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 A 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 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	**WHEN TO USE**
1.) Unlawful Detainer Complaint →	Required to start the case
2.) Unlawful Detainer Summons →	Required to start the case
3.) Civil Cover Sheet →	Required to start the case
4.) Non-Military Affidavit →	Use only if the other party is NOT in the military and they do not file an answer
5.) Motion for Default & Default →	Use if no answer is filed
6.) Motion for Default Final Judgement →	Use if no answer if filed
7.) Writ of Possession →	For the Clerk to sign after the Judge signs the Final Judgement. 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
1000 NE 16th Ave, Building I
Gainesville, FL 32601
(352)372-0519
http://www.trls.org

COPIES AND MAILING

The Clerk is required to mail a copy of the Unlawful Detainer Complaint and Summons to each Defendant that you are trying to remove from your home or property. A copy of the Complaint is also required for Sheriff service.

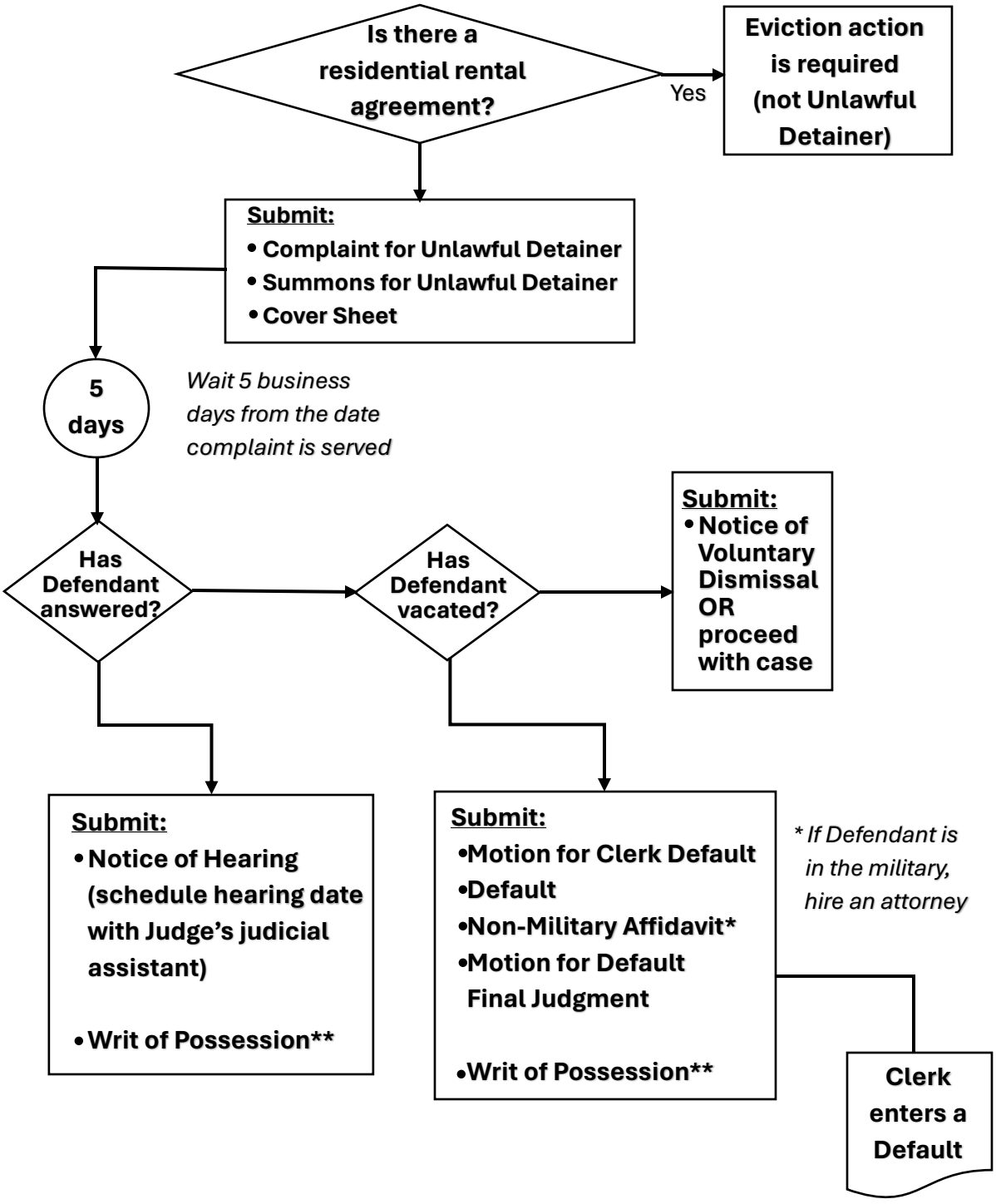
COPIES NEEDED:

- Unlawful Detainer Complaint – 3 copies for EACH Defendant
  (1 copy for the Sheriff)
  (1 copy for the Clerk to mail)
  (1 copy for your records)
- Summons – 2 copies for EACH Defendant
  (1 copy for the Clerk to mail)
  (1 copy for your records)

ENVELOPES:

- 1 **stamped** envelope for EACH Defendant preaddressed for the Clerk. Do NOT put your return address on the envelope.

UNLAWFUL DETAINER FLOWCHART
(possession only; not damages)



** *If judgment is for the Plaintiff, it is up to the Plaintiff to decide whether or not to provide the Writ of Possession to the Sheriff's Office.*

FORM 1.997. CIVIL COVER SHEET

I. CASE STYLE

In the ◯ CIRCUIT/ ◯ COUNTY Court of the Eighth Judicial Circuit
In and for Alachua County, Florida

Plaintiff _____ Case #: _____
vs.
Defendant _____

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 case fits more than one type, select most definitive category.) If most descriptive label is a subcategory (indented under a broader category), place an x on both the main category and subcategory boxes.

☐ 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
  ☐ Constitutional challenge – statute or ordinance
  ☐ Constitutional challenge – proposed amendment
  ☐ Corporate Trusts
☐ Discrimination-employment or other
☐ Insurance claims
☐ Intellectual property
☐ Libel/Slander
☐ Shareholder derivative claim
☐ 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 ACTION 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

VIII. 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 Judicial Administration 2.425.

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

_____ _____
(type or print name) Date

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

_____,
PLAINTIFF(S),

v.

_____,
DEFENDANT(S).

_____/

CASE NO._____

DIVISION_____

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 of 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 the 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 judgement 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,
v.

Case No._____
Division:_____

_____

Defendant.

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

_____

_____
Address

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 YOU 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 not 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 in 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
SIRCASE 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.

Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con *the ADA Coordinator, Alachua County Courthouse, 201 E. University Ave, Gainesville, FL 32601 at (352) 337-6237,* por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711.

CITATION D'EVICTION
LISEZ ATTENTIVEMENT

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

Vous avez droit a un procès pour déterminer 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 été donnes a vous ou a la personne vivant avec vous, ou ont été affiches a votre résidence.

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.

SI VOUS NE SUIVEZ CES INSTRUCTIONS A LE LETTRE DAN 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.

Si ou se yon moun ki enfim ki bezwen akomodasyon pou w kab patisipe nan pwosedi sa a, ou gen dwa, san ou pa bezwen peye okenn lajan, pou w jwenn yon sèten èd. Tanpri kontakte Koodonate ADA a, Alachua County Family and Civil Justice Center, 201 East University Avenue, Gainesville, FL 32601 (352-337-6237), fè sa omwen 7 jou anvan dat ou gen randevou pou parèt nan Tribinal la, oswa fè sa imedyatman apre ou fin resevwa konvokasyon an sid dat ou gen pou w parèt nan tribinal la mwens pase 7 jou; sii ou gen pwoblèm pou w tande byen oswa pou w pale klè, rele 711.

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)

CASE NO:_____
vs 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)

CASE NO:_____
vs 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

_____

_____ CASE NO:_____
PLAINTIFF(S) DIVISON:_____

vs

_____

_____
DEFENDANT(S)

MOTION FOR DEFAULT FINAL JUDGMENT
(UNLAWFUL DETAINER)

Plaintiff(s) ask(s) this Court to enter a Default Final Judgment against Defendant(s) for unlawful detainer, stating as follows:

1. Plaintiff(s) filed a Complaint for Unlawful Detainer against the Defendant(s).
2. Defendant(s) failed to timely file an answer, and a default has been entered by the Clerk of Court.

WHEREFORE, Plaintiff(s) ask(s) this Court to enter a Final Judgment for Unlawful Detainer against the Defendant(s).

DATED: _____

_____
Plaintiff/Plaintiff's Attorney

_____
Address

_____
City, State, Zip

_____
Telephone

_____
Email

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

_____
PLAINTIFF(S)

CASE NO:_____
vs DIVISON:_____

_____
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 Court

By:_____
Deputy Clerk

_____
Plaintiff/Attorney

_____
Address

_____

_____
Phone Number