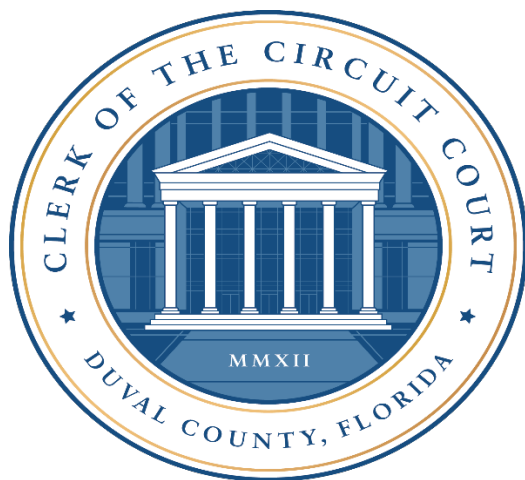


JODY PHILLIPS
CLERK OF THE CIRCUIT AND COUNTY COURTS
JACKSONVILLE, FLORIDA
www.duvalclerk.gov



PACKET FEE: \$3.25

UNLAWFUL DETAINER PACKET

Please contact the Clerk's Office at (904) 255-1979 or visit us online
Revised 8/2024
at www.DuvalClerk.gov for additional information.

UNLAWFUL DETAINER

*** Important Information ***

Notice: Information or forms provided by the Clerk of the 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. Specific guidance concerning filing a lawsuit, answering a lawsuit or questions about your individual situation should be directed to a qualified attorney.

FILING FEES:

Unlawful Detainer	\$300.00
Summons Issuance Fee	\$10.00 Per Summons

IN ADDITION TO THE FILING FEE AND SUMMONS ISSUANCE FEE, you must contact a private process server, or persons allowed to do service in the county where the service is to be done, to obtain their service fees.

- If service is outside of Duval County, you must contact the Sheriff of that county to obtain applicable service fees.

When should this packet be used?

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

Example – You let your former significant other, relative or friend live in your home. You have now told them to leave, and they refused.

If your situation does not meet the criteria listed above, an Unlawful Detainer may not be the appropriate action, and you should review the information on eviction and ejectment. This packet does not constitute legal advice. If you have questions, you may want to contact an attorney.

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 like an eviction proceeding except that in an Unlawful Detainer case there is no landlord/tenant relationship between the parties, meaning 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.

Review the Filing Checklist prior to completing any forms.

Refer to chapter 82 of the Florida Statutes for information regarding filing a tenant eviction case.

- Copies of these statutes are available at the Law Library located in the Duval County Courthouse, at your public library or online through the Florida Legislature website at <http://www.leg.state.fl.us/Statutes>.

Do Not Sign any documents that require a notary or deputy clerk signature until you are in front of the notary or deputy clerk.

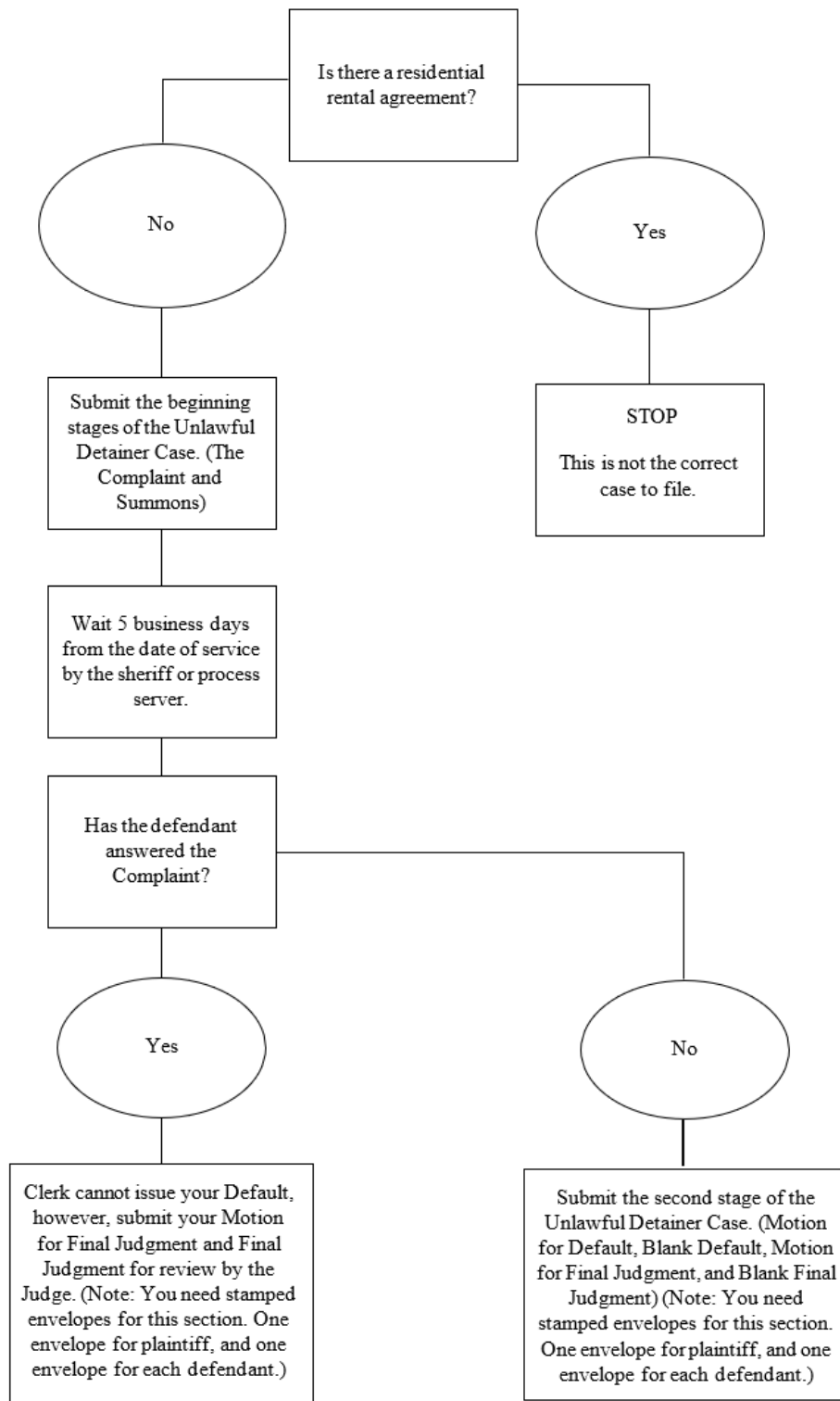
Retain Copies of all forms filed for your records.

Documents Must Be Legible, type written or legibly handwritten in black or blue ink.

It Is Important that the names and addresses are the same on all documents.

A Delay Can Occur because of any errors on your paperwork or if the proper fees are not submitted.

Unlawful Detainer Flow Chart



FILING CHECKLIST

UNLAWFUL DETAINER

STEP ONE – FILE CASE WITH CLERK

To file an Unlawful Detainer case, you may file the following forms along with the filing fee and any service fees, if applicable, with the Clerk's office.

- _____ Complaint for Unlawful Detainer
(1) Original filed with the Clerk, (1) set of copies for each Defendant to be served
- _____ Civil Cover Sheet
- _____ Summons – Must include Spanish and French translations
(1) Original and (1) copy for each Defendant to be served

STEP TWO – OBTAIN JUDGMENT

5 days (excluding weekends and legal holidays) after service on the Defendant(s) and the defendant(s):

DID NOT respond, you may file the following forms:

- _____ Nonmilitary Affidavit
- _____ Motion for Clerk's Default
- _____ Motion for Default Final Judgment
- _____ Final Judgment – (1) Original and (1) copy for each Plaintiff and Defendant along with pre-addressed stamped envelopes for each party

OR

DID respond, you may file the following forms:

- _____ Motion for Court's Default
- _____ Motion for Default Final Judgment
- _____ Final Judgment – (1) Original and (1) copy for each Plaintiff and Defendant along with a pre-addressed stamped envelopes for each party.

If the Judge grants your complaint, a Final Judgment will be signed.

STEP THREE – OBTAIN WRIT OF POSSESSION

If the Defendant(s) refuse to leave the property after the Final Judgment has been signed, you may file a Writ of Possession and have it issued by the Clerk, allowing the Sheriff's Office to remove them from the property.

_____ Writ of Possession - (1) Original and (1) copy for the Sheriff's Office

Payment Options for Writ of Possession:

- \$7.00 Cash, credit card, cashier's check, or money order payable to the Duval County Clerk of Court
 - Submitted to the Clerk along with the Writ of Possession
 - \$90.00 payment for service of the Writ payable to the Jacksonville Sheriff's Office

Additional Forms, if applicable

_____ Disclosure from Nonlawyer

This form should only be used if a nonlawyer assists you in completing any forms. The nonlawyer must complete the Disclosure form and both of you are to sign it prior to the nonlawyer assisting you with any forms.

_____ Notice of Voluntary Dismissal

If you decide not to proceed with your case prior to a judgment being entered, you should file a Notice of Voluntary Dismissal.

THIS DOES NOT CONSTITUTE LEGAL ADVICE. Civil court information and forms provided by the Duval County Clerk of Court should be considered informational 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 or answering a lawsuit and questions about your particular situation should be directed to a qualified attorney.

STEP ONE

FILE CASE WITH CLERK

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

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

_____ \$8,000 or less
_____ \$8,001 - \$30,000
_____ \$30,001 - \$50,000
_____ \$50,001 - \$75,000
_____ \$75,001 - \$100,000
_____ over \$100,000.00

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
- ☐ Real Property/Mortgage foreclosure
- ☐ Replevins
- ☐ Evictions
 - ☐ Residential Evictions
 - ☐ Non-residential 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

IX. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE?

☐ 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 General Practice and Judicial Administration 2.425.

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

(type or print name) Date

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

COMPLAINT FOR UNLAWFUL DETAINER

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

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 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.

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

This form was completed with the assistance of

Name:

Address:

Telephone Number:

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

UNLAWFUL DETAINER SUMMONS

YOU ARE COMMANDED to serve this summons and a copy of the complaint or petition in this action on:

Defendant(s): _____
Address: _____
City, State, Zip: _____

TO THE DEFENDANT(S):

You are being sued by the **PLAINTIFF** to require you to move out of the place where you are living for the reason(s) given in the attached complaint. YOU ARE REQUIRED to mail or take a copy of your WRITTEN ANSWER AND DEFENSES to the attached COMPLAINT to the CLERK OF THE COURT, 501 W. Adams Street, Rm 1054, Jacksonville, FL 32202, AND a copy to the Plaintiff or Plaintiff's Attorney whose name and address is:

PERSONAL SERVICE: IF THE 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.

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 4th Judicial Circuit ADA Coordinator

Phone Number: (904) 255-1695

Email Address: crtintrap@coj.net

Contact the ADA Coordinator at least 7 days before your scheduled court appearance, or immediately 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.

TO 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(s).

DATE: _____

JODY PHILLIPS
CLERK OF THE COURT

By: _____
Deputy Clerk

Por medio de la presente **El DEMANDANTE** le exige que se mude del lugar donde está viviendo por los motivos indicados en la demanda adjunta. DEBE enviar por correo o llevar la copia de su RESPUESTA Y DEFENSAS POR ESCRITO a la DEMANDA al SECRETARIO DEL TRIBUNAL, en el 501 W. Adams Street, Sala 1054, Jacksonville, FL 32202, Y una copia al Demandante o al Abogado del Demandante cuyo nombre y dirección son:

NOTIFICACIÓN EN PERSONA: SI EL REQUERIMIENTO JUDICIAL y una copia de la DEMANDA se los han entregados personalmente a usted o a cualquier persona que resida en su residencia y que tenga 15 años de edad o más, el SECRETARIO DEL JUZGADO DEBE recibir su RESPUESTA Y DEFENSAS POR ESCRITO dentro de los CINCO (5) DÍAS LABORABLES a la notificación concerniente al reclamo de posesión del inmueble. PUBLICADO – ENVIADO POR CORREO POSTAL: SI EL PRESENTE REQUERIMIENTO JUDICIAL y una copia de la DEMANDA lo anuncian en un lugar visible de su residencia, el SECRETARIO DEL JUZGADO DEBE recibir su RESPUESTA Y DEFENSAS POR ESCRITO dentro de los CINCO (5) DÍAS LABORALES a partir de la fecha en que se publicó en el lugar visible de la propiedad descrita en la DEMANDA. La fecha de publicación es la fecha que el Agente Judicial indique en la notificación.

De no acatar estas instrucciones, se podrá dictar un INCUMPLIMIENTO en su contra y se emitirá un FALLO DE POSESIÓN sin previo aviso para desalojarlo de la propiedad y/o los costos razonables y honorarios de abogados.

Si usted es discapacitado y necesita alguna adaptación para participar en este procedimiento, tiene derecho, sin costo alguno, a recibir cierta asistencia. Favor de contactar:

El Coordinador de la ADA, Cuarto Circuito Judicial
Número de teléfono: (904) 255-1695
Correo Electrónico: crtintrap@coj.net

Comuníquese con el Coordinador de la ADA al menos con 7 días de antelación a su comparecencia en el tribunal, o inmediatamente después de recibir esta notificación judicial si la fecha de la comparecencia programada es menos de 7 días. Si tiene problemas de audición o del habla, comuníquese con el 711.

CITATION DE DETENUE ILLICITE

AU(X) PRÉVENU(S) :

Vous êtes poursuivi par le **PLAIGNANT** pour vous obliger à déménager du lieu où vous vivez pour le(s) motif(s) indiqué(s) dans la plainte ci-jointe.

VOUS ÊTES TENU d'envoyer ou d'apporter une copie de votre RÉPONSE ÉCRITE et de vos ARGUMENTS DE DÉFENSE à la plainte ci-jointe au greffier du tribunal, 501 W. Adams Street, Rm 1054, Jacksonville, FL 32202, et une copie au plaignant ou à l'avocat du plaignant, dont le nom et l'adresse sont les suivants :

NOTIFICATION PERSONNELLE : Si la sommation et une copie de la plainte ont été remises personnellement à votre domicile ou à toute personne âgée de 15 ans ou plus résidant dans votre domicile, votre RÉPONSE ÉCRITE et vos arguments de défense DOIVENT parvenir au greffier dans les CINQ (5) JOURS ouvrables suivant la signification de la demande de possession des lieux. POSTÉ - SERVICE POSTAL : SI LA PRÉSENTE sommation et une copie de la plainte ont été placées à un endroit bien visible à votre domicile, votre RÉPONSE ÉCRITE et vos arguments de DÉFENSES DOIVENT parvenir au greffier dans un délai de CINQ (5) jours ouvrables à compter de la date à laquelle elles ont été placées à un endroit bien visible de la propriété décrite dans la plainte. La date d'envoi est la date notée par l'huissier de justice.

Si vous ne suivez pas ces instructions, un DÉFAUT peut être prononcé à votre encontre et un JUGEMENT visant à vous expulser du bien et/ou à vous réclamer des frais raisonnables et des honoraires d'avocat peut être prononcé sans autre préavis.

Si vous êtes une personne handicapée et que vous avez besoin que des mesures d'adaptation soient prises pour participer à cette procédure, vous avez le droit, sans frais, de bénéficier de certaines mesures d'aide. Veuillez-vous adresser à :

The 4th Judicial Circuit ADA Coordinator

Phone Number: (904) 255-1695

Email Address: crtintrap@coj.net

Contactez le coordinateur ADA au moins 7 jours avant la date prévue de votre comparution devant le tribunal, ou immédiatement après avoir reçu cette notification si le délai avant la date prévue de la comparution est inférieur à 7 jours ; Si vous êtes malentendant ou malentendante, appelez le 711.

STEP TWO

OBTAIN JUDGMENT

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

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-STATE OF FLORIDA

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 OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Vs.

Defendant(s)

Case No.: _____

Division: _____

MOTION FOR CLERK'S DEFAULT

Plaintiff asks the clerk to enter a Default against _____,
Defendant, for failing to respond as required by law to Plaintiff's Complaint for Unlawful
Detainer.

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

DEFAULT

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

Date: _____

JODY PHILLIPS
CLERK OF THE COURT

By: _____
Deputy Clerk

(Insert name of Landlord)

(Insert name of Tenant)

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____

Division: _____

Vs.

Defendant(s)

MOTION FOR COURT DEFAULT

Plaintiff moves for entry of a Default by the Court because the Defendant,
_____, failed to respond as required by law.

Signature of Landlord/Plaintiff

DEFAULT

A Default is entered in this action against the Defendant, _____,
Named in foregoing Motion for failure to respond as required by law.

DONE AND ORDERED in Duval County, Florida on the ____ day of _____, 20____.

County Judge

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

MOTION FOR FINAL JUDGMENT – UNLAWFUL DETAINER

Plaintiff asks the court to enter a Final Judgment against _____,
Defendant, for unlawful detainer and says:

1. Plaintiff filed a complaint alleging grounds for unlawful detainer against Defendant(s).
2. A Default was entered by the Clerk of this Court on _____ (if applicable).

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

Signature

Name [Print]

Address

City, State, Zip Code

Telephone

cc:

(Insert name and address of defendant)

This form was completed with the assistance of:

Name:
Address:
Telephone Number:

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

JUDGMENT FOR POSSESSION - UNLAWFUL DETAINER

THISE CAUSE was considered by the Court upon the Plaintiff'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 the Plaintiff(s).

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

_____,
Possession of the premises situated in the County of Duval, 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 Sherriff of Duval County, Florida, describing the premises and commanding him to put the Plaintiff(s), in possession of the premises.

WRIT OF POSSESSION SHALL:

_____ issue upon signing of this Judgment.

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

Plaintiff is awarded Court costs in the amount of \$_____ for which let execution now 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 the Defendant(s) in accordance with section 83.625, Florida Statutes, if applicable.

DONE AND ORDERED in Duval County, Florida on the ____ day of _____, 20____.

County Judge

cc:

Plaintiff's Name and address

Defendant's Name and address

STEP THREE

OBTAIN WRIT OF POSSESSION

IN THE COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____
Division: _____

Vs.

Defendant(s)

WRIT OF POSSESSION

IN THE NAME OF THE STATE OF FLORIDA, TO THE SHERIFF OF SAID COUNTY –
WHEREAS, judgment was rendered on the ____ day of _____, 20____ that
_____ recover of and from _____
possession of _____

You are hereby commanded to post a copy of the writ of notice, conspicuously, on said premises
and after 24 hours remove all persons from said premises and to put
_____ in full possession thereof.

Given under my hand and seal of the County Court, this ____ day of _____, 20____.

JODY PHILLIPS
CLERK OF THE COURT

By: _____
Deputy Clerk