

# UNLAWFUL DETAINER

## (not Eviction)

### USE THIS PACKET IF:

- 1) YOU ARE TRYING TO REMOVE SOMEONE FROM YOUR HOME, and
- 2) YOU HAVE A LEGAL RIGHT TO RESIDE IN YOUR HOME (YOU ARE THE OWNER OR ARE THE LEGAL TENANT), and
- 3) THE PERSON YOU ARE TRYING TO REMOVE DOES **NOT** HAVE A LEGAL RIGHT TO RESIDE IN YOUR HOME (THEY ARE NOT AN OWNER OR A LEGAL TENANT), and
- 4) THERE IS NO AGREEMENT FOR RENT (VERBAL OR IN WRITING) BETWEEN YOU AND THE PERSON YOU ARE TRYING TO REMOVE.

Unlawful Detainer is a county court lawsuit, filed pursuant to Florida Statute, to request that another person be ordered to leave your property. It is similar to an eviction proceeding except that in an Unlawful Detainer case, there is **no landlord/tenant relationship** between the parties, i.e. there is **no agreement to pay rent**, either verbal or in writing. If there is an agreement to pay rent, verbal or in writing, you should consider filing an eviction case. Consult with an attorney if you are not sure.

#### **FORMS IN THIS PACKET**

- Unlawful Detainer Complaint
- Unlawful Detainer Summons
- Non-Military Affidavit
  
- Motion for Default & Default
- Writ of Possession

#### **WHEN TO USE**

- Required to start the case
- Required to start the case
- Use only if the other party is NOT in the military and they do not file an answer
- Use if no answer is filed
- For the Clerk to sign after the Judge signs the Judgment. The Sheriff's office will use this to remove the Defendant.

**Information or forms provided by the Clerk of Circuit 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 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.**

**Florida Bar Referral Service**

(800) 342-8011

<http://www.floridabar.org/lawyerreferral>

**3 Rivers Legal Services, Inc. - Gainesville Office**

(352) 372-0519

<http://www.trls.org>

IN THE COUNTY COURT, EIGHTH JUDICIAL CIRCUIT, IN AND FOR  
ALACHUA COUNTY, FLORIDA, CIVIL DIVISION

\_\_\_\_\_,  
**PLAINTIFF(S),** **CASE NO.:** \_\_\_\_\_

**v.** **DIVISION:** \_\_\_\_\_

\_\_\_\_\_,  
**DEFENDANT(S).**

\_\_\_\_\_/

**COMPLAINT FOR UNLAWFUL DETAINER**

Plaintiff(s), \_\_\_\_\_, sues the Defendant(s), \_\_\_\_\_, and alleges as follows:

1. This is a cause of action for unlawful detainer pursuant to Chapter 82, Florida Statutes.
2. On or about (date) \_\_\_\_\_ Defendant entered or took possession of the dwelling located at (address/description of dwelling) \_\_\_\_\_, Alachua County, Florida with the permission of the Plaintiff, but not pursuant to any lease agreement.
3. On or about (date) \_\_\_\_\_ Plaintiff revoked his/her consent for Defendant to be in possession of the dwelling and, on that date, so informed Defendant by oral/written notice (attach copy if written), and demanded that Defendant vacate the premises.
4. However, Defendant refused to vacate the premises and continues in possession of the dwelling against the consent of Plaintiff, contrary to § 82.04, Florida Statutes.
5. In accordance with § 82.04(1), Florida Statutes, Plaintiff is entitled by this lawsuit to have Defendant removed from possession of the premises; and Plaintiff is entitled to the summary procedure set forth in § 51.011, Florida Statutes.

**WHEREFORE,** Plaintiff respectfully requests that the Court will find that Defendant wrongfully holds possession of the premises, grant final judgment in favor of Plaintiff and against Defendant, issue a writ of possession in favor of Plaintiff and against Defendant in

accordance with § 82.091, Florida Statutes, award to Plaintiff the costs of this action, and grant to Plaintiff such other relief as justified by the circumstances in this case.

\_\_\_\_\_  
*(Your Signature)*

**Plaintiff**

\_\_\_\_\_  
*(Print Your Name)*

\_\_\_\_\_  
*(Print Your Address)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
*(Telephone number)*

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me by means of  physical presence or  online notarization on

\_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary or clerk.]

\_\_\_\_\_ Personally known

\_\_\_\_\_ Produced identification; Type of identification produced \_\_\_\_\_

IN THE COUNTY COURT, EIGHTH JUDICIAL CIRCUIT, IN AND FOR  
ALACHUA COUNTY, FLORIDA, CIVIL DIVISION

\_\_\_\_\_  
PLAINTIFF(S)

CASE NO: \_\_\_\_\_

vs

DIVISION: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT(S)

**AFFIDAVIT OF NON-MILITARY SERVICE  
(UNLAWFUL DETAINER)**

**STATE OF FLORIDA  
COUNTY OF ALACHUA**

Before me, the undersigned authority, personally appeared \_\_\_\_\_,  
who duly sworn, deposes and says:

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

**STATE OF FLORIDA  
COUNTY OF ALACHUA**

The foregoing instrument was acknowledged before me by means of  physical presence or  online  
notarization this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
by \_\_\_\_\_, [ ] who is personally known to me or [ ] who has produced  
\_\_\_\_\_ as identification and who did [ ] did not [ ] take an oath.

As Clerk of the Court

\_\_\_\_\_  
As Deputy Clerk

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Typed or Printed Name

IN THE COUNTY COURT, EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA, CIVIL DIVISION

\_\_\_\_\_  
PLAINTIFF(S)

vs

CASE NO: \_\_\_\_\_

DIVISION: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT(S)

**MOTION FOR DEFAULT**

**Plaintiff** moves for entry of a default by the clerk against defendant \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ for failure to serve any paper on the undersigned or file any paper as  
required by law.

\_\_\_\_\_  
Plaintiff

IN THE COUNTY COURT, EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA, CIVIL DIVISION

\_\_\_\_\_  
PLAINTIFF(S)

vs

CASE NO: \_\_\_\_\_  
DIVISION: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT(S)

**DEFAULT**

A default is entered in this action against the defendant, named in the foregoing motion, for failure to serve or file any paper as required by law.

Dated on \_\_\_\_\_, \_\_\_\_\_.

As Clerk of the Court

By: \_\_\_\_\_  
As Deputy Clerk

IN THE COUNTY COURT, EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA, CIVIL DIVISION

\_\_\_\_\_  
PLAINTIFF(S)

vs

CASE NO: \_\_\_\_\_

DIVISION: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT(S)

**WRIT OF POSSESSION**

**THE STATE OF FLORIDA:**

To the Sheriff of \_\_\_\_\_ County, Florida:

**YOU ARE COMMANDED** to remove all persons from the following described property in

\_\_\_\_\_ County, Florida: (*Address of Property*)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and to put Plaintiff of the above action in possession of it.

**WITNESS** my hand and seal of this Court on \_\_\_\_\_ .

As Clerk of the Court

By: \_\_\_\_\_

Deputy Clerk

\_\_\_\_\_  
Plaintiff/Attorney

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number



IN THE COUNTY COURT, EIGHTH JUDICIAL CIRCUIT,  
IN AND FOR ALACHUA COUNTY, FLORIDA, CIVIL DIVISION

\_\_\_\_\_  
Plaintiff,  
vs.

Case Number: \_\_\_\_\_

\_\_\_\_\_  
Defendant.

Division: \_\_\_\_\_

**SUMMONS FOR REMOVAL FROM PREMISES  
FOR UNLAWFUL DETAINER**

TO: \_\_\_\_\_

Address: \_\_\_\_\_

PLEASE READ CAREFULLY

You are being sued by \_\_\_\_\_ to require you to move out of the property located at \_\_\_\_\_ 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 home.

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 Court Clerk at the Alachua County Courthouse, 201 E. University Avenue, Gainesville, FL 32601.

2. Mail or take a copy of your written reason(s) to:

\_\_\_\_\_  
Plaintiff/Plaintiff's Attorney  
\_\_\_\_\_  
\_\_\_\_\_

IF YOU DO NOT DO ALL 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 HOME, YOU MAY BE FORCED TO MOVE WITHOUT A HEARING OR FURTHER NOTICE.

\_\_\_\_\_

**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 ADA Coordinator, Alachua County Courthouse, 201 E University Ave, Gainesville FL 32601 at (352) 337-6237 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification of the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

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 \_\_\_\_\_.

J.K. "Jess" Irby  
Alachua County Clerk of Court

By \_\_\_\_\_  
Deputy Clerk

NOTIFICACION DE DESALOJO  
SIRVASE LEER CON CUIDADO

Usted está siendo demandado para exigirle que desaloje el lugar donde reside por los motivos que se expresan en la demanda adjunta.

Usted tiene derecho a ser sometido a juicio para determinar si se le puede exigir que se mude, pero ES NECESARIO que haga TODO lo que se le pide a continuación en un plazo de 5 días (no incluidos los sábados, domingos, ni días feriados) a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se colocaron en su casa.

USTED DEBERA HACER LO SIGUIENTE:

1. Escribir el (los) motive(s) por el (los) cual(es) cree que no se le debe obligar a mudarse. El (Los) motive(s) deberá(n) entregarse por escrito al secretario del tribunal en el Alachua County Courthouse, 201 E. University Avenue, Gainesville, FL 32601.
2. Enviar por correo o darle su(s) motive(s) por escrito a Demandante/Abogado del Demandante

SI USTED NO LLEVA A CABO LAS ACCIONES QUE SE ESPECIFICAN ANTERIORMENTE EN UN PLAZO DE 5 DIAS LABORABLES A PARTIR DE LA FECHA EN QUE ESTOS DOCUMENTOS SE LE ENTREGARON A USTED O A UNA PERSONA

QUE VIVE CON USTED, O SE COLOQUEN EN SU CASA, SE LE PODRA DESALOJAR SIN NECESIDAD DE CELEBRAR UNA AUDIENCIA NI CURSARSELE OTRO AVISO

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CITATION D'EVICITION  
LISEZ ATTENTIVEMENT

Vous êtes poursuivi pour exiger que vous évacuez les lieux de votre residence pour les raisons énumérées dans la plainte ci-dessous.

Vous avez droit a un procès pour determiner si vous devez déménager, mais vous devez, au préalable, suivre les instructions énumérées ci-dessous, pendant les 5 jours (non compris le samedi, le dimanche, ou un jour férie a partir de la date ou ces documents ont ete donnes a vous ou a la personne vivant avec vous, ou ont été affiches a votre residence.

LISTE DES INSTRUCTIONS A SUIVRE:

1. Enumérer par écrit les raisons pour lesquelles vous pensez, ne pas avoir a déménager. Elles doivent Être remises au clerc du tribunal a Alachua County Courthouse, 201 E University Ave, Gainesville, FL 32601.
2. Envoyer ou donner une copie au Plaignant/Avocat du Plaignant

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SI VOUS NE SUIVEZ CES INSTRUCTIONS A LA LETTRE DANS LES 5 JOURS QUE SUIVENT LA DATE OU CES DOCUMENTS ONT ETE REMIS A VOUS OU A LA PERSONNE HABITANT AVEC COUS, OU ONT ETE AFFICHES A VOTRE RESIDENCE, VOUS POUVEZ ETRE EXPULSES SANS AUDIENCE OU SANS AVIS PREALABLE