires: _____

I CERTIFY that I have mailed, or hand delivered, a copy of this affidavit to Attorney for opposing part/
Pro se party at the name and address and phone number below:

Name: _____
Address: _____
Phone: _____

IN THE COUNTY COURT, EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA, CIVIL DIVISION

PLAINTIFF (Owner/Lessor)

-vs-

Case Number: _____

Division: _____

DEFENDANT (Tenant/Lessee)

EVICTIION SUMMONS/RESIDENTIAL

TO: _____, Defendant(s),
_____, Address

PLEASE READ CAREFULLY

You are being sued by _____ 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 Baker County Courthouse, 339 East Macclenny Avenue, Macclenny, Florida 32063.

(2) Mail or give a copy of your written reason(s) to:

Plaintiff/Plaintiff's Attorney | Plaignant/Avocat du Plaignant | Demandante/Abogado del Demandante

Address/ Adresse/ Dirección

(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/plaintiff's attorney.

(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. This obligation is separate from the requirement 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.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Alachua County Courthouse, 201 E University Ave, Gainesville FL 32601 at (352) 337-6237 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification of the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

THE STATE OF FLORIDA:

To each Sheriff of the State: YOU ARE COMMANDED to serve this summons and a copy of the complaint in this lawsuit on the above-named defendant.

DATED on _____,

Stacie D. Harvey, Esq. Baker County Clerk of Court

By

As Deputy Clerk

NOTIFICACION DE DESALOJO/RESIDENCIAL SIRVASE LEER CON CUIDADO

Usted está siendo demandado por 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 se le pide a continuación en un plazo de 5 días (no incluidos los sábados, domingos, ni días feriados) a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se colocaron en su casa.

USTED DEBERA HACER LO SIGUIENTE:

(1) Escribir el (los) motivo(s) por el (los) cual(es) cree que no se le debe obligar a mudarse. El (Los) motivo(s) deberá(n) entregarse por escrito al secretario del tribunal en el Edificio de los Tribunales de Condado de Baker County Courthouse, 339 East Macclenny Avenue, Macclenny, Florida 32063.

(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, así como cualquier alquiler pagadero hasta que concluya el litigio. Si usted considera que el monto reclamado en la demanda es incorrecto, deberá presentarle al secretario del tribunal una moción para que el tribunal determine el monto que deba pagarse. Si usted presenta una moción, deberá adjuntarle a está cualesquiera documentos que respalden su posición, y enviar por correo o entregar una copia de la misma al demandante/abogado del demandante.

(4) Si usted presenta una moción para que el tribunal determine el monto del alquiler que deba pagarse al secretario del tribunal, deberá comunicarse de inmediato con la oficina del juez al 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 esté pendiente.

SI USTED 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 COLOQUEN EN SUE CASA, SE LE PODRA DESALOJAR SIN NECESIDAD DE CELEBRAR UNA AUDIENCIA NI CURSARSELE OTRO AVISO

(5) Si la demanda adjunta también incluye una reclamación por daños y perjuicios pecuniarios (tales como el incumplimiento de pago del alquiler), usted deberá responder a dicha reclamación por separado. Deberá exponer por escrito los motivos por los cuales considera que usted no debe la suma reclamada, y entregarlos al secretario del tribunal en la dirección que se especifica en el párrafo (1) anterior, así como enviar por correo o entregar una copia de los mismos al demandante/abogado del demandante en la dirección que se especifica en el párrafo (2) anterior. Esto deberá llevarse a cabo en un plazo de 20 días a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted. Esta obligación es aparte del

requisito de responder a la demanda de desalojo en un plazo de 5 días 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.

Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con *the ADA Coordinator, Alachua County Courthouse, 201 E University Ave, Gainesville FL 32601 at (352) 337-6237*, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacidad del oído o de la voz, llame al 711.

CITATION D'EVICITION/RESIDENTIELLE LISEZ ATTENTIVEMENT

Vous êtes poursuivi par Plaignant pour exiger que vous évacuez les lieux de votre résidence pour les raisons énumérées dans la plainte ci-dessous.

Vous avez droit a un procès pour déterminer si vous devez démanger, mais vous devez, au préalable, suivre les instructions énumérées ci-dessous, pendant les 5 jours (non compris le samedi, le dimanche, ou un jour férie) à partir de la date ou ces documents ont été donnés a vous ou a la personne vivant avec vous, ou ont été affichés à votre résidence.

LISTE DES INSTRUCTIONS A SUIVRE:

(1) Énumère par écrit les raisons pour lesquelles vous pensez ne pas avoir à démanger. Elles doivent être remises au clerc du tribunal a Baker County Courthouse, 339 East Macclenny Avenue, Macclenny FL 32063.

(2) Envoyer ou donner une copie au Plaignant/Avocat du Plaignant.

(3) Payer au clerc du tribunal le montant des 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.

(4) Si vous faites une demande en justice pour déterminer la somme à payer au clerc du tribunal, vous devrez 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 ETE REMIS A VOUS OU A LA PERSONNE HABITANT AVEC VOUS, OU ONT ETE AFFICHES A VOTRE RESIDENCE, VOUS POUVEZ ETRE EXPULSES SANS AUDIENCE OU SANS AVIS PREALABLE.

(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 a l'adresse spécifiée dans le paragraphe (1) et une copie de ces raisons donnée ou envoyée au plaignant/avocat du plaignant a l'adresse spécifiée dans le paragraphe (2). Cela doit être fait dans les 20 jours suivant la date ou ces documents ont été présentes a vous ou a la personne habitant avec vous. Cette obligation ne fait pas partie des instructions à suivre en réponse au procès d'éviction dans les 5 jours suivant la date ou ces documents ont été présentes a vous ou a la personne habitant avec vous, ou affichés à votre résidence.

Si ou se yon moun ki enfim ki bezwen akomodasyon pou w kab patisipe nan pwosedi sa a, ou gen dwa, san ou pa bezwen peye okenn lajan, pou w jwenn yon sèten èd. Tanpri kontakte Koodonate ADA a, Alachua County Family and Civil Justice Center, 201 East University Avenue, Gainesville, FL 32601 (352-337-6237), fè sa omwen 7 jou anvan dat ou gen randevou pou parèt nan Tribinal la, oswa fè sa imedyatman apre ou fin resevwa konvokasyon an sid dat ou gen pou w parèt nan tribinal la mwens pase 7 jou; sii ou gen pwoblèm pou w tande byen oswa pou w pale klè, rele 711.

**RESPONSE FORMS
TO BE COMPLETED
BY TENANT ONLY**

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

ANSWER – RESIDENTIAL EVICTION

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

a. ☐ Defendant generally denies each statement of the complaint.

b. ☐ Defendant admits that all the statements of the complaint are true EXCEPT:

(i) ☐ The following statement(s) in paragraph(s) _____ of the
complaint is/are false. Please explain:

(ii) ☐ I do not know whether the information in paragraph(s) _____ of
the complaint is/are true or false, so I am denying them.

2. If you write down any defense other than payment of rent, then you must take one of the
following steps:

a. If you agree with the landlord about rent owed, then you must pay rent owed into
the court registry when you file this response.

b. If you disagree with the landlord about the rent owed for any reason, then you must check
box 3(b) below and describe with detail why you disagree.

c. You MUST pay the Clerk of Court the rent each time it becomes due until the lawsuit is
over.

If you fail to follow these instructions, then you will lose your defenses. You will not have a hearing in
your case and you may be evicted without a court date.

3. The defendant sets forth the following defenses to the complaint:)Check ONLY the defenses that apply, and state brief facts t support each checked defense.)

- a. The landlord did not make repairs, and I withheld my rent after sending written notice to the landlord. (Attach a copy of the written notice to the landlord.) Please explain:

- b. I do not owe the total amount of rent or ongoing amount of rent the landlord claims I owe. I am also asking this court to determine the amount of rent that must be deposited into the court registry and requesting a hearing. (**Motion to Determine Rent.**) Please explain:

- c. I attempted / offered to pay all the rent due before the notice to pay rent expired, but the landlord did not accept the rent payment. Please explain: _____

- d. _____ I paid the rent demanded by the landlord un the notice to pay rent. Please explain:

- e. The landlord waived, changed, or canceled the notice that required me to move out of the residence. Please explain:

- f. The landlord filed the eviction in retaliation against me. For example, the tenant has complaint to a governmental agency charged with responsibility for enforcement of building, housing, or health codes of a suspected violation, or tenant has complained directly to the landlord. Please explain:

- g. _____ The landlord filed the eviction in violation of the Federal Fair Housing Act and/or the Florida Fair Housing Act. Please explain:

- h. _____ The landlord accepted rent from me after sending me the notice to terminate, Please explain:

- i. _____ I already corrected the violations claimed by the landlord on the notice to terminate. Please explain: _____

- j. _____ The landlord is not the owner of the property where I live. Please explain:

- k. _____ I did not receive the notice to terminate or the notice was legally incorrect. Please explain:

- l. _____ Other defenses. Please explain:

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

- a. You may have waived this right in your lease, so review it carefully before requesting a jury trial.
- b. If you want a jury trial, you should request it in writing when you file your answer or you may waive your right to a jury trial.
- c. Jury trials are not simple to conduct. You will bear some responsibility in the process and, if you are unprepared, it may be difficult to represent yourself in a jury trial. Additionally, once you request a jury trial, if you change your mind and you want the judge to decide your case, the landlord will need to agree.
- d. If you have questions about whether to request a jury trial, you should speak with an attorney.

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

☐ I want a judge to decide my case.

☐ I want a jury to decide my case.

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

Signature: _____

Printed Name: _____

Date: _____

Address: _____

Telephone: _____

E-mail Address: _____

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

Step 3

If a response has not been filed within the time frame listed in the Summons, then complete following:

1. Motion for Clerk's Default
2. Motion for Default Final Judgment

Once this has been completed the Clerk will issue the Default and send Final Judgment to the Judge

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

Case No.: _____

Plaintiff(s)

Vs.

Defendant(s)

MOTION FOR CLERK'S DEFAULT

Plaintiff asks the clerk to enter a Default against _____,
Defendant, for failing to response as required by law to Plaintiff's complaint for residential
eviction.

Signature: _____

Printed: _____

Address: _____

City, State, Zip: _____

Telephone: _____

DEFAULT

A Default is entered in this action against the Defendant for eviction for failure to respond
as required by law.

Date: _____

STACIE D. HARVEY
CLERK OF THE COURT

By: _____
Deputy Clerk

Landlord: _____

Tenant: _____

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

_____ [Insert name of Landlord] Plaintiff, vs. _____ [Insert name of Tenant] Defendant. _____	CASE NO.: _____ [insert case number assigned] <u>MOTION FOR DEFAULT FINAL JUDGMENT— RESIDENTIAL EVICTION</u>
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Plaintiff asks the Court to enter a Default Final Judgment against _____
[name] Defendant, for residential eviction and says:

1. Plaintiff filed a Complaint alleging grounds for residential eviction of Defendant.
2. A Default was entered by the Clerk of this Court on _____ [date].

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment for Residential Eviction against Defendant.

Name _____
Address _____

() _____
Phone Number

cc: (Insert name and address of
Tenant)

This form was completed with the assistance of:
Name: _____
Address: _____

Telephone No.: () _____