

Columbia County Clerk of Court

P.O. Box 2069

173 NE Hernando Ave., Lake City, FL. 32055

(386) 719-7408; www.columbiaclerk.com

Business Hours are 8:00 am to 5:00 pm (Mon.-Fri.)

Our office closes the first Monday of every month at 4:30 p.m.

NOTICE:

Information and forms provided by the Clerk of Court should be considered as basic information only and may not be applicable to every situation. The information is not intended to be used as legal advice, should be used as basic and general information only. It is only a brief statement and does not explain all of your options and/or rights. Specific guidance as to how to proceed with filing a lawsuit, how to answer a lawsuit, and questions about your particular situation should be directed to a qualified attorney. A Clerk's office cannot give legal advice.

All landlords should read and become familiar with Chapter 83, Florida Statutes.

The attached forms are designed for your use in the event of common landlord/tenant disputes. The forms should be used only for residential leases.

If you have a 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 have reviewed the Florida Statutes referred to in each form. Copies of the statutes are available at the law library located within the public library or at www.flsenate.org.

To Start Your Case:

Filing Fee: **\$185 PLUS** Summons: **\$10** per summons, per defendant
(Sheriff's service fee: **\$40** per defendant to be served)

To Finalize Your Case:

Writ of Possession: **\$7** (**\$90** to Sheriff's office to execute)

Forms of payment accepted by the Clerk's office are:

Cash, Personal or Business Check, Money Order, or Credit/Debit card

NOTE: Be advised the Sheriff's Office cannot accept card payments and will not accept personal checks. Sheriff's office fees are determined by the Sheriff's office and will need to be confirmed with the Sheriff's office.

PLEASE UNDERSTAND DEPUTY CLERKS' CANNOT GIVE LEGAL ADVICE.

Please call The Florida Bar Lawyer Referral Service line for assistance and answers to all your legal requests at (800) 342-8011.

FORM 1

**NOTICE FROM LANDLORD TO TENANT-
-TERMINATION FOR FAILURE TO PAY RENT**

INSTRUCTIONS

This notice may be delivered by mail or by delivering a copy to the dwelling unit, or, if the Tenant is absent from the dwelling unit, by leaving a copy thereof at the dwelling unit.

If the Tenant fails to pay rent when due and the default continues for three (3) days (excluding Date of Service, Saturday, Sunday, and Legal Holidays) after delivery of written demand by the Landlord for payment of the rent or possession of the premises, the Landlord may terminate the rental agreement. This written demand is a prerequisite to an action to evict the Tenant or recover past due rent. Your written rental agreement may have allowed for a longer period than three days and should be reviewed.

SOURCE: Section 83.56(3) and (4), Florida Statutes (2007).

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**3 DAY NOTICE FROM LANDLORD TO TENANT—
TERMINATION FOR FAILURE TO PAY RENT**

To:

Tenant's Name:
Address:
City, State, Zip Code:
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 located at _____, Florida, _____, now occupied by you and that I demand payment of rent or possession within three (3) days (excludes: Saturday, Sunday, legal holidays and date of service) from the date of delivery of the notice, to-wit: on or before the _____ day of _____, 20_____.

Signature

Name of Landlord/Property Manager: (Circle one)

Address

City, State, Zip Code

Phone Number

THIS NOTICE HAND DELIVERED/POSTED ON: _____
(Circle one)

FORM 2 AND 2A

NOTICE FROM LANDLORD TO TENANT — NOTICE OF NONCOMPLIANCE FOR MATTERS OTHER THAN FAILURE TO PAY RENT

Violations of a rental agreement which may entitle the Landlord to send this Notice include, the material failure of Tenant to comply with its statutory obligations to maintain the dwelling unit under Florida Statute 83.52 or material provisions of the rental agreement (other than the failure to pay rent), or reasonable rules and regulations. For the notice necessary to terminate the rental agreement under circumstances where the Tenant must be given the opportunity to remedy the violation, see Florida Statutes 83.56(2)(b).

Under some situations, such as the tenant's intentional destruction of property of the landlord or other tenants, the landlord may be able to terminate the rental agreement without giving the tenant an opportunity to remedy the violation. For the notice necessary to terminate the rental agreement under these circumstances, see Florida Statute 83.56(2)(a).

The delivery of this written notice may be by mailing or delivering a true copy to the dwelling unit, or, if the tenant is absent from the dwelling unit, by leaving a copy of the notice at the dwelling unit.

This written notice must be delivered, and the seven-day time period must run, prior to any termination of the rental agreement or any law suit for eviction.

SOURCE: Sections 83.52 and 83.56, Florida Statutes (2010).

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**7- DAY NOTICE FROM LANDLORD TO TENANT NOTICE OF
NON-COMPLIANCE FOR MATTERS OTHER THEN FAILURE TO PAY RENT**

To:

Tenant's Name:
Address:
City, State, Zip Code:
Landlord's Name:
Date:

You are hereby notified that you are not complying with your rental agreement in that

_____. Demand is hereby made that you remedy the noncompliance, default or violation within seven (7) days of receipt of this notice or your rental agreement shall be deemed terminated and you shall vacate the premises upon termination. If this same conduct or conduct of a similar nature is repeated within twelve months, your tenancy is subject to termination without you being given an opportunity to cure the noncompliance, default or violation.

Signature:

Name of Landlord/ Manager: (Circle one)

Address

City, State, Zip Code

Phone Number

THIS NOTICE HAND DELIVERED/POSTED ON: _____ (Circle one)

**7 DAY NOTICE OF NON-COMPLIANCE
WITH NO OPPORTUNITY TO CURE**

To: _____

Tenant's Name

Address

City, State and Zip Code

You are hereby notified that your lease is terminated effective immediately. You have seven (7) days from delivery of this notice to vacate the premises. This action is taken because:

_____.

Signature of Landlord / Property Manager

Address

City, State and Zip Code

Phone Number

Date of Delivery: _____

Method of Delivery: _____ (by hand, mailing or posting)

*If delivered by mail, an additional 5 days must be added to the notice.

FORM 3

NOTICE FROM LANDLORD TO TENANT - NOTICE FOR POSSESSION OF PREMISES

THIRTY (30) Day Notice of Termination of Lease for Month – to – Month Agreement or the non
renewing of a year lease

This notice is used if the landlord wants possession of this property. This form would be used giving the tenant a fifteen day written notice to vacate the premises. The notice would state that the rental agreement is terminated and that no further rent would be accepted.

THIS NOTICE MUST BE GIVEN THIRTY DAYS PRIOR TO THE EXPIRATION OF LEASE.

If the tenant does not vacate, the landlord would then file his/her complaint for eviction.

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**30-DAY NOTICE OF
MONTH-TO-MONTH TENANCY TERMINATION**

TO: _____

ADDRESS: _____

You are hereby notified that pursuant to Section 83.57 Florida Statutes your month-to-month tenancy for the above referenced leased premises is being terminated at the end of this rental period to wit: ____/____/20__

Please note that should you refuse to deliver possession of the leased premises by the termination of this rental period you shall be considered a holdover tenant and pursuant to Section 83.58 Florida Statutes may be liable for double rent.

Landlord: _____

Address: _____

Telephone: _____

CERTIFICATE OF SERVICE

This notice was hand delivered to the above tenant on ____/____/20__

or

This notice was placed in a conspicuous place at the leased premises on ____/____/ 20__

By: _____

Landlord: _____

Address: _____

Telephone: _____

FORM 4 – COMPLAINT FOR LANDLORD TO EVICT TENANTS

FORM 4A -- COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR FAILURE TO PAY RENT AND TO RECOVER PAST DUE RENT

Form 4 should be used if only eviction of the Tenant is sought. See Fla. R. Civ. Proc. 1.947 (2010). Form 4A should be used to evict the Tenant and recover damages (past due rent).

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA**

Case No: _____-CC

Plaintiff,
Vs.

COMPLAINT FOR EVICTION

Defendant(s).

Plaintiff, _____, sues Defendant(s) _____
_____ and alleges:

1. This is an action to evict a Tenant from real property in COLUMBIA County, Florida.
2. Plaintiff owns the following described real property in the County:
_____.
3. Defendant(s) has/have possession of the property under a (oral/written) agreement to pay rent of \$_____ payable _____. A copy of the written agreement, if any, is attached as Exhibit "A." (weekly, monthly, yearly)
4. Defendant(s) failed to pay the rent due _____, 20_____.
5. Plaintiff 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 3 day notice is attached as Exhibit "B".

WHEREFORE, Plaintiff demands judgment for possession of the property against Defendant(s) and the payment of any rent monies deposited into court registry as a result of this case.

Signature

Name of Landlord/Property Manager

Address

City, State, Zip Code

Phone Number

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA**

Case No: _____-CC

Plaintiff/Landlord,

-VS-

**COMPLAINT FOR EVICTION
AND DAMAGES**

Defendant(s)/Tenant(s),

Plaintiff _____ sues Defendant(s) _____
(insert name of Landlord) (insert name of Tenant)

And alleges:

COUNT I – EVICTION

1. This is an action to evict tenant from real property in Columbia County, Florida.
2. Plaintiff owns the following described real property in said county:

(street address of rental property including, if applicable, unit or lot number)

3. Defendant(s) has/have possession of the property under a/an (oral/written) agreement to pay rent of \$_____ payable _____.
(rental amount) (terms of rental payments i.e., weekly, monthly, etc.)

A copy of the written agreement, if any, is attached as Exhibit "A".

4. Defendant(s) failed to pay the rent due on _____, 20_____.
(date of payment Tenant has failed to make)
5. Plaintiff 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 as Exhibit "B".

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

COUNT II - DAMAGES

6. This is an action for damages that do not exceed \$15,000.00
7. Plaintiff restates those allegations contained in paragraphs 1 through 5 above.
8. Defendant(s) owes Plaintiff \$_____ that is due with interest since
(past due rent amount)

_____, 20_____, for unpaid rent and \$_____ for
damages to premises, plus Court costs.

WHEREFORE, Plaintiff demands judgment for damages against Defendant(s).

Signature of Landlord/Property Manager

Address

City, State, Zip Code

Telephone Number

E-Mail Address

FORM 5 –
COMPLAINT FOR LANDLORD TO EVICT TENANTS FOR
FAILURE TO COMPLY WITH RENTAL AGREEMENT
(OTHER THAN FAILURE TO PAY RENT)

Form 5 should be used for eviction of Tenants if the Tenant's default is something other than failure to pay rent. If damages are sought a separate count, as set forth in Form 4A is necessary.

See Instructions to Form 4A.

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA**

Plaintiff/Landlord

Case No. _____-CC

vs

Defendant(s)/Tenant(s)

**COMPLAINT FOR EVICTION
(FAILURE TO COMPLY)**

Plaintiff, _____ sues Defendant _____
(Name of landlord(s)) (Name of tenant(s))

And alleges:

1. This is an action to evict a tenant from real property in Columbia County, Florida.
2. Plaintiff owns the following described real property in the County:

(insert address of the following property including, if applicable, unit or lot number)

3. Defendant has possession of the property under a/an (oral/written) agreement. A copy of the written agreement, if any, is attached as exhibit "A".
4. Plaintiff served Defendant(s) with a notice on _____, 20____ (date of notice), giving written notice to the Defendant(s) that the Defendant(s) was in violation of the rental agreement. A copy of the notice setting forth violations of the rental agreement is attached hereto as Exhibit "B".
5. Defendant(s) has/have failed to correct or discontinue the conduct set forth in the above mentioned notice.

Wherefore, Plaintiff demands judgment for possession of the property against Defendant(s) and the payment of any rent monies deposited into the court registry as a result of this case.

Dated: _____

Signature of Landlord/Property Manager

Address

City, State and Zip Code

Phone Number

FORM 6 –

COMPLAINT FOR POSSESSION OF RESIDENTIAL REAL PROPERTY

Form 6 should be used for eviction of Tenants if the tenant's Month – to – Month agreement has been terminated and landlord desires possession of the property OR at the expiration of a year lease which you wish to non renew.

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA**

Plaintiff/Landlord

Case No. _____

vs

Defendant(s)/Tenant(s)

**COMPLAINT FOR POSSESSION OF
RESIDENTIAL REAL PROPERTY**

Plaintiff, _____ sues Defendant(s) _____
(Name of Landlord) (Name of Tenant(s))

And alleges:

1. This is an action to evict a tenant from real property in Columbia County, Florida.
2. Plaintiff owns the following described real property in the County:

(insert address of the following property including, if applicable, unit or lot number)
3. Defendant(s) has/have possession of the property under a/an (oral/written) agreement to pay rent of \$_____ payable _____. (Insert terms of payments i.e., weekly, monthly, etc.)
A copy of the written agreement, if any, is attached as exhibit "A".
4. The Defendant(s) has been served with a thirty (30) day notice to vacate the premises, said notice being incorporated and made a part of this complaint.
5. Plaintiff served Defendant(s) with notice on _____ (date notice was served) to deliver possession. Defendant(s) has failed to do so.

Wherefore, Plaintiff demands possession of the premises and payment of any rent monies deposited into court registry as a result of this case.

Dated: _____

Signature of Landlord/Property Manager

Address

City, State and Zip Code

Phone Number

FORM 7

SUMMONS - EVICTION CLAIM

If your Complaint is only for eviction of the Tenant, you need to fill out and deliver this form to the Clerk with the Complaint. If your Complaint is also for damages, you will need to attach Form 8.

SOURCE: Fla. R. Civ. P. 1.070(2007); Fla. R. Civ. P. Form 1.923 (2007)

**If the defendant is served by 'POSTING', you must also provide an additional copy of all your case pleadings to the clerk's office, along with a pre-paid first class mail stamped envelope to be sent to the defendant(s) per Florida Statutes. (Per defendant)
CERTIFICATE OF MAILING ATTACHED FOR YOUR CONVENIENCE.**

SOURCE: FLORIDA STATUTE 48.183(2)

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA**

Plaintiff/Landlord

Case No. _____

-Vs-

Defendant(s)/Tenant(s)

EVICTIION SUMMONS/RESIDENTIAL

TO: _____
Defendant(s), Address

PLEASE READ CAREFULLY

You are being sued by _____ (Plaintiff/Landlord) to require you to move out of the property located at _____
_____ for the reasons given in the attached complaint.

You are entitled to a trial to decide 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 legal holidays) 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 TO CHALLENGE THE EVICTION 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 Columbia County Courthouse, 173 NE Hernando Ave, Lake City, Florida 32055.

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

Plaintiff/Plaintiff's Attorney

Address

3. Give the Court Clerk the rent that is due. You **MUST** pay the Clerk the rent each time it becomes due until the lawsuit is over. Whether you win or lose the lawsuit, the Judge may pay this rent to the Landlord. [By statute, public housing tenants or tenants receiving rent subsidies shall be required to deposit only that portion of the full rent for which the tenant is responsible pursuant to federal, state, or local program in which they are participating.]
4. If you and the Landlord do not agree on the amount of rent owed, you must file a written request (motion) which asks the Judge to decide how much money you must give to the Court Clerk. The

written request must be filed with your answer to the Eviction Complaint. A copy of your motion must also be mailed or hand delivered to the plaintiff(s) attorney, or if the Plaintiff(s) has no attorney, to the Plaintiff.

IF YOU DO NOT DO ALL OF THESE THINGS WITHIN 5 DAYS (NOT INCLUDING THE DATE OF SERVICE, SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS FOR YOUR COURTHOUSE) YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.

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 the _____ day of _____, 20_____

JAMES M. SWISHER, JR.,
CLERK OF THE COURT

By: _____
Deputy Clerk

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED AT NO COSTS TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT COURT ADMINISTRATION, 173 NE HERNANDO AVENUE, LAKE CITY, FL 32056, (386)758-2163 AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE OR IMMEDIATLEY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.

Approved for use under rule 10-2.1(a) of
the Rules Regulating The Florida Bar

The Florida Bar 2020

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA**

_____,
_____,
PLAINTIFF(S),

CASE NO.: 2022-_____-CC

Vs.

_____,
_____,
DEFENDANT(S).

CLERKS CERTIFICATE OF MAILING OF NOTICES
PURSUANT TO FLORIDA STATUTES SECTION 48.183

Pursuant to Section 48.183, F.S. SERVICE OF PROCESS IN ACTION FOR POSSESSION OF PREMISES, I HEREBY CERTIFY THAT A COPY OF THE SUMMONS AND COMPLAINT (WITH EXHIBITS, IF ANY) IN THIS CAUSE WERE SENT BY FIRST CLASS MAIL TO:

_____(Defendant name)
_____(Defendant address)

WITNESS my hand and seal of the court on this _____ day of _____, 20_____.

JAMES M. SWISHER, JR.,
CLERK OF THE COURT

BY: Deputy Clerk

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT COURT ADMINISTRATION, 173 NE HERNANDO AVENUE, LAKE CITY, FL 32056, (386) 758-2163 AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE OR IMMEDIATLEY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS; IF YOU HEARING OR VOICE IMPAIRED, CALL 711.

FORM 8

SUMMONS--DAMAGES CLAIM

If a lawsuit is filed to evict the Tenant and recover back rent, both summonses, Forms 7 and 8, should be prepared and delivered to the Clerk of the Court at the time of filing the Complaint. If the Complaint seeks only to evict the Tenant, only Form 7 need be prepared and delivered to the Clerk with the Complaint. The summons or summonses should be attached to a copy of the Complaint and, after execution by the Clerk, delivered to the Sheriff or other authorized process server to be served upon the Tenant.

SOURCE: Fla. R. Civ. P. 1.070 (2007)

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA**

Plaintiff/Landlord

Case No. _____

-Vs-

Defendant(s)/Tenant(s)

**SUMMONS –
ACTION FOR BACK RENT
AND DAMAGES**

TO: _____

Each Defendant is further required to serve written defenses to the demand for back rent and all other damages to the premises contained in the Complaint upon the above-named _____ [insert Landlord's name] at the above-named address within 20 days after service of this Summons upon the Defendant, exclusive of the day of Service, and to file the original of the written defenses with the Clerk of the Court either before service on _____ [insert Landlord's name] or thereafter. If you fail to do so, a default will be entered against the Defendant for the relief demanded in that portion of the Complaint.

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

(COURT SEAL)

JAMES M. SWISHER, JR.,
CLERK OF THE COURT

By: _____
Deputy Clerk

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED AT NO COSTS TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT COURT ADMINISTRATION, 173 NE HERNANDO AVENUE, LAKE CITY, FL 32056, (386)758-2163 AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE OR IMMEDIATLEY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.

Approved for use under rule 10-2.1(a) of the Rules Regulating The Florida Bar; The Florida Bar 2010

FORM 8

FORM 9 — MOTION FOR CLERK’S DEFAULT— RESIDENTIAL EVICTION

FORM 10 — MOTION FOR CLERK’S DEFAULT— DAMAGES (RESIDENTIAL EVICTION)

FORM 11 — MOTION FOR DEFAULT FINAL JUDGMENT — RESIDENTIAL EVICTION

FORM 12 — MOTION FOR DEFAULT FINAL JUDGMENT — DAMAGES (RESIDENTIAL EVICTION)

FORM 13 — AFFIDAVIT OF DAMAGES

FORM 14 — NONMILITARY AFFIDAVIT

The tenant will have five days, after service, to file a written response to a Complaint for eviction, and 20 days, after service, to file a written response to a complaint for back rent and damages. If the tenant fails to file a written response in that time the landlord is entitled to a judgment by default.

Obtaining the judgment is a two-step process. First, a clerk’s default should be obtained by delivering to the clerk of the court an executed Motion for Clerk’s Default. Form 9 should be used to obtain a clerk’s default when the tenant has failed to respond to an eviction complaint and Form 10 should be used to obtain a clerk’s default when the tenant has failed to respond to a complaint for back rent and damages. In order to be entitled to a default, Form 14, Nonmilitary Affidavit, must be filed with the clerk.

Second, based on the clerk’s default, a default final judgment should be obtained from the judge handling the case. The default final judgment is obtained by delivering to the court a Motion for Default Final Judgment – Residential Eviction (Form 11) and/or a Motion for Default Final Judgment – Damages (Residential Eviction) (Form 12) with an Affidavit of Damages (Form 13). If the landlord is seeking a Default Final Judgment – Damages (Residential Eviction), a copy of the motion and affidavit must be served on the defendant. The forms provide a certificate of service to be completed establishing proper service of the motion and affidavit.

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA**

_____,
Plaintiff,

CASE NO. _____

VS.

_____,
Defendant(s),
_____ /

**MOTION FOR CLERK'S
DEFAULT—RESIDENTIAL
EVICTION**

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.

Signature

Name

Address

(_____) _____

Phone Number

DEFAULT – RESIDENTIAL EVICTION

A default is entered in this action against the Defendant(s) for eviction for failure to respond as required by law.

DATE: _____

JAMES M. SWISHER, JR.,
CLERK OF THE COURT

By: _____
Deputy Clerk

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA**

_____,
Plaintiff,

CASE NO. _____

VS.

_____,
Defendant(s),
_____ /

**MOTION FOR CLERK'S
DEFAULT—DAMAGES
(RESIDENTIAL EVICTION)**

Plaintiff asks the clerk to enter a default against _____
_____, Defendant(s), for failing to respond as required by law to
Plaintiff's Complaint for damages.

Signature

Name

Address

(_____) _____
Phone Number

DEFAULT—DAMAGES (RESIDENTIAL EVICTION)

A default is entered in this action against the Defendant(s) for damages for failure to respond as required by law.

DATE: _____

JAMES M. SWISHER, JR.,
CLERK OF THE COURT

By: _____
Deputy Clerk

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA**

Plaintiff,

CASE NO. _____

vs.

Defendant(s). /

**MOTION FOR DEFAULT FINAL-
JUDGMENT - RESIDENTIAL
EVICTON**

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.

1. Plaintiff filed a Complaint alleging grounds for residential eviction of Defendant(s).
2. A Default has been entered by the Clerk of this Court on _____, 20____.

WHEREFORE, Plaintiff asks this Court to enter a Final judgment for Residential Eviction against
Defendant(s).

Name/Signature

Address

(_____)_____

Phone

Approved for use under rule 10-2.1(a) of
the Rules Regulating The Florida Bar

The Florida Bar 2020

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR COLUMBIA COUNTY, FLORIDA**

<p>_____</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>_____</p> <p style="text-align: center;">Defendant(s). /</p>	<p>CASE NO. _____</p> <p style="text-align: center;">MOTION FOR DEFAULT FINAL JUDGMENT - - DAMAGES (RESIDENTIAL EVICTION)</p>
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Plaintiff asks the Clerk to enter a default against _____
_____, Defendant(s), for failing to respond as required by law to Plaintiff's
Complaint for damages.

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 this Court on _____, 20____.
3. In support of this Motion, Plaintiff submits the attached Affidavit of Damages.

WHEREFORE, Plaintiff asks this Court to enter a Final judgment against Defendant(s).

I CERTIFY that I _____ mailed, _____ faxed and mailed, or _____ hand delivered a copy of this motion and attached affidavit to the Defendant(s) at _____
_____ (insert address at which Tenant was served).

Name/Signature

Address

(_____) _____

Phone _____

Approved for use under rule 10-2.1(a) of
the Rules Regulating The Florida Bar

The Florida Bar 2010

FORM 12

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA**

_____,
Plaintiff,

CASE NO.: _____

VS.

_____,
Defendant(s),
_____ /

AFFIDAVIT OF DAMAGES

STATE OF FLORIDA)
COUNTY OF)

BEFORE ME, the undersigned authority, personally appeared _____ [name],
who being first duly sworn, states as follows:

1. I am ____ the Plaintiff or ____ the Plaintiff's agent (check appropriate response) in this case and
am authorized to make this affidavit.

2. This affidavit is based on my own personal knowledge.

3. Defendant(s) has/have possession of the property which is the subject of this eviction under an
agreement to pay rent of \$ _____ [rental amount] per _____ [week, month, or
other payment period].

4. Defendant(s) has/have not paid the rent due since _____ [date
of payment tenant failed to make].

5. Defendant(s) owes Plaintiff \$ _____ [past due rent amount] as alleged in the
complaint plus interest.

6. Defendant(s) owes Plaintiff \$ _____ [amount of other damages] as alleged in
the complaint plus interest.

Plaintiff's Signature

Name

Sworn and subscribed before me on _____ [date], by _____ [name],
who _____ is personally know to me/ _____ produced _____ [document] as
identification, and who took an oath.

NOTARY PUBLIC – STATE OF FLORIDA

Name: _____

Commission No.: _____

My Commission Expires: _____

I CERTIFY that I ___ mailed, ___ faxed and mailed, or ___ hand delivered a copy of this motion
and attached affidavit to the Defendant(s) at _____

[insert address where tenant was served and fax number if sent by fax].

Signature

Print

Address

(_____) _____
Phone Number

**IN THE COUNTY COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR COLUMBIA COUNTY, FLORIDA**

CASE NO.: _____

Plaintiff,

vs.

Defendant(s).

_____ /

NON-MILITARY AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF)

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 service or any governmental agency or branch subject to the provisions of the Soldiers' and
Sailors' Civil Relief Act.

That I know of my own personal knowledge that the respondent is not on active duty in the armed
forces of the United States.

DATED: _____

Signature of Affiant

Name

Address

(_____)
Phone

Sworn and subscribed before me on ____/____/____ [date], by _____
[name], who ____ is personally know to me/ ____ produced _____
[document] as identification, and who took an oath.

NOTARY PUBLIC – STATE OF FLORIDA

Name: _____

Commission No.: _____

My Commission Expires: _____

I CERTIFY that I ____ mailed, ____ faxed, or ____ hand delivered a copy of this motion and attached affidavit to the Defendant at:

[insert address at which tenant was served and fax number if sent by fax].

Name

Address

(_____) _____
Phone