INSTRUCTIONS FOR FILING EVICTION COMPLAINT

Complete and Post the Notice to Tenant provided in the appropriate packet for Eviction (keep a copy for yourself). After the applicable number of days have passed and the Tenant has not vacated the premises, return all completed forms in the packet to the Civil Department at the Nassau County Clerk's Office.

You will also need the following:

- Filing fee of $185.00
- Summons Issue fee of $10.00 per summons, per defendant
- A separate check made out to the Nassau County Sheriff's Office for $40.00 per defendant to be served
- One (1) addressed envelope per defendant with two (2) stamps on the envelope
- One (1) copy of each document (not including instructions) in the packet

The Clerk's Office will prepare the summons, attach the copies and forward the packet to the Sheriff's Office with the appropriate fee or the Plaintiff may take the packet to the sheriff's office and pay the fee. The Sheriff's Office will serve the defendant(s) (all adults in the house must be served).

The defendant(s) have five (5) working days (not to include weekends or holidays) to respond, file an answer and place the money owed in the Court Registry.

Please contact this office in person or by phone at 904-548-4606 if the eviction has or has not been resolved. If an agreement has not been reached, we will continue on to the next steps.

Contact the Civil Department at 904-548-4606 if you have any question regarding completing these forms.

Eviction with Money Owed – Evict Only Checklist 3 Days		
	FORM 1	NOTICE FROM LANDLORD TO TENANT – TERMINATION FOR FAILURE TO PAY RENT
	FORM 5	COMPLAINT FOR LANDLORD TO EVICT TENANTS
	FORM 81	NONMILITARY AFFIDAVIT
	FORM 76 FORM 78	MOTION FOR CLERK'S DEFAULT – RESIDENTIAL EVICTION MOTION FOR DEFAULT FINAL JUDGMENT – RESIDENTIAL EVICTION

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 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 OR FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

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

TO:	
	TENANT'S NAME
	ADDRESS
	CITY, STATE, ZIP CODE
FROM:	
DATE:	

You are hereby notified that you are indebted to me in the sum of $_____ [insert amount owed by Tenant] for the rent and use of the premises located at _____, Florida [insert address of premises, including county], now occupied by you and that I demand payment of the rent or possession of the premises within three days (excluding Saturday, Sunday and legal holidays) from the date of delivery of this notice to-wit: on or before the ____ day of _____, 20__ [insert the date which is three days from the delivery of this notice, excluding the date of delivery, Saturday, Sunday and legal holidays].

_____
Signature

_____
Name of Landlord/Property Manager
[circle one]

_____
Address [street address where Tenant can deliver rent]

_____
City, State, Zip Code

_____
Phone Number

Hand Delivered On _____

Posted On _____

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

This form was completed
with the assistance of:
Address:_____
_____
Telephone Number:_____

FORM 5

COMPLAINT FOR LANDLORD TO EVICT TENANTS

INSTRUCTIONS

Form 5 should be used if only eviction of the Tenant is sought. Form 5A should be used to evict the Tenant and recover damages (past due rent).

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

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

_____ CASE NO. _____
[insert name of Landlord] [insert case number assigned by Clerk of the Court]
Plaintiff,
Vs.

_____ **COMPLAINT FOR EVICTION**
[insert name of Tenant]
Defendant.

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

1. This is an action to evict the Tenant from real property in Nassau County, Florida.
2. Plaintiff owns the following described real property in the County: _____[insert legal or street description of property including, if applicable, unit number].
3. Defendant has possession of the real property under a (oral/written) agreement to pay rent of $_____ [insert rental amount] payable _____ [insert terms of rental payment, 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

Landlord's Name_____

Address, Unit Number _____
_____

Phone Number _____

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

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

The Florida Bar 2010

FORM 76/78

MOTION FOR CLERK'S DEFAULT – RESIDENTIAL EVICTION
MOTION FOR DEFAULT FINAL JUDGMENT – RESIDENTIAL EVICTION

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 76 should be used to obtain a Clerk's default when the Tenant has failed to respond to an eviction complaint and Form 77 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 81, 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 78) and/or a Motion for default Final judgment – Damages (Residential Eviction) (Form 79) with an Affidavit of Damages (Form 80). 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 INFORMATION PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

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

_____
[insert name of Landlord]

Plaintiff,

vs.

_____
[insert name of Tenant]

Defendant.

CASE NO. _____
[insert case number assigned
by Clerk of the Court]

MOTION FOR CLERK'S DEFAULT – RESIDENTIAL EVICTION

Plaintiff asks the Clerk to enter a default against _____ [name], Defendant, for failing to respond as required by law to Plaintiff's Complaint for residential eviction.

_____
Name:_____
Address:_____
_____
Telephone No._____

DEFAULT – RESIDENTIAL EVICTION

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

DATE: _____

John A. Crawford
CLERK OF THE COURT

By: _____
Deputy Clerk

Cc: _____
[insert name of Landlord]

_____
[insert name and address of Tenant]

Approved for use under rule 10.2.1(a) of
The Rules Regulating the Florida Bar

The Florida Bar 2010

This form was completed
with the assistance of:

Name:_____
Address:_____
Telephone Number:_____

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

_____
[insert name of Landlord]

Plaintiff,

vs.

_____
[insert name of Tenant]

Defendant.

CASE NO. _____
[insert case number assigned by Clerk of the Court]

MOTION FOR DEFAULT FINAL-JUDGMENT - RESIDENTIAL EVICTION

Plaintiff asks the Clerk to enter a default against _____ [name], Defendant, for failing to respond as required by law to Plaintiff's Complaint for damages.

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: _____
_____
Telephone No.: _____

Cc:_____
[insert name and address of Tenant]
_____

Approved for use under rule 10.2.1(a) of
The Rules Regulating the Florida Bar

The Florida Bar 2010

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

FORM 81

NON MILITARY 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 76 should be used to obtain a Clerk's default when the Tenant has failed to respond to an eviction complaint and Form 77 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 81, 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 78) and/or a Motion for Default Final judgment – Damages (Residential Eviction) (Form 79) with an Affidavit of Damages (Form 80). 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, IN AND FOR
NASSAU COUNTY, FLORIDA

_____
[insert name of Landlord]

CASE NO. _____

Plaintiff,

Vs.

NONMILITARY AFFIDAVIT

_____
[insert name of Tenant]

Defendant.

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 services or any governmental agency or branch subject to the provision of the Soldiers' Civil Relief Act.

DATED: _____

_____
Signature of Affiant
Name:_____
Address:_____
_____
Telephone No._____

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

_____
NOTARY PUBLIC-STATE OF FLORIDA OR DEPUTY CLERK
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 at _____ _____ [insert address at which Tenant was served and fax number if sent by fax].

_____
Deputy Clerk