



Matt Reynolds

Putnam County Clerk of the Circuit Court and Comptroller

Po Box 758, Palatka, Florida 32178

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UNLAWFUL DETAINER

Unlawful Detainer is a county court lawsuit, filed pursuant to Florida Statute Chapter 82, to request that a person be ordered to leave your property. It is like an eviction proceeding except that in an Unlawful Detainer case, there is no **landlord/tenant relationship** between parties. In other words, there is no agreement to pay rent either verbal or in writing. If there is an **agreement to pay rent**, whether verbal or in writing, you should consider filing an eviction case. Consult with an attorney if you have questions about the appropriateness of this filing.

When should this packet be used?

- You are trying to remove someone from your home, and
- You have a legal right to reside in your home (you are the owner or are the legal tenant), and
- The person you are trying to remove does not have legal right to reside in your home (they are not an owner or a legal tenant), and
- There is no agreement for rent (verbal or in writing) between you and the person you are trying to remove.

Forms in this packet:

- Civil Cover Sheet, Form 1.997
- Unlawful Detainer Complaint
- Affidavit of Military Service
- Motion for Default

Information or forms provided by the clerk of 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 the filing of a lawsuit or answering a lawsuit and questions about your situation should be directed to qualified attorney.

STEP-BY-STEP INSTRUCTIONS

STEP 1 – COMPLETE THE FORMS

Complete the following forms:

Civil Cover Sheet, Form 1.997
Unlawful Detainer Complaint
Affidavit of Military Service

STEP 2 – NOTARY

Sign the Complaint and Affidavit of Military Service in front of a Notary or Deputy Clerk. Please comply with the Service Members Civil Relief Act (SCRA) (formerly known as Soldiers' and Sailors' Civil Relief Act of 1940).

STEP 3- FILE YOUR CASE

Your Unlawful Detainer paperwork can be filed in person or mailed to the clerk of court at:

Putnam County Clerk of Court
Customer Service Center
518 St Johns Ave
Palatka, FL 32177

or

Putnam County Clerk of Court
Attn: Civil Division
Po Box 758
Palatka, FL 32178

Note: There is a filing fee of \$300.00 and a \$10.00 summons fee per defendant due at case initiation.

STEP 4 – NOTIFYING THE DEFENDANT(S)

Once a case has been filed, a copy of the Complaint and the Summons must be served on the Defendant(s) by the Sheriff's Office or a Private Process Server. A \$40.00 Sheriff service fee per defendant can be paid at the time of filing and the clerk of court will forward your paperwork to the Sheriff for service on the defendant(s).

STEP 5 – AFTER SERVICE

After a Defendant has been served, they have 5 working days (excluding weekends and legal holidays) to file a written response with the clerk of court and provide a copy to the Plaintiff.

- **If a Defendant files an answer:** The answer is forwarded to the appropriate Judge's office for review. If the court determines a hearing should be set on the matter, a Notice of Hearing will be furnished to all parties by US Mail or Email (if provided).
 - o Once both sides have presented their evidence the Judge will make a decision.
 - o If the Court enters a Judgment for Possession, the Plaintiff can request the clerk of court enter a Writ of Possession.

- **If a Defendant fails to file an answer** within 5 working days, you must file the Motion for Default form with the clerk of court.
 - o When the Court enters a Judgment for Possession, the Plaintiff can request the clerk of court enter a Writ of Possession.

STEP 6 – WRIT OF POSSESSION

Once you have a Final Judgment signed by the Judge, you may request a Writ of Possession be issued by the clerk of court by contacting our office.

- There is a \$90.00 fee for the Sheriff’s office to execute the Writ of Possession and remove Defendant(s) from the property.

SCHEDULE OF FEES

All filing fees and Sheriff’s Office service fees are due at the time of filing your suit. Filing fees are made payable to: **Clerk of Courts** and may be paid for by Check, Money Order, Cashier’s Check, Cash, MasterCard, Visa, or American Express.

UNLAWFUL DETAINER FILING FEE:	\$300.00
SUMMONS ISSUANCE FEE PER DEFENDANT:	\$10.00

SHERIFF SERVICE FEES:

SERVICE OF SUMMONS PER DEFENDANT:	\$40.00
WRIT OF POSSESSION:	\$90.00

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form shall be filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statutes section 25.075. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL
CIRCUIT, IN AND FOR PUTNAM COUNTY, FLORIDA

Plaintiff		Case #: _____
vs.		Judge: _____
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.

- | | | |
|---|--|--|
| <input type="checkbox"/> \$8,000 or less
<input type="checkbox"/> \$8,000 - \$30,000
<input type="checkbox"/> \$30,001 - \$50,000 | | <input type="checkbox"/> \$50,001 - \$75,000
<input type="checkbox"/> \$75,001 - \$100,000
<input type="checkbox"/> over \$100,001 |
|---|--|--|

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

CIRCUIT CIVIL

- | | | |
|---|--|---|
| <input type="checkbox"/> Condominium
<input type="checkbox"/> Contracts and indebtedness
<input type="checkbox"/> Eminent domain
<input type="checkbox"/> Auto negligence
<input type="checkbox"/> Negligence—other <ul style="list-style-type: none"> <input type="checkbox"/> Business governance <input type="checkbox"/> Business torts <input type="checkbox"/> Environmental/Toxic tort <input type="checkbox"/> Third party indemnification <input type="checkbox"/> Construction defect <input type="checkbox"/> Mass tort <input type="checkbox"/> Negligent security <input type="checkbox"/> Nursing home negligence <input type="checkbox"/> Premises liability—commercial <input type="checkbox"/> Premises liability—residential <input type="checkbox"/> Products liability
<input type="checkbox"/> Real property/Mortgage foreclosure <ul style="list-style-type: none"> <input type="checkbox"/> Commercial foreclosure <input type="checkbox"/> Homestead residential foreclosure <input type="checkbox"/> Non-homestead residential foreclosure <input type="checkbox"/> Other real property actions | | <input type="checkbox"/> Professional malpractice <ul style="list-style-type: none"> <input type="checkbox"/> Malpractice—business <input type="checkbox"/> Malpractice—medical <input type="checkbox"/> Malpractice—other professional <input type="checkbox"/> Other <ul style="list-style-type: none"> <input type="checkbox"/> Antitrust/Trade Regulation <input type="checkbox"/> Business Transaction <input type="checkbox"/> Circuit Civil – Not Applicable <input type="checkbox"/> Constitutional challenge—statute or ordinance <input type="checkbox"/> Constitutional challenge—proposed amendment <input type="checkbox"/> Corporate Trusts <input type="checkbox"/> Discrimination-employment or other <input type="checkbox"/> Insurance claims <input type="checkbox"/> Intellectual property <input type="checkbox"/> Libel/Slander <input type="checkbox"/> Shareholder derivative action <input type="checkbox"/> Securities litigation <input type="checkbox"/> Trade secrets <input type="checkbox"/> 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;
 - Non-monetary declaratory or injunctive relief;
 - Punitive

- 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 COMPLAINT?**

- 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 _____
Attorney or party

Fla. Bar # _____
(Bar # if attorney)

(type or print name)

Date

**IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
PUTNAM COUNTY, FLORIDA**

CASE NO.:
DIVISION:

Plaintiff(s),

vs.

Defendant(s).

COMPLAINT FOR UNLAWFUL DETAINER

Plaintiff(s), _____,
sue 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(s) took possession of the dwelling located at (address/description of mobile home) _____
_____ with the permission of plaintiff(s).
3. On or about (date) _____ plaintiff(s) revoked his/her consent for defendant to be in possession of the dwelling and on that date, so informed defendant and demanded that the defendant(s) vacate the premises.
4. However, defendant(s) refused to vacate the premises and continues to be in possession of the dwelling against the consent of plaintiff(s), contrary to §82.04, Florida Statutes.
5. In accordance with §82.04(1), Florida Statutes, plaintiff(s) are entitled by this lawsuit to have defendant(s) removed from possession of the premises; and plaintiff(s) are entitled to the summary procedure set forth in 51.011, Florida Statutes.

WHEREFORE, plaintiff(s) respectfully request that the Court will find the defendant(s) wrongfully hold 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 the costs of this action, and grant to plaintiff(s) such other relief as justified by the circumstances in this case.

Date: _____

Your Signature

Print Your Name

Print Your Street Address

City, State, Zip Code

Your Telephone Number

Your Email Address

**STATE OF FLORIDA
COUNTY OF PUTNAM**

The foregoing instrument was acknowledged before me this ____ day of _____,

_____, by _____, who is personally known to me or who has produced _____ as identification and who did [] did not [] take an oath.

Matt Reynolds
As Clerk of the Court

As Deputy Clerk

Notary Public

Type or Printed Name

Putnam County Clerk of Court
Attn: Civil Division
Po Box 758
Palatka, FL 32178

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

CASE NO.:
DIVISION:

Plaintiff(s),

vs.

Defendant(s),

AFFIDAVIT OF MILITARY SERVICE

I, [full legal name] _____, am the Plaintiff in this case. To support my application for a default judgment and to comply with the Service members Civil Relief Act (SCRA) (formerly known as Soldiers' and Sailors' Civil Relief Act of 1940), I swear or affirm that the following information is true:

[Please choose only one]

1. I know of my own personal knowledge that the Defendant **IS** on active duty in the military service of the United States.
2. I know of my own personal knowledge that Defendant **IS NOT** now on active duty in the military service of the United States, nor has the Defendant been on active military service of the United States within a period of thirty (30) days immediately before this date. "Active Service" includes reserve members of the Army, Navy, Air Force, Coast Guard, and Marines who have been ordered to report for active duty and members of the Florida National Guard who have been ordered to report to active duty for a period of more than thirty (30) days.
3. I have contacted the military services of the United States and the U.S. Public Health Service and have obtained certificates showing that the Defendant is not on active duty status. These certificates are attached.
4. I have attempted to determine the military status of the Defendant, but do not have sufficient information. This is what I have done to determine whether or not Defendant is on active duty in the United States military:

I have no reason to believe that s/he is on active duty at this time.

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

Dated: _____

Signature of Plaintiff

Printed Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Fax Number: _____

Designated E-mail Address(es): _____

STATE OF FLORIDA
COUNTY OF PUTNAM

Sworn to or affirmed and signed before me 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 _____.

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:

This form was prepared for the Plaintiff.

This form was completed with the assistance of:

{name of individual} _____,

{name of business} _____,

{address} _____,

{city} _____, *{state}* _____, *{zip code}* _____, *{telephone number}* _____.

**IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
PUTNAM COUNTY FLORIDA**

CASE NO.:
DIVISION:

Plaintiff(s),

vs.

Defendant(s).

MOTION FOR DEFAULT

Plaintiff(s) moves 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.

Plaintiff(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.

Dated on _____.

MATT REYNOLDS
As Clerk of the Court

As Deputy Clerk