

EVICTION PACKET-7 DAY (WITH CURE)

COMPLETE BOTH 7-DAY NOTICES, POST ONE ON THE DOOR OF THE PROPERTY YOU WISH THE PERSON TO BE EVICTED FROM AND KEEP ONE FOR YOUR RECORDS TO ATTACH TO YOUR COMPLAINT.

ONCE THE 7 BUSINESS DAYS (EXCLUDING WEEKENDS AND HOLIDAYS) HAVE PASSED, COMPLETE THE ATTACHED COMPLAINT FOR EVICTION AND SUMMONS. (IT WILL COST AN ADDITIONAL \$7.00 PER SUMMONS IF YOU HAVE THE CLERK PREPARE YOUR SUMMONS)

ONCE YOU HAVE COMPLETED YOUR COMPLAINT FOR EVICTION AND SUMMONS, BRING THE ORIGINAL AND 2 COPIES TO THE CLERK OF COURTS OFFICE ALONG WITH A FILING FEE OF \$185.00 PLUS \$10.00 PER PERSON YOU WISH TO HAVE EVICTED. ONCE YOUR CASE IS FILED WITH THE CLERK, YOU MUST HIRE A PROCESS SERVER OF YOUR CHOICE AND HAVE THE DEFENDANT(S) SERVED WITH YOUR COMPLAINT (A LIST OF PROCESS SERVERS IS ATTACHED TO THIS PACKET.) (Each process server's fee will be at their discretion)

IF THE CLERK PREPARES YOUR SUMMONS, THAT WILL BE AN ADDITIONAL \$7.00 PER DEFENDANT. IF THE CLERK PRINTS COPIES OF YOUR PAPERWORK IT IS \$1.00 PER PAGE THAT IS PRINTED.

OPTION 1: YOU COMPLETE THE ATTACHED SUMMONS
YOUR TOTAL FILING FEES WILL BE AS FOLLOWS:

- \$185.00-EVICTION FILING FEE
- \$10.00-SIGNING AND SEALING OF SUMMONS (\$10.00 FOR EACH DEFENDANT)

YOUR TOTAL TO BEGIN THE EVICTION PROCESS:

- 1 DEFENDANT= \$195.00 TO THE CLERK OF COURT
- 2 DEFENDANTS= \$205 TO THE CLERK OF COURT

Each defendant will increase the filing fee by \$10.00.

If you get to the point of eviction, you will have a fee payable to the sheriff's office for \$90.00 to have the Writ of Possession served on the tenant(s).

OPTION 2: THE CLERK PREPARES YOUR SUMMONS, YOUR FILING FEES WILL BE AS FOLLOWS:

- \$185.00-EVICTION FILING FEE
- \$10.00-SIGNING AND SEALING OF SUMMONS (\$10.00 FOR EACH DEFENDANT)
- \$7.00- CLERK PREPARATION OF SUMMONS (\$7.00 FOR EACH DEFENDANT)

YOUR TOTAL TO **BEGIN** THE EVICTION PROCESS:

- 1 DEFENDANT=\$202.00 TO THE CLERK OF COURT
- 2 DEFENDANTS=\$219.00 TO THE CLERK OF COURT

Each defendant will increase the filing fee by \$17.00.

If you get to the point of eviction, you will have a fee payable to the sheriff's office for \$90.00 to have the Writ of Possession served on the tenant(s).

INFORMATION OR FORMS PROVIDED BY THE CLERK OF COURT SHOULD BE CONSIDERED AS BASIC INFORMATION ONLY AND MAY NOT BE APPLICABLE IN EVERY SITUATION. THE INFORMATION IS NOT INTENDED TO BE USED AS LEGAL ADVICE. SPECIFIC GUIDANCE AS TO HOW TO PROCEED WITH FILING A LAWSUIT OR ANSWERING A LAWSUIT AND QUESTIONS ABOUT YOUR PARTICULAR SITUATION SHOULD BE DIRECTED TO A QUALIFIED ATTORNEY.

PART I

*****POST NOTICE ON DOOR OR DELIVER TO TENANT(S)***
KEEP A COPY FOR YOUR RECORD TO ATTACH TO COMPLAINT
ONCE THE TIME HAS PASSED ON THE NOTICE, PROCEED TO PART II**

**NOTICE FROM LANDLORD TO TENANT NOTICE OF
NONCOMPLIANCE FOR MATTERS OTHER THAN FAILURE TO PAY RENT (7 Day Notice to Cure)**

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

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

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

Landlord's Name _____

Address

Phone Number _____

**NOTICE FROM LANDLORD TO TENANT NOTICE OF
NONCOMPLIANCE FOR MATTERS OTHER THAN FAILURE TO PAY RENT (7 Day Notice to Cure)**

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Landlord's Name _____

Address

Phone Number _____

PART II

- COMPLETE COMPLAINT AND SUMMONS AND FILE WITH THE CLERK'S OFFICE WITH APPROPRIATE FILING FEES.
- HIRE A PROCESS SERVER TO SERVE SUMMONS ON TENANT(S) (FEES VARY DEPENDING ON THE PROCESS SERVICE YOU USE)
- IF PROCESS SERVER CANNOT PERSONALLY SERVE INDIVIDUAL(S) AFTER TWO ATTEMPTS AND SERVES BY POSTING AT THE RESIDENCE, YOU MUST BRING IN A COPY OF THE COMPLAINT AND SUMMONS AND A PRE-ADDRESSED STAMPED ENVELOPE TO BE MAILED BY THE CLERK TO THE DEFENDANT.
- WAIT 5 BUSINESS DAYS (NOT INCLUDING WEEKENDS OR HOLIDAYS)
- CONTACT THE CLERK TO SEE IF TENANT(S) HAS RESPONDED TO COMPLAINT.
- PROCEED WITH PART III

***If at any time after filing the complaint for eviction, you accept rent or no longer wish to pursue the eviction, complete the attached Letter of Voluntary Dismissal and file with the clerk's office.

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

CASE NO: _____
(Insert case number assigned by Clerk)

_____,
(Insert name of Landlord)

_____,
(Insert name of Landlord) **Plaintiff(s),**

-VS-

**COMPLAINT FOR EVICTION FOR
FAILURE TO COMPLY WITH LEASE
(OTHER THAN FAILURE TO PAY RENT)**

_____,
(Insert name of Tenant)

_____,
(Insert name of Tenant) **Defendant(s),**

Plaintiff, _____, sues Defendant(s), _____,
(Insert name of Landlord) (Insert name of Tenant)

and alleges:

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

(Insert legal or street description of rental property including, if applicable, unit number)

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

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

4. Plaintiff served Defendant with a notice on _____, _____, giving written
(Insert Date of Notice)
notice to the Defendant that the Defendant was in violation of his/her rental agreement. A copy of said notice, setting forth the violations of the rental agreement, is attached hereto as Exhibit "B".
5. Defendant has 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.

Signature

Name of Landlord/Property Manager

Address

City, State, Zip Code

Home Telephone Number

Other Telephone Number

STATE OF FLORIDA
IN THE COUNTY COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR JACKSON COUNTY FLORIDA

Plaintiff,
-vs

UCN:
Case Number: _____

Defendant

TO : DEFENDANT'S NAME: _____

DEFENDANT'S ADDRESS: _____

EVICTION SUMMONS - RESIDENTIAL
PLEASE READ CAREFULLY

You are being sued by (LANDLORD'S NAME) _____
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 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 residence.

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:

JACKSON COUNTY CLERK OF COURT
4445 LAFAYETTE STREET
MARIANNA FL 32446

2. Mail or take a copy of your written reason(s) to: (LANDLORD'S NAME AND ADDRESS) _____

3. Pay to the clerk of the court the amount of rent into the court registry (*cash, certified or cashier's check or money order payable to the Clerk of Court*) that the attached complaint claims to be due and any rent that becomes due until the lawsuit is over (*together with the court registry fee of 3% of the first \$500.00, and 1.5% of the balance due which is nonrefundable*). 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 RESIDENCE, YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.

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 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 residence. 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 residence.

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____.

CLAYTON O. ROOKS, III
CLERK OF CIRCUIT & COUNTY COURTS

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, TO THE PROVISION OF CERTAIN ASSISSTANCE. PLEASE CONTACT THE ADA COORDINATOR BY MAIL AT P.O. BOX 1089, PANAMA CITY, FL 32401 OR BY PHONE AT (850) 747-5338 AT LEAST SEVEN (7) DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE OR IMMEDIATELY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN SEVEN (7) DAYS. IF YOU ARE HEARING OR VOICE IMPAIRED, PLEASE CALL 711.

PROCESS SERVERS NEAR MARIANNA, FL

PANHANDLE PROCESS SERVICE

Quincy, FL

850-627-6032

To find a process server by zip code, visit www.napps.org

PART

III

- If the tenant(s) files a response, it is sent to the Judge for review. The Judge will either set for a hearing or issue a Judgment of Eviction. If it is set for a hearing, the clerk will notify all parties of the hearing date and time via mail.
- If the tenant is served by posting at residence by a process server, you will need to bring a copy of the summons and complaint and a stamped, addressed (to the tenant(s)) envelope for the clerk to mail to the tenant(s). *1 copy and envelope for each tenant*
- If the tenant fails to respond 5 working days after personal service or after Clerk's certificate of mailing date, you will need to complete the attached Default Papers and file them with the clerk's office.
- Once the Judge signs an Order for Tenant Removal, you may attempt to have them leave based on the order or go ahead to Part IV.
- If the tenant still refuses to leave, continue to Part IV.

*** If at any time after filing the complaint for eviction, you accept rent or no longer wish to pursue the eviction, complete the attached Letter of Voluntary Dismissal and file with the clerk's office.

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

CIVIL DIVISION
CASE NUMBER: _____

PLAINTIFF

VS

DEFENDANT(S)

MOTION FOR DEFAULT

The **PLAINTIFF** moves for an entry of default by the Court against the **DEFENDANT(S)**,

For the following reason:

- The defendant has failed to serve a written Answer to said Complaint within five days after service of the summons.
- The Defendant has failed to pay into the Registry of County Court the accrued rent as alleged in the Complaint and has not interposed a defense to the action that the payment of rent has been made to the Plaintiff.
- The Defendant has failed to pay the rent which accrued during the pendency of these proceedings when it was due.

WHEREFORE, the Plaintiff moves for an entry of an immediate default and Judgment against the Defendant without hearing by either the Clerk or the Judge According to law.

Plaintiff's Signature

Address

Telephone Number

Clayton O. Rooks, III.
Clerk of Courts
P.O Drawer 510
Marianna, FL 32447

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

CIVIL DIVISION
CASE NUMBER: _____

PLAINTIFF(S)

VS

DEFENDANT(S)

DEFAULT

A DEFAULT is entered in this action against the **DEFENDANT** for the following reason:

- The defendant has failed to serve a written Answer to said Complaint within five (5) days after service of the summons.
- The Defendant has failed to pay into the Registry of the County Court the accrued rent as alleged in the Complaint and has not interposed a defense to the action that the payment of rent has been made to the Plaintiff.
- The Defendant has failed to pay the rent which accrued during the pendency of these proceedings when it was due.

DATED THIS _____ day of _____, **20**_____.

County Judge / Deputy Clerk

Clayton O. Rooks, III
Clerk of Courts
P.O Drawer 510
Marianna, FL 32447

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

CIVIL DIVISION

CASE NO: _____

PLAINTIFF (S)

VS

DEFENDANT(S)

AFFIDAVIT IN PROOF OF CLAIM AND NON-MILITARY SERVICE COUNT I
(Tenant Eviction and/or Past Due Rents and Court costs)

STATE OF FLORIDA, COUNTY OF JACKSON

Before me, the undersigned authority, personally appeared _____ Who duly sworn, deposes and says:

1. That he/she is the Landlord of rented premises located in Jackson County, Florida described as follows:

_____.

2. _____ 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 the day of _____, **20**____ hereupon the Landlord, on the ____ day of _____, **20**____, served a three (3) day notice demanding payment of the rent or possession of the premises or a fifteen (15) day notice for possession.

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. 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.

Plaintiff's Signature

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

CIVIL DIVISION
CASE NUMBER: _____

PLAINTIFF(S)

VS

DEFENDANT(S)

MOTION FOR TENANT REMOVAL

Plaintiff(s) request(s) entry of an Order For Tenant Removal on count 1 of the complaint, and would show the court as follows:

1. This is a hybrid eviction action for residential tenant removal and past due rent filed pursuant 83.625 F.S.
2. Personal service of process was effected on Defendant(s) on _____, requiring Defendant(s) to respond to the complaint's claim in Count 1 for possession of the premises within five (5) days and to respond to the complaint's claim in Count 2 for past due rent within 20 days.
3. Personal service of process notwithstanding, Defendant has failed to file or serve any paper in this action in response to the complaint's claim in Count 1 for possession of the premises.
4. The time allowed for the Defendant(s) to respond to the complaint's claim in Count 1 for possession of the premises has expired, and the Plaintiff(s) request(s) that the Court enter an Order for Tenant Removal, reserving jurisdiction over this action to enter a subsequent money judgment on the complaint's claim in Count 2 for past due rent and Court Costs.

Plaintiff's Signature

PART

IV

- Complete the attached Writ of Possession and bring to the clerk's office to be issued. (YOU CAN DO THIS IN PART III)
- You will then send or take the Writ of Possession to the Sheriff's office for them to physically remove the tenant(s) from the property. (The Sheriff's fee for this service is \$90.00)
- If you want the clerk to forward the writ of possession to the Sheriff's Office, you will need to bring a check or money order made out to the Jackson County Sheriff's Office for \$90.00. Their office only picks up from our office once a day around 12:00pm.
- Once the Sheriff's office assists with tenant removal, you will regain possession of your property.

*** If at any time after filing the complaint for eviction, you accept rent or no longer wish to pursue the eviction, complete the attached Letter of Voluntary Dismissal and file with the clerk's office.

IN THE COUNTY COURT
IN AND FOR JACKSON
COUNTY, FLORIDA

Case Number: _____

PHONE:

PLAINTIFF(S)

VS

PHONE:

DEFENDANT(S)

WRIT OF POSSESSION

STATE OF FLORIDA:

TO ALL THE SHERIFFS OF THE STATE:

YOU ARE HEREBY COMMANDED **after twenty-four (24) hours' notice** conspicuously posted on the premises described below, to put the above named Plaintiff in possession of the premises and to remove all other persons. The premises located in Jackson County, Florida is described as follows:

WITNESS my hand and seal of said Court at Marianna, Jackson County, Florida this _____ day of _____, 20____.

CLAYTON O. ROOKS, III
Clerk of County Court

Deputy Clerk

PART V

If at any time after filing the complaint for eviction, you accept rent or no longer wish to pursue the eviction, complete the attached Letter of Voluntary Dismissal and file with the clerk's office.

LETTER OF VOLUNTARY DISMISSAL

Date: _____

RE: CASE NO. _____

PLAINTIFF(S)

-VS-

DEFENDANT(S)

_____, WOULD LIKE TO VOLUNTARILY DISMISS THE ABOVE MENTIONED CASE
(PLAINTIFF)

ON _____
(DEFENDANT)

DUE TO _____

_____.

PLAINTIFF(S) SIGNATURE