

INSTRUCTIONS FOR EVICTION COMPLAINT

A Complaint consists of Count I and Count II. Count I is for the eviction process only, (for possession of the property.) Count II is completed when filing for lost rent, damages, etc. If damages are assessed and Count II wasn't filed at the initial filing of the Eviction, then a Small Claims case will need to be filed as a separate case.

The amounts in Count II can be amended if need be after possession of the property is obtained and additional damages are assessed. Once possession is obtained, the landlord may also dismiss Count II if so desired.

Complete & post the Notice to Tenant (Keep copy). After the days have passed and the Tenant has not left: (Not counting weekends, holidays or the day the notice was posted). Return to the clerk's Office and file the following:

1. Copy of the Notice given to Defendant
2. Eviction Complaint
3. Affidavit of Non-Military Service
4. Affidavit of Plaintiff's Claim
5. Motion for Default (Must be signed to be kept in file)

Also bring:

Filing Fee of \$185.00

Summons Issued Fee: \$10.00 per summons and per defendant

Separate check or cash for \$40.00 per defendant for the Sheriff Service.

One addressed envelope per defendant with two stamps on the envelope.

One copy of documents 1 through 4, per each defendant.

The Clerk's Office will prepare the summons, attach the copies & forward the packet to the sheriff with the fee or the Plaintiff may take the packet to the sheriff with the necessary fees. The Sheriff will serve the defendant(s) (all adults in the house must be served).

The defendant(s) have five (5) working days (not to include weekends or holidays) to respond, file an answer and place the money owed in the Court Registry.

Please contact this office in person or by phone at 904-548-4606 if the eviction has or has not been resolved. If an agreement has not been reached, we will continue on to the next steps.

Contact the Civil Department at 904-548-4606 if you have any question regarding completing these forms.

**NOTICE TO QUIT – TERMINATION OF TENANCY
WEEK(7) DAYS OR MONTH(15 DAYS)**

To: _____

YOU ARE HEREBY NOTIFIED TO QUIT AND VACATE THE
PREMISES DESCRIBED AS:

On or before the _____ day of _____, 20__
This notice is given under and by authority of Section 83.03, Florida
statutes. The tenancy under which you have been occupying and
using the said described premises as of the date shown above.

DATED at _____, Florida, on this ___ day of _____, 20__

OWNER/AGENT (Signature)

Address

Telephone

This NOTICE Served on the tenant on the _____ day of _____,
20__ at _____ am/pm (circle one).

By:

Personal delivery

Posting a copy at residence in absence of tenant

Instructions for CIVIL DEPARTMENT EVICTON NOTICES

Listed below are the 4 types of notices available in the State of Florida for landlords to be served on tenants based on the reasons for evictions.

THREE DAY NOTICE FOR NON-PAYMENT OF RENT:

A Three-day notice must list every adult living on the premises along with the proper address of the property. If names are unknown, they may be listed as unknown tenants. The three-day notice gives the tenant(s) an option to pay up or vacate the premises. The amount stated on the notice can only include back Rent. No late fees or damages may be added unless there is a written lease agreement which specifically defines the same as “rent” or “additional rent”. The tenant(s) must be given three full working days (excluding weekends, holidays and date of service) and this must be stated on the notice in the “on or before date” section. The notice **MUST** be signed and **DATED** to show the courts when service was made and specified as to the “type” of service. This would be either by posting or mailing the notice. This will determine the validity of the three-day notice and further actions by the court.

NOTICE TO QUIT (15 DAY AND 7 DAY NOTICES)

A Notice to Quit (15 day notice to vacate) is used when a landlord wishes to terminate a monthly rental. The landlord is not required to give a specific reason when this notice is served. Tenants must be given a 15 day notice **AT LEAST** “15” days prior to when rent is due” again, excluding date of service. Notice must be signed, dated and given a specific date to vacate.

A landlord who wishes to terminate a rental agreement for non-compliance may also serve a 7 day notice when the rental agreement is week to week. Again, the landlord is not required to give a specific reason when this notice is served, and again, the notice must also be signed, dated, and given a specific date to vacate.

SEVEN DAY NOTICE OF NON-COMPLIANCE

When there is a lease agreement, a 7-day notice of non-compliance may be given to tenants who have failed to comply with the provisions of the lease. The notice must list each adult involved along with the correct address of the premises. All reasons for non-compliance **MUST** be listed. The notice must be signed, dated and given a specific date to vacate if the non-compliance cannot be corrected. If the non-compliance **CAN** be corrected, however, the tenant must be given the option to either correct the problem or vacate.

Contact the Civil Department at 904-548-4606 if you have any questions regarding completing these forms.

**IN THE COUNTY COURT, FOURTH JUDICIAL CIRCUIT
IN AND FOR NASSAU COUNTY, FLORIDA**

Case No: _____
Division: _____

Plaintiff

Vs

Defendant

**EVICITION COMPLAINT
COUNT I**

The Plaintiff sues the Defendant and alleges:

1. This is an action to evict a tenant from real property in Nassau County, Florida.
2. Plaintiff is owner of the following described real property in Nassau County, Florida:

3. Defendant has possession of said property under an agreement to pay rent of \$_____ payable _____.

A copy of the written rental agreement is attached hereto.

4. Defendant failed to pay rent due _____.

5. Plaintiff served Defendant with notice on _____ to pay said rent or deliver possession, but Defendant refuses to do either.

A copy of the notice is attached hereto.

WHEREFORE, Plaintiff demands judgment for possession of said property.

COUNT II

1. This is an action for damages that do not exceed the sum of \$_____, exclusive of interest and cost.
2. Plaintiff is seeking to recover from the Defendant monies in the amount of \$_____ for rent due on the premises known as: _____ for the period of _____.
3. Plaintiff is also seeking damages for _____ in the amount of \$_____.

WHEREFORE Plaintiff demands judgment in the sum of \$_____.

Plaintiff

**STATE OF FLORIDA
COUNTY OF NASSAU**

SWORN to and subscribed before me by _____, who is ___ personally known to me ___ or produced _____ as identification this the ___ day of _____, 20__.

Deputy Clerk or Notary Public State of Florida

My Commission Expires:

**COUNTY COURT
NASSAU COUNTY, FLORIDA**

Case No: _____

Plaintiff

Vs

Defendant

AFFIDAVIT OF PLAINTIFF'S CLAIM

State of Florida – County of Nassau

The undersigned, being by me first duly sworn, says that:

- 1. He/She is the Plaintiff in the above styled cause.
- 2. He/She is the _____ of _____, a corporation organized, existing, and doing business under and by virtue of the laws of the State of _____.
- 3. He/She is a co-partner the co-partnership doing business under the firm name, style, and description of _____, composed of the following co-partners, to wit: _____
- 4. He/She is sole trader doing business as _____

As such, the Affiant states that he/she is familiar with the records of the business of said plaintiff, and that he/she has personal knowledge of the facts concerning this matter.

There is due and owing to Plaintiff by the Defendant, after the allowance of all just credit, deductions and set-offs, the following:

Principal	\$	_____
Interest	\$	_____
Subtotal	\$	_____
Court Costs	\$	_____
Grand Total	\$	_____

Affiant

Sworn to and subscribed before me by _____ who is personally know to me or produced _____ as identification this _____ day of _____, 20__.

My commission Expires:

Deputy Clerk or Notary Public State of Florida

In the County Court
In and For
Nassau County, Florida

Case No. _____

_____, Plaintiff

VS

_____, Defendant

Affidavit of Non-Military Service

State of Florida
County of Nassau

Before me personally appeared the undersigned, and, who being first duly sworn, deposes and says: That he (she) (they) is (are) the plaintiff(s) or plaintiff(s) agent in the Statement of Claim; that _____, is not now in the military service of the United States of America; and that the defendant is employed at _____.

Plaintiff

At Yulee, Florida this ____ day of _____, 20__.

Sworn to and subscribed
before me this ____ day of
_____, 20__

John A. Crawford
Clerk of Courts

Deputy Clerk

**DEFAULT PACKAGE FOR COUNT I
(POSSESSION)**

Form #1 – Motion for Clerk’s Default – Residential Eviction (Count I)

Type or clearly print the names of the parties and fill in the appropriate blank lines, present the form to the Clerk’s Office. A clerk will verify that a response has not been filed within the five (5) day time limit. If a response has not been filed, the clerk will enter the Default-Residential Eviction.

Form #2 – Motion for Final Judgment for Possession-Residential Eviction (Count I)

Type or clearly print the names of the parties and fill in the appropriate blank lines. Present the form to the Clerk’s Office.

Form #3 – Final Judgment for Possession-Residential Eviction (Count I)

Type or clearly print the names of the parties and fill in the appropriate blank lines. Submit the original Final Judgment for Possession and three (3) copies if one tenant is listed on the complaint. Add an additional copy of the Final Judgment for Possession for each additional tenant. In addition, submit a pre-addressed stamped envelope for the landlord and each tenant.

Form #4 – Writ of Possession

Type or clearly print the names of the parties and fill in the appropriate blank lines. Make two (2) copies of the form and present the original and the copies to the Clerk’s office. A payment of \$70.00 must be made payable to the Nassau County Sheriff’s office for service of the Writ of Possession. The file along with the motions will be presented to the Court. The Court may sign the Final Judgment of Possession – Residential Eviction (Count I) or may direct the Clerk’s office to set a hearing date.

If the Court signs the Final Judgment for Possession – Residential Eviction (Count I), the Clerk’s Office will sign the Writ of Possession and submit the Writ of Possession and the \$70.00 to the Nassau County Sheriff’s Office for service. The Sheriff’s Office will serve the Writ of Possession indicating the tenant has twenty-four (24) hours (Not including the day of service, weekends or holidays) to evacuate the premises. The Sheriff’s Office will contact the Plaintiff to arrange a date and time to evict the tenant

If the Court directs the Clerk’s Office to set a hearing, a notification will be mailed.

**John A. Crawford
County Civil Division
76347 Veterans Way
Yulee, FL 32097
904-548-4606**

**COUNTY COURT
NASSAU COUNTY, FLORIDA**

Case No: _____
(Insert assigned case number)

(Insert Name of Landlord)
Plaintiff(s)

Vs,

(Insert Name of Tenant(s))
Defendant(s)

**MOTION FOR CLERK'S DEFAULT
RESIDENTIAL EVICTION
(COUNT I)**

Plaintiff asks the clerk to enter a default against _____,
(Insert Name of Tenant(s))
Defendant(s), for failing to respond as required by law to Plaintiff's Complaint for
Residential Eviction.

Plaintiff's Signature

DEFAULT – RESIDENTIAL EVICTION

A default is entered in this action for eviction against the Defendant(s) for failure to respond as required by law.

DATE: _____

JOHN A. CRAWFORD
CLERK OF COURT

By: _____
Deputy Clerk

**COUNTY COURT
NASSAU COUNTY, FLORIDA**

Case No: _____
(Insert assigned case number)

(Insert Name of Landlord)
Plaintiff(s)

Vs,

(Insert Name of Tenants(s))
Defendant(s)

**MOTION FOR FINAL JUDGMENT FOR POSSESSION
RESIDENTIAL EVICTION
(COUNT I)**

Plaintiff asks the court to enter a Final Judgment for Possession against
_____, Defendant, for residential eviction and says:
(Insert Name of Tenant(s))

1. Plaintiff filed a complaint alleging grounds for residential eviction of Defendant.
2. A Default was entered by the Clerk of this Court on _____.
(Insert Date the Default was entered)

WHEREFORE, Plaintiff asks this court to enter a Final Judgment for Possession against Defendant.

DATE: _____

Plaintiff's Signature

**DEFAULT PACKAGE FOR COUNT II
(BACK RENT)**

Form #1 – Motion for Clerk’s Default – Damages (Residential Eviction) – Count II

Type or clearly print the names of the parties and fill in the appropriate blank lines, present the form to the Clerk’s Office and the clerk will verify if a response has been filed or not within the twenty (20) day time limit. If a response has not been filed, the clerk will enter the Default-Damages.

Form #2 – Affidavit of Plaintiff’s Claim

Type or clearly print the names of the parties and fill in the appropriate blank lines. Attach an itemized list of the damages, then present to the Clerk’s office.

Form #3 – Motion for Default Judgment-Damages (Residential Evictions)-Count II

Type or clearly print the names of the parties and fill in the appropriate blank lines. Present the Motion for Default Final Judgment to the Clerk’s Office.

Form #4 – Default Final Judgment-Damages (Count II)

Type or clearly print the names of the parties and fill in the appropriate blank lines. Submit the original Final Judgment-Damages-Count II and a copy for each party along with a pre-addressed stamped envelope for each party. The file, along with the motion, will be presented to the Court. The court may sign the Final Judgment-Damages (Count II) or may direct the Clerk’s office to schedule a hearing date.

If the Court signs the Final Judgment-Damages (Count II), copies will be mailed.

If the Court directs the Clerk’s Office to set a hearing, a notification will be mailed.

**John A. Crawford
County Civil Division
76347 Veterans Way
Yulee, Fl 32097
904-548-4606**

**COUNTY COURT
NASSAU COUNTY, FLORIDA**

Case No: _____
(Insert assigned case number)

(Insert Name of Landlord)
Plaintiff(s)

Vs,

(Insert Name of Tenants(s))
Defendant(s)

**MOTION FOR CLERK'S DEFAULT DAMAGES
(RESIDENTIAL EVICTIONS
(COUNT II))**

Plaintiff asks the clerk to enter a default against _____,
(Insert Name of Tenant(s))
Defendant(s), for failing to respond as required by law to Plaintiff's Complaint for
damages.

Plaintiff's Signature

DEFAULT – DAMAGES

A default is entered in this action for eviction against the Defendant(s) for
failure to respond as required by law.

DATE: _____

JOHN A. CRAWFORD
CLERK OF COURT

By: _____
Deputy Clerk

**COUNTY COURT
NASSAU COUNTY, FLORIDA**

Case No: _____
(Insert assigned case number)

(Insert Name of Landlord)
Plaintiff(s)

Vs,

(Insert Name of Tenants(s))
Defendant(s)

**MOTION FOR DEFAULT FINAL JUDGMENT
DAMAGES (RESIDENTIAL EVICTION)
(Count II)**

Plaintiff asks the Court to enter a Default Final Judgment against
_____, Defendant, for damages, and says:

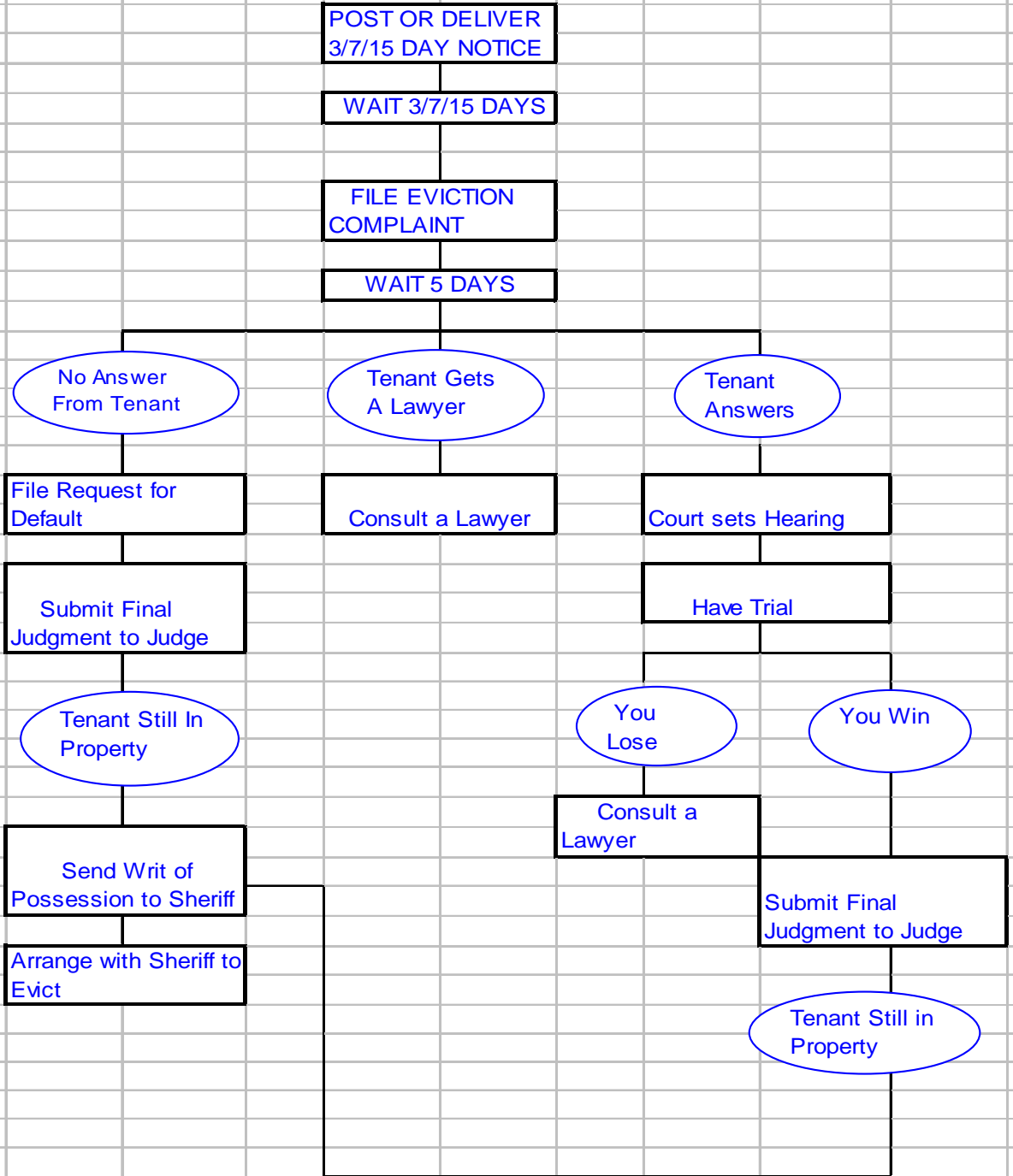
(Insert name of tenant(s))

1. Plaintiff filed a complaint for damages against the Defendant.
2. Defendant has failed to timely file an answer and a Default has been entered by the Clerk of this Court on _____, 20__.
3. In support of this Motion, Plaintiff submits the attached Affidavit of Plaintiff's Claim.

WHEREFORE, Plaintiff asks this Court to enter a Default Final Judgment – Damages – Count II against Defendant.

DATE: _____, 20__ _____
Plaintiff's Signature

EVICTION FLOWCHART AND CHECKLIST-NON PAYMENT OF RENT



Excluding Saturdays, Sundays & Legal Holidays