EVICTION PACKET & INFORMATION

STEP #1 –Landlord's Initial Notice. Before an eviction claim can be filed with the Clerk of Courts Office, the landlord must give the tenant an initial notice. Depending on the circumstances, the notice is generally a 3, 5, 7 or 15 day notice. This notice is hand delivered, posted on the door or other obvious location at the rental unit. Before you post the notice, make yourself a duplicate of the signed copy. In order to proceed with Step 2, you will need to have a copy of the notice and a copy of your rental agreement (if applicable).

STEP 2 – Filing Eviction Complaint. If the tenant remains in the unit after the above initial notice has been given (and the required days have expired), the Landlord should take a copy of the initial notice into the Clerk of Courts Office and file a Complaint for Eviction and pay the Clerk's required filing fees **($185 Complaint and $10 per summons),** and **sheriff's service fees ($40 per person).** The Clerk will then issue a five (5) day summons, which will be served on the tenant. The tenant will then have five working days to vacate, or tenant may choose to contest the eviction by filing a written response and a request for a hearing. **Tenants desiring to have a hearing and who are delinquent in rent must also place their past due rent into the court registry**, and place future month's rent in the court registry until the judge has resolved the case. Notes: The five days allotted to answer excludes the day of service, weekends and legal holidays. If the Judge grants a hearing, a Notice of Hearing will be mailed to all parties.

If Tenant's fails to file a response/answer (and post past due rent paid into court registry, if applicable) within the five (5) day periods, the landlord may return to the Clerk of Courts Office and file a Motion for Default in an effort to obtain a Writ of Possession.

Once the Clerk enters the default, the case will be forwarded to the judge for review.

STEP 3 – Writ of Possession.

The Judge will then review the file and either set the case for a hearing, or issue a Judgment for Eviction. If a hearing is scheduled, all proceedings will come to a halt until the judge hears and rules on the case.

If NO hearing is scheduled and a judgment is entered, it will normally direct the Clerk to issue a Writ of Possession. The Clerk will issue the Writ of Possession upon the judge's direction, which must then be forwarded to the Sheriff's Office along with landlord's additional payment to the **Sheriff of $90**, and **$7 to the Clerk of Courts**. The Writ of Possession will give tenants 24 hours to vacate. If necessary, tenant will be forcefully removed from the premises by the Sheriff. The owner of the property will then be put in possession of the property.

Landlord & Tenant - Eviction matters are governed by the laws of the State of Florida; Florida Statutes Chapter 83, and by the Florida Rules of Civil Procedure.

Additional Information may be obtained at: www.columbiaclerk.com, Florida Statutes Chap. 83, and Florida Rules of Civil Procedure.

THE FOREGOING INFORMATION IS INTENDED FOR GENERAL INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

STEP 1

INITIAL NOTICES REQUIRED by LANDLORD

PAST DUE RENT

3 DAY NOTICE To VACATE.

Excludes WkEnds, Holidays, and Day of Service

PAST DUE LOT RENT

5 DAY NOTICE To VACATE

Excludes WkEnds, Holidays, and Day of Service

NON-COMPLIANCE

7 DAY NOTICE To VACATE

Excludes Day of Service and Holidays

TERMINATION OF TENANCY

15 DAY NOTICE To VACATE

Excludes Day of Service and Holidays

STEP 2

LANDLORD FILES COMPLAINT FOR EVICTION with COURTS.
A 5 Day Summons is issued by the Clerk's Office, and service to tenant by the Sheriff's Office. Tenant has 5 days to answer.

IF TENANT ANSWERS In 5 Days, and posts past due rent (if applicable), the judge will review the file and "may" schedule a hearing to consider the case further.
NOTE: If hearing is scheduled, any rent that becomes due before hearing must be posted with the Clerk's Office until case is disposed of.

OR

IF TENANT DOES NOT ANSWER in 5 Days, Landlord will file with the Clerk's Office a Motion for Default, and Motion for Judgment in Eviction.

STEP 3
Judge's Order

RULING FOR TENANT

OR

RULING LANDLORD

24 HR WRIT OF POSSESSION IS GENERALLY ISSUED AND SERVED/POSTED GIVING ORDERING TENANT TO VACATE WITHIN 24 HRS.

FOR MORE INFORMATION VISIT:
www.columbiaclerk.com
Florida Statues Chapter 83

EVICTION PACKET AND INFORMATION

EVICTION PACKET CONTAINS:

- 5 DAY NOTICE OF EVICTION
- LANDLORD INFORMATION SHEET
- EVICTION COMPLAINT
- MOTION FOR DEFAULT
- MOTION FOR JUDGMENT OF EVICTION
- NOTICE OF VOLUNTARY DISMISSAL

STEP 1
Landlord must deliver or post the 5-day Notice of Eviction. Keep a copy for yourself.

STEP 2
After 5 days have passed (working days, excluding weekends, holidays and day of service/posting) and the tenant has not moved, complete the Eviction Complaint and bring it to the Clerk of Courts office at the Courthouse, Room 225, to file. You will be required to pay a filing fee of $185.00, plus $10.00 for each person to be summonsed. There is also a fee of $40.00 to the sheriff for each person to be served.

You must attach a copy of the rental agreement and a copy of the 5-day notice previously delivered/posted.

At the time of filing the eviction complaint, the clerk will issue a 5 day summons that the sheriff will serve. This gives the tenant 5 working days (excluding the day served, weekends, holidays or any day the clerk's office is closed) to either vacate the premises, or give a written response and pay the delinquent rent amount to the clerk's office. If the money is paid to the clerk, a hearing will be set as soon as possible. If the tenant vacates within the 5 days, the landlord must file a Notice of Dismissal with the clerk.

If a tenant does not respond or does not vacate within the prescribed period of time, the landlord must complete the Motion for Default and Motion for Judgment of Eviction and return it to the Clerk's Office. The clerk will then prepare a Writ of Possession. A Writ of Possession is a final notice, served by the sheriff, which informs the tenant that the sheriff has been ordered to remove them from the premises within 24 hours, if they fail to comply.

There is a $7.00 fee to the clerk to issue the Writ and $90.00 to the sheriff to enforce it. The landlord will receive a Final Judgment for the amount of all court costs. This judgment will accrue interest per year as set by Florida Statutes.

NOTICE OF EVICTION
MOBILE HOME LOT

_____

_____

_____ Tenant

(Tenant's name and address)

5 DAY NOTICE-DELINQUENT RENT

Florida Statute 723.061(1)(a)
"If a mobile home owner or tenant, whichever is responsible, fails to pay the lot rental amount when due and if the default continues for 5 days (excluding Saturday, Sunday and legal holidays) after delivery of a written demand by the mobile home park owner for payment of the lot rental amount, the park owner may terminate the tenancy." Legal holidays for the purpose of this section shall be court-observed holidays only.

YOU ARE HEREBY NOTIFIED THAT YOU ARE INDEBTED TO ME IN THE SUM OF $_____ FOR THE LOT RENT AND USE OF THE PREMISES AT

_____

(address of leased or rented premises, including county)
NOW OCCUPIED BY YOU AND THAT I DEMAND PAYMENT OF THE LOT RENT OR POSSESSION OF THE PREMISES WITHIN 5 DAYS (excluding Saturday, Sunday and holidays) FROM THE DATE OF DELIVERY OF THIS NOTICE, TO-WIT: ON OR BEFORE THE ___ DAY OF _____, 20___.

LANDLORD'S NAME _____
PHYSICAL ADDRESS _____

_____
PHONE NUMBER _____

THIS NOTICE DELIVERED ON _____

***NOTE: LANDLORD MUST GIVE A COPY OF THIS NOTICE TO TENANT AND KEEP A COPY FOR THEMSELVES. A COPY OF THIS NOTICE AND THE RENTAL AGREEMENT MUST BE ATTACHED TO THE EVICTION COMPLAINT WHEN FILED WITH THE CLERK OF COURTS.

IN THE COUNTY COURT IN AND FOR
COLUMBIA COUNTY, FLORIDA

COMPLAINT FOR EVICTION

Case # _____

_____(Plaintiff)

Vs,

_____(Defendant)

Plaintiff sues Defendant and alleges:

1. This is an action to evict a tenant from real property in Columbia County, Florida.

2. Plaintiff owns the following property in Columbia County:

   _____
   (Description of rental property, apartment, house, mobile home, lot, etc)

   _____
   (Address of rental property)

3. Defendant has possession of the property under an oral/written agreement to pay $_____, payable monthly. (A copy of the written agreement, if any, is attached as Exhibit "A").

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

5. Date Defendant failed to pay rent due: _____.

6. 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.
   Total rent due: _____

   Signature of Landlord/Manager: _____

   Address: _____
   _____

   Phone Number: _____

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

CASE #_____-CC

_____, Plaintiff

VS.

_____, Defendant(s)

MOTION FOR JUDGMENT IN EVICTION

PLAINTIFF ASKS THE COURT TO ENTER A DEFAULT FINAL

JUDGMENT AGAINST THE DEFENDANT(S)_____

FOR RESIDENTIAL EVICTION AND SAYS:

1) PLAINTIFFF FILED A COMPLAINT ALLEGING GROUNDS FOR RESIDENTIAL EVICTION OF DEFENDANT.

2) A DEFAULT WAS ENTERED BY THE CLERK OF COURT ON

_____,20___.

WHEREFORE, PLAINTIFF ASKS THIS COURT TO ENTER A FINAL JUDGMENT FOR RESIDENTIAL EVICTION AGAINST DEFENDANT FOR PAST DUE RENT AND COURT COSTS INCURRED IN THIS CASE.

_____
PLAINTIFF

In the County Court, Third Judicial Circuit
In and for Columbia County, Florida

Case No.: _____

_____,
Plaintiff,

Vs.

_____,
Defendant.

Motion for Default -
Damages (Residential Eviction)

Plaintiff asks the Clerk to enter a Default against the above-named Defendant(s) for failing to respond as required by law to Plaintiff's Complaint for Damages. In particular, Defendant failed to:

____ File a written response with the Clerk of Courts

____ Pay rent into the registry of the court or request the Court Determine amount of rent due

Dated this _____ day of _____, 20_____.

_____
Plaintiff

Default – Damages

A Default is entered in this action against the Defendant(s), _____

_____ for failure to respond as required by law.

Dated this _____ day of _____, 20_____.

James M. Swisher, Jr.
Columbia County Clerk of Courts

_____,D.C.

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

CASE #_____

_____

_____

_____
PLAINTIFF

VS.

_____

_____

_____
DEFENDANT

****

NOTICE OF DISMISSAL

****

THIS CAUSE IS DISMISSED (WITH / WITHOUT) PREDJUDICE,
AT PLAINTIFF'S COST.

THIS CASE WAS DISMISSED BY_____.

THE REASON BEING:_____

_____.

DATED AT LAKE CITY, COLUMBIA COUNTY, FLORIDA

ON THIS _____DAY OF _____, _____.

BY:_____
PLAINTIFF