

UNLAWFUL DETAINER PURSUANT TO CHAPTER 82, FLORIDA STATUTES (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.

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>

IN THE COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY, FLORIDA

Case No.: _____

Division: _____

Plaintiff(s),

vs.

Defendant(s).

COMPLAINT FOR UNLAWFUL DETAINER

Plaintiff(s), _____, sue
the Defendant(s), _____, and
allege(s) as follows:

1. This is a cause of action for unlawful detainer pursuant to Chapter 82, Florida Statutes.
2. On or about (date) _____ Defendant(s) entered or took possession of the property located at (address/description of property) _____, Seminole County, Florida with the permission of Plaintiff(s), but not pursuant to any lease agreement.
3. On or about (date) _____ Plaintiff(s) revoked his/her consent for Defendant(s) to be in possession of the dwelling and, on that date, so informed Defendant(s) by oral/written notice (attach copy if written), and demanded Defendant(s) vacate the premises.
4. However, Defendant(s) refused to vacate the premises and continues in possession of the dwelling against the consent of Plaintiff(s), contrary to § 82.03, Florida Statutes.
5. In accordance with § 82.03(1), Florida Statutes, Plaintiff(s) is/are entitled by this lawsuit to have Defendant(s) removed from possession of the premises; and Plaintiff(s) is/are entitled to the summary procedure set forth under § 51.011, Florida Statutes.

WHEREFORE, Plaintiff(s) respectfully request(s) that the Court will find Defendant(s) wrongfully hold(s) possession of the premises, grant final judgment in favor of Plaintiff(s) and against Defendant(s), issue a writ of possession in favor of Plaintiff(s) and against Defendant(s) in accordance with § 82.091, Florida Statutes, award to Plaintiff(s) the costs of this action, and grant to Plaintiff(s) such other relief as justified by the circumstances in this case.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this complaint and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Date: _____

Signature of Plaintiff

Print Name: _____

Address: _____

City, State, Zip: _____

Daytime Telephone No.: _____

IN THE COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

Plaintiff(s),

Case No.: _____
Division: _____

vs.

Defendant(s).

**UNLAWFUL DETAINER SUMMONS
(CLAIM FOR POSSESSION OF PREMISES)**

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-styled cause upon Defendant(s).

TO DEFENDANT(S):

Defendant('s)(s') Name(s)

Address

City, State, Zip Code

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 determine 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 (mailed or hand delivered) to the Court Clerk at the Seminole County Courthouse, 301 North Park Avenue, Sanford, Florida 32771.

2. As well as the Courthouse, mail or deliver copy of your written reason(s) to:

Plaintiff('s)(s') Name(s)

Address

City, State, Zip Code

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, Seminole County Courthouse, 301 North Park Avenue, Sanford, Florida 32771 at (407) 665-4227 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

WITNESS MY HAND AND SEAL OF THIS COURT on the ____ day of _____, 20__.

Grant Maloy
Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

NOTIFICACION DE DESALOJO

A: _____

Demandado(s)

SIRVASE LEER CON CUIDADO

Usted esta siendo demandado por _____ 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 continuacion en un plazo de 5 días (no incluidos los sabados, 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 SIGUENTE:

1.Escribir el (los) motivo(s) por el (los) cual(es) cree que no se le debe obligar a mudarse. El (Los) motivo(s) debera(n) entregarse por escrito al secretario del tribunal en el _____ County Courthouse.

_____, Florida.

2. Enviar por correo o darle su(s) motivo(s) por escrito a:

Demandante/Abogado del Demandante

Dirección

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 ADA Coordinator, Court Administration, 301 North Park Avenue, Sanford, FL 32771, telephone number (407) 665-4227, 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 discapacidad del oído o de la voz, llame al 711.

CITATION D'EVICITION

A: _____

Defendeur(s)

LISEZ ATTENTIVEMENT

Vous tes poursuivi par _____ pour exiger que v ous evacuez les lieux de votre residence pour les raisons enumerees dans la plainte ci-dessous.

Vous avez droit a un proces pour determiner si vous devez demenager, mais vous devez, au prealable, suivre les instructions enumerees ci-dessous, pendant les 5 jours (non compris le samedi, le dimanche, ou un jour ferie) a partir de la date ou ces documents ont ete donnes a vous ou a la personne vivant avec vous, ou ont ete affichees a votre residence.

LISTE DES INSTRUCTIONS A SUIVRE:

1. Enumerer par ecrit les raisons pour lesquelles vous pensez ne pas avoir a demenager. Elles doivent etre remises au clerk du tribunal a _____ County Courthouse.

_____, Florida.

2. Envoyer ou donner une copie au:

Plaignant

Adresse

SI VOUS NE SUIVEZ PAS 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 VOUS, 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 ADA Coordinator, Court Administration, Kòdonatris pwogram Lwa Ameriken pou Moun ki Enfim yo nan 301 North Park Avenue, Sanford, FL 32771, telephone number (407) 665-4227, 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 si dat ou gen pou w parèt nan tribinal la mwens pase 7 jou; si ou gen pwoblèm pou w tandè byen oswa pou w pale klè, rele 711.

IN THE COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY, FLORIDA

_____,
Plaintiff(s)

Case No.: _____

Division: _____

vs

_____,
Defendant(s)

MOTION FOR CLERK'S DEFAULT

Plaintiff(s) move(s) for entry of a default by the Clerk against Defendant(s):

for failure to serve any paper on the undersigned or file any paper as required by law to the Complaint for Unlawful Detainer.

Plaintiff

CLERK'S DEFAULT

A default is entered in this action against the Defendant(s), named in the foregoing motion, for failure to serve or file any paper as required by law to the Complaint for Unlawful Detainer.

Dated on _____, _____.

Grant Maloy
Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

CERTIFICATE OF SERVICE

I certify that a copy of this Motion for Clerk’s Default was emailed mailed hand-delivered to the person(s) listed below on the _____ day of _____, 20__.

Defendant(s) or Attorney(s) for Defendant(s):

Name: _____

Address(es): _____

City, State, Zip: _____

Email address: _____

Date: _____

Signature of Plaintiff(s)

Printed Name(s)

Address, City, State, Zip Code

Telephone Number

Email Address

IN THE COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY, FLORIDA

Case No.: _____

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Plaintiff(s),

vs.

Defendant(s).

FINAL JUDGMENT FOR POSSESSION UNLAWFUL DETAINER

THIS CAUSE was considered by the Court upon Plaintiff's(s') **COMPLAINT FOR UNLAWFUL DETAINER** from the premises described in the Complaint, and it appears that Defendant(s) was/were duly served with Notice and process as required by law and:

_____ Defendant(s) failed to file any pleading contesting the allegations of the Complaint and a default has been entered by the Clerk.

_____ The Court has taken testimony or received Affidavits from Plaintiff(s).

IT IS THEREFORE ordered by the Court that a Judgment be and is hereby entered against Defendant(s), and that Plaintiff(s) have and recover of and from Defendant(s),

Possession of the premises situated in the County of Seminole, State of Florida described as:

_____ and the Clerk of this Court shall issue a Writ of Possession under the Seal of this Court directed to the Sheriff of Seminole County, Florida, describing the premises and commanding him to put Plaintiff(s), in possession of the premises.

WRIT OF POSSESSION SHALL:

_____ issue upon signing of this Judgment.

_____ not issued for ten (10) days from date of this Judgment.

Plaintiff is awarded Court costs in the amount of \$_____ for which let execution issue with interest at _____% per annum in accordance with section 55.03, Florida Statutes. The Court may reserve jurisdiction to enter a money judgment against Defendant(s) in accordance with section 83.625, Florida Statutes, if applicable.

DONE AND ORDERED in Sanford, Florida, this _____ day of _____, 20____.

COUNTY COURT JUDGE

IN THE COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY, FLORIDA

Plaintiff(s)

Case No.: _____

vs.

Defendant(s)

WRIT OF POSSESSION

THE STATE OF FLORIDA:
TO THE SHERIFF OF SEMINOLE COUNTY, FLORIDA

YOU ARE COMMANDED to remove all persons from the following described property in
Seminole County, Florida:

(Street Address)

(City, State, Zip Code)

and to put Plaintiff of the above action in possession of it forthwith;

at _____ am pm on _____, or as soon thereafter as practicable;
upon twenty-four hours notice conspicuously posted on the premises. The Plaintiff(s) to be put in
possession is/are:

(Plaintiff's[s'] name)

WITNESS my hand and seal of this Court on _____.

GRANT MALOY
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

By: _____
DEPUTY CLERK

Plaintiff

Address

Phone