

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 Statutes Chapter 83

**LANDLORD MUST PREPARE A 7
DAY WRITTEN NOTICE TO
DELIVER TO TENANT OR POST
ON RESIDENCE (FLORIDA
STATUTES 83.56).**

**KEEP A COPY OF THIS NOTICE
FOR YOURSELF AND A COPY TO
RETURN TO THE CLERKS
OFFICE WHEN FILING THE
EVICTON COMPLAINT.**

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) PLAINTIFF 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_____.

**P. DeWitt Cason
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