EVICTION PACKET COVER SHEET

NON- PAYMENT OF RENT MOBILE HOME/LOT RENTAL

This packet contains the information and forms for filing an Eviction case for NON-PAYMENT OF RENT - MOBILE HOME/ LOT RENTAL. Packets can be purchased at the Clerk's Office for \$2.40

Please note the CLERK OF COURT cannot give legal advice to you or interpret the law for you. If you need legal advice, please contact an Attorney or Community Legal Services of Mid-Florida (CLSMF) at 1-800-405-1417.

Information on evictions may be obtained from Chapter 83 and/or Chapter 723(LOT RENTAL) of the Florida Statutes, located at www.leg.state.fl.us.

Eviction Checklist

I. TO FILE A COMPLAINT FOR EVICTION FORM: (MOBILE HOME OR LOT RENTAL - RESIDENTIAL)

Required Forms:

- For One Tenant:
 - ➤ 1 Original plus 2 copies of Complaint
 - Statement of Responsibility
 - Designation of Email Form
 - Consent to Case Closure after 90 Days Of Inactivity
 - > 3 copies of NOTICE (once it has been served and the allotted time has passed)
 - o 3 DAY Notice (MOBILE HOME NON PAYMENT OF RENT ONLY) OR
 - o 5 DAY Notice (LOT RENTAL ONLY)
 - > 3 copies of written agreement (lease) plus other documents. if any
 - Owner's Authorization for Property Manager (if needed)
 - > 1 envelope w/ adequate postage (min 2 stamps) addressed to each tenant individually
 - Civil Cover Sheet
- For Two Tenants:
 - > 1 Original plus 4 copies of Complaint
 - Statement of Responsibility
 - Designation of Email Form
 - Consent to Case Closure After 90 Days of Inactivity
 - > 5 copies NOTICE (once it has been served and the allotted time has passed)
 - o 3 DAY Notice (MOBILE HOME NON PAYMENT OF RENT ONLY) OR
 - 5 DAY Notice (LOT RENTAL ONLY)
 - > 5 copies of written agreement (lease) plus other documents. if any
 - Owner's Authorization for Property Manager (if needed)
 - ➤ 2 envelopes w/ adequate postage (min. 2 stamps) addressed to each tenant

Required Fee's payable to "Clerk of Court":

SEE FILING FEE CHART

Required Sheriffs Fee's payable to "FCSO":

\$40 per defendant (must be a money order or real estate check)

More than to Tenants: You will need:

- > 2 additional copies of each of the above required documents per tenant.
- > 1 additional envelope w/ adequate postage (min. 2 stamps) addressed to each additional tenant

II. TO OBTAIN A JUDGMENT FOR POSSESSION:

*PLEASE NOTE: If no response is filed by tenant, a NON MILTARY AFFIDAVIT is required

- When the 5 business days after service has passed, the Landlord may Motion the Court in writing requesting a Final Judgment and Writ of Possession. However, if a Hearing and/or Mediation has been scheduled, please be aware that the Judge may not take any action on your motion until after the Mediation/Hearing
- > Once the Final Judgement has been entered by the Judge, you may return to the Clerk's office to have the Writ of Possession prepared by the clerk.

Required Fee's payable to "Clerk of Court":

 \$7 for clerk to prepare Writ (Please note that the Clerk shall not issue a writ of possession for a "LOT RENTAL" eviction no sooner than 10 days from the date the Judgement was entered)

Required Sheriffs Fees payable to "FCSO":

\$90 Money Order, Cashier's Check, Or Cash in the EXACT amount

TO OBTAIN A JUDGMENT DAMAGES COUNT II:

*PLEASE NOTE: Only the Landlord or an Attorney filing an Eviction can request Count II. Also, the defendant must be personally served for the Landlord to be entitled to a Judgment regarding COUNT II.

- When the 20 days after service has passed, the Landlord may Motion the Court in writing requesting a Final Judgment for the money damages regarding Count II.
- > It is at the Judge's discretion whether a hearing will be set and or a Judgment will be entered

Important: As of January 2, 2023 - F.S. 48.184(2) A summons must be issued in the name of "Unknown Party or Parties in Possession" when the name of an occupant or occupants of real property is not known to the plaintiff and the property may be or is known to occupied by an unknown party.

^{**}Please Note: The County Civil Department cannot give legal advice to you or interpret the law for you. Information on evictions may be obtained from Chapter 83 of the Florida Statutes, located at www.leg.state.fl.us

DEMAND FOR PAYMENT OF LOT RENTAL AMOUNT Pursuant to Florida Statute 723 .061

		Date:
TO		
		FROM:
And A	All Other Occupants	ADDRESS FOR PAYMENT Telephone #: Community Manager: Agent for Community
Requested You manufacture	Certified # _ u are notified that you are in default in the ed home lot. Lot rental amount (including	AND CERTIFIED MAIL-Return Receipt payment of the lot rental amount for your base rent and all financial obligations, except user fees, which are andlord at the rate of \$ per month, due on the first day
of each mor Fur required to	nth. ther, pursuant to Florida Statutes Chapter	723 et seq., and the Rules and Regulations of this park, you are also your failure to pay the base rent timely. Such additional charges and
•	are also due and payable at the	the period of In addition, you are required to pay, as for late charges and delinquency fees, if applicable. Other unt of his time. The total amount currently due as of the date of this demand above.
DE premises to postmark da	MAND IS HEREBY MADE that you pay the undersigned within five (5) days from ate excluding Saturday, Sunday and legal l	the total lot rental amount now due, or deliver possession of the a the date of delivery of this notice (allowing five (5) days from the holidays). If the total lot rental amount now due is not paid on or at is terminated, and you must immediately vacate the premises.

If you do not pay the total lot rental amount now due, and refuse to vacate the premises within five (5) days from the delivery of this notice, (excluding Saturday, Sunday and legal holidays), an action for eviction pursuant to Florida Statute 723.061 will be commenced against you. If such action is commenced for eviction, you may also be held liable for court costs and reasonable attorneys' fees incurred by the park in order to prosecute such an eviction action. If you have any questions concerning this notice, please contact the office at the telephone number

listed above.

COMMUNITY USE ONLY (on Community's copy):

CERTIFIED M	ſAIL	Certified #	
MAILED ON:			
BY:(Employe	e signature)		
COPY POSTE	D ON PREMISES (LO	OT #):
POSTED ON:	(date/time)		
POSTED BY:	(Employee Signature))	

THREE-DAY NOTICE (MOBILE HOME)

Date:	
Tenant's name and address:	
Dear,	
You are hereby notified that you are indebted to me in the sum	
following premises:	
you and that I demand payment of the rent or possession of the	
and legal holidays) from the date of delivery of this notice, to-w	
, 20 (Insert the date, which is three days from the d Saturday, Sunday, and legal holidays.)	elivery of this notice, excluding the date of delivery,
Landlord Name:	
Address:	
Phone Number:	
PROOF OF SERVICE:	
I, the undersigned, being at least eighteen years of age, declare under quit tenancy, of which this is a true copy, on the above named tenant in the manner indicated below on(date)	
I personally delivered a copy of the notice to tenant I mailed a true copy of the notice to tenant by certified mail	
I posted on the premises	_location posted (where)
on the above-described property on at at	am/pm
(unit	-/
By:	

Owner/Agent

IN THE COUNTY COURT
SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

		Case No
		-
 Plainti		-
VS	(3)	
		•
		-
Defend	 lant(s)	-
Derent	surre(5)	
		STATEMENT OF RESPONSIBILITY (Landlord - Tenant Action)
Before	filing this case I have considere	ed the following matters and acknowledge that:
1.	This case is being filed in the (County Court under the Landlord and Tenant Law of Florida, Chapter 83 Florida
	-	napter 51. That the conduct of this case will be in accordance with the rules of
	procedure and laws of Florida	
2.	= : : :	is an important element of the case and the responsibility for naming the proper
3.	plaintiff(s) and defendant(s) in	shing of a correct address or location at which the defendant(s) can be served or
0.	given notice of this suit.	
4.		ny right to file this case for myself or for the named plaintiff(s) realizing that if the
_	·	such plaintiff may be required to be represented by an attorney.
5.	•	receives and files this claim to give me legal advice as to how to prosecute this le Clerk is not acting as my attorney or legal advisor.
6.	_	e collection of any judgment entered in my favor.
7.	•	ng any confidential information in my pleadings under Florida Rules of Judicial
		25 and acknowledge it is my responsibility to file a NOTICE OF CONFIDENTIALITY
	form or MOTION if needed.	

Signature

Date

IN THE COUNTY COURT SEVENTH JUDICIAL CIRCUIT IN AND FOR FLAGLER COUNTY, FLORIDA Case No. COMPLAINT FOR TENANT EVICTION MOBILE HOME/LOT RENTAL (NON PAYMENT OF RENT) _ {insert rental

Defendant(s) {insert name & address of Tenant} **COUNT I** (Tenant Eviction) Plaintiff sues defendant and alleges: 1. This is an action to evict a tenant from real property located at in Flagler County, Florida. (a) The Defendant occupies a MOBILE HOME owned by the Plaintiff and located on real property owned by the Plaintiff. (b) The Defendant owns and occupies a MOBILE HOME located on real property owned by the Plaintiff: _____(1) Plaintiff's property is a MOBILE HOME park with more than ten (10) spaces. (2) Plaintiff's property is a MOBILE HOME park with less than ten (10) spaces. The defendant has possession of the property under a/an (oral/written) agreement to pay rent of \$_____ amount) payable _____ [insert terms of rental payments, i.e., weekly, monthly, etc]. A copy of the written agreement, if any is attached as Exhibit "A". Defendant failed to pay rent due _______ [insert date of payment Tenant has failed to make].
 Plaintiff served defendant with a notice on ______ [insert date of notice], to pay the rent or deliver possession but defendant refuses to do either. A copy of the notice is attached as Exhibit "B". WHEREFORE, plaintiff demands judgment for possession of the property against defendant. [COUNT | BELOW -- MUST BE PERSONALLY SERVED ON DEFENDANT-DEFENDANT HAS 20 DAYS TO RESPOND] **COUNT I** Damages Plaintiff sues defendant and alleges: This is an action for damages that do not exceed \$30,000. Plaintiff restates those allegations contained in paragraph 1 through 4 above. Defendant owes Plaintiff \$ that is due with interest {insert past due rent amount} since {insert date of last rental payment Tenant failed to make}. WHEREFORE, Plaintiff demands judgment for damages against Defendant. Date Signature Name of Landlord/Property Manager (circle one) Address

Telephone number

Plaintiff(s) {insert name & address of Landlord}

IN THE CIRCUIT COURT, 7TH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY, FLORIDA

	CASE NO.:
Plaintiff/Petitioner,	
v.	
Defendant/Respondent,	
DESIGNATION OF E-MAIL ADDRESS BY A F	PARTY NOT REPRESENTED BY AN ATTORNEY
Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b designate the e-mail address(es) below for electronic	
By completing this form, I am authorizing the court, cler judgments, motions, pleadings, or other written communication Portal.	k of court, and all parties to send copies of notices, orders, ons to me by e-mail or through the Florida Courts E-filing
I understand that I must keep the clerk's office and the address(es) and that all copies of notices, orders, judgments, m this case will be served at the e-mail address(es) on record at the	otions, pleadings, or other written communications in
Designated E-mail Address:	
Secondary Designated E-mail Address(es) (if any):	
CERTIFICATE O	F SERVICE
I certify that a copy of hereof had been furnished (Name and Address(es) of parties used for service)	·
by \square e-mail, \square mail on this da	ay of, 20
	Circal
	Signature: Printed Name:
	E-Mail Address:
	Address:
	Phone Number:

IN THE CIRCUIT & COUNTY COURTS OF THE SEVENTH JUDICIAL CIRCUIT, IN AND FOR FLAGLER COUNTY, FLORIDA

	CASE NUMBER: DIVISION:
Plaintiff/ Petitioner	_
V.	
Defendant/Respondent	
•	OSURE AFTER 90 DAYS OF INACTIVITY ction – Possession Only
I, (Plaintiff/La closure of this case file after 90 days of inactivity h	ndlord) hereby consent without further notice, to the dismissal and ave elapsed.
I hereby certify that a true and correct cop initial service of process to the above named respo	by of this Consent will be furnished by U.S. mail or included with the ondent(s).
Dated:	
	Plaintiff/Landlord

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

In the COUNTY Court of the Seventh Judicial Circuit in and for FLAGLER COUNTY, FLORIDA

Plaintiff	Case #:
VS.	Judge:
Defendant Defendant	
	ed to the nearest dollar. The estimated amount of the claim is oses only. The amount of the claim shall not be used for any
\$8,000 or less \$8,001 - \$30,000 \$30,001- \$50,000 \$50,001- \$75,000 \$75,001 - \$100,000 over \$100,000.00	
	one type of case, select the most definitive category.) If the a broader category), place an x on both the main category and
CIRCUIT CIVIL 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
ı	Products liability
	Real property/Mortgage foreclosure
	Commercial foreclosure
	Homestead residential foreclosure
	Non-homestead residential foreclosure
	Other real property actions
ı	Professional malpractice
	Malpractice—business
	Malpractice—medical
	Malpractice—other professional
,	Other
'	Antitrust/Trade regulation
	Business transactions
	Constitutional challenge—statute or ordinance
	Constitutional challenge—statute of ordinance Constitutional challenge—proposed amendment
	Corporate trusts
	Discrimination—employment or other Insurance claims
	Intellectual property
	Libel/Slander
	Shareholder derivative action
	Securities litigation
	Trade secrets
	Trust litigation
SUNTY OF	.711
OUNTY CI	
	Civil
	Real property/Mortgage foreclosure
	Replevins
	Evictions
	Residential Evictions
	Non-residential Evictions
	Other civil (non-monetary)
11.7	DEMEDIES COLICIE /sheek all that apply)
IV.	REMEDIES SOUGHT (check all that apply):
	Monetary;
	Nonmonetary declaratory or injunctive relief;
	Punitive
14	NUMBER OF CALISES OF ACTION, 1.1 (Connected)
V.	NUMBER OF CAUSES OF ACTION: [] (Specify)
VI.	IS THIS CASE 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 COM yes no	IPLAINT?	
	the information I have provided in this or read and will comply with the requiren		, -
Signature:	(Attorney or party)	Fla. Bar #:	(Bar # if attorney)
	(type or print name)		(Date)

INFORMATION AND INSTRUCTIONS FOR FILING AN **AFFIDAVIT OF**NON-MILITARY SERVICE

An Affidavit of Non-Military Service is a sworn statement stating that to the best of your knowledge, you know that the defendant(s) are not currently in the military service. Without the Non-Military Affidavit, the Judge will not accept the default. You may not enter a default against a person in the military service.

If you do not know if the individual(s) in the lawsuit are in the Military Service, you may contact the Department of Defense Manpower Data Center at www.defenselink.mil/faq/pis/PC09SLDR.html and request the information from the United States Department of Defense.

After obtaining the information from the United States Department of Defense, attach your response to the Non-Military Affidavit and file with the Clerk of Court.

IN THE CIRCUIT & COUNTY COURTS OF THE SEVENTH JUDICIAL CIRCUIT, IN AND FOR FLAGLER COUNTY, FLORIDA

	CASE NUMBER:
	DIVISION:
Plaintiff/ Petitioner	
V.	
Defendant/Respondent	
NON-MI	LITARY AFFIDAVIT
I,being [√all that apply)	sworn, certify that the following information is true:
[♥ all that apply)	
1. I know of my own personal knowledg of the United States.	ge that Defendant(s) is not on active duty in the armed services
or	
	of the United States and the U.S. Public Health Service to a member of the armed services and am attaching certificates by in the armed services.
-	ffirming under· oath to the truthfulness of the claims made in thi ngly making a false statement includes fines and/or
Dated:	
	Signature of Plaintiff(s)
	Printed Name:
	Address:City, State, Zip:
	Phone Number:
STATE OF FLORIDA	
COUNTY OF FLAGLER	
SWORN to or subscribed and signed before me this _	day of 20
Deputy Clerk or Notary Public State of Florida	
Type of Identification Produced:	My Commission Expires:

IN THE COUNTY COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR FLAGLER COUNTY, FLORIDA

Plaintiff,		
VS.		Case #:
 Defend	dant(s),	
	OWNER'S AUTHORIZATION FOR PR	OPERTY MANAGER TO PROSECUTE EVICTION ACTION
1. pu	entity}complaint for eviction}	izes [print or type name of owner - individual, corporation, other legal, property manager [print or type name of individual signing ida Bar re: Advisory Opinion-Non Lawyer Preparation of the and
<u>Re</u> (Fl	presentation of Landlord in Uncontested Res a. 1993), and authorized by FS 83.59, to pros half. I affirmatively represent that the person na	sidential Evictions, 605 So.2d 868 (Fla. 1992), clarified 627 So.2d 485 secute this residential eviction proceeding in my name and on my amed is responsible for the day-to- day management of the residential
	collecting the rent. I understand this authorization does not all for eviction for non-payment of rent and the	is also responsible for renting and maintaining the property and low the property manager to be named as the plaintiff in any action hat the property manager may represent my interest only to the see only remedy sought and the matter remains uncontested.
	I understand further that pursuant to the recannot represent me for actions for past repossession of the property.	ules promulgated by the Florida Supreme Court the property manager ent, late fees, security deposits or for any other relief other than ager may represent me only so long as the eviction action is
	If the action becomes contested and a heat personally on my own behalf (if I am an in If the owner is a corporation or other legal	aring is required, I understand it will be necessary to appear dividual owner) at such hearing or through my attorney. entity, and if the action becomes contested and a hearing is required, represented by an attorney at such hearing to continue the eviction
[]If o	wner is an individual or partnership:	[] If owner is a corporation:
[Indivi	idual Owner or General Partner]	[Officer of Corporation, Title]