



WHAT YOU WILL NEED TO FILE AN EVICTION

Please note: This information is only intended as a guide. It is not a substitute for competent legal advice from a lawyer of your own choosing.

Forms required to file an Eviction Case may be obtained, free of charge, on our website, <https://putnamclerk.com/> under Forms or in our Customer Service Department located at 107 Sixth St, Palatka, FL, at a charge of \$0.15/page.

Cases can be filed in paper format in our Customer Service Department or via the Florida E-filing Portal, <https://www.myflcourtaccess.com/default.aspx>. Filing fees can be found on our website, <https://putnamclerk.com/> under Fee Schedule. When you are ready to file your case, you will need to submit the following completed documents:

1. Complaint to Evict
2. Statement of Responsibility
3. Copies of notice given to tenant
4. Copies of lease/rental agreement, if applicable
5. 2 - Pre-addressed, stamped, business-size envelope(s) *

*If a landlord causes, or anticipates causing, a defendant to be served with a summons and complaint solely by attaching them to some conspicuous part of the premises involved in the proceeding, the landlord shall provide the clerk of the court with two additional copies of the complaint and two prestamped envelopes addressed to the defendant. One envelope shall be addressed to such address or location as has been designated by the tenant for receipt of notice in a written lease or other agreement or, if none has been designated, to the residence of the tenant, if known. The second envelope shall be addressed to the last known business address of the tenant.

NOTE: You will need to provide copies to be served and mailed to each tenant listed in your complaint. The Clerk's Office can make copies for you at \$1.00/page. Please refer to the chart below for the number of copies required.

Number of Copies Required					
# of Tenants	Original Complaint	Copies of Complaint	Notice	Lease/Rental Agreement	Envelope
1	1	3	3	3	1
2	1	5	5	5	2
3	1	7	7	7	3

Information on Service of Summons: There is a \$10 fee for the clerk to issue a summons that is provided by you. If you do not provide a summons to be issued by the clerk, there is an additional \$7 fee for the clerk to prepare a summons to be issued. There is a \$40 fee for the summons to be served by the Putnam County Sheriff's Office and that fee can be paid to the Clerk's Office along with the required filing fee and any additional fees required. You may also choose to use a process server for service. You must contact the process server regarding service fees and service information.

File the appropriate forms after 5 days: The tenant will have five days, after service, to file a written response to a complaint for eviction, and 20 days after service, to file a written response to a complaint for back rent and damages. If the tenant fails to file a written response in that time the landlord is entitled to a judgment by default.

Obtaining the judgment is a two-step process. First a Clerk's default should be obtained by delivering to the Clerk of the Court an executed Motion for Clerk's Default. In order to be entitled to a default, a Nonmilitary Affidavit, must be filed with the Clerk.

Second, based on the Clerk's default, a default final judgment should be obtained from the judge handling the case. The default final judgment is obtained by delivering to the Court a Motion for Default Final Judgment-Residential Eviction and/or Motion for Default Final Judgment – Damages (Residential Eviction) with and Affidavit of Damages. If the landlord is seeking a Default Final Judgment – Damages (Residential Eviction), a copy of the motion and affidavit must be served on the Defendant. The forms provide a certificate of service to be completed establishing proper service of the motion and affidavit.

Once you have filed the appropriate forms, the clerk will notify the judge. If the Judge grants the landlord possession of the property, the clerk will issue a Writ of Possession.

Have the Writ of Possession executed

The Sheriff's Office charges a \$90 fee to execute the Writ of Possession. That fee can be paid to the Clerk's Office. The Sheriff's Office will execute the Writ of Possession and notify the landlord to deliver possession of the property.

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

Name of Court _____

Plaintiff _____ Case No. _____

Judge _____

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

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 on both the main category and subcategory lines.

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
- ☐ 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
 - ☐ Business transactions
 - ☐ Constitutional challenge – statute or 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

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

IX. 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 General Practice and Judicial Administration 2.425.

Signature of attorney or party

Fla. Bar # (if Attorney)

Type or print name

Date

NOTICE FROM LANDLORD TO TENANT – TERMINATION FOR FAILURE TO PAY RENT

INSTRUCTIONS

This notice may be delivered by mail or by delivering a copy to the dwelling unit, or, if the tenant is absent from the dwelling unit, by leaving a copy thereof at the dwelling unit.

If the tenant fails to pay rent when due and the default continues for three (3) days (excluding Saturday, Sunday, and legal holidays) after delivery of written demand by the Landlord for payment of the rent or possession of the premises, the Landlord may terminate the rental agreement. This written demand is a prerequisite to an action to evict the tenant or recover past due rent. Your written rental agreement may have allowed for a longer period than three days and should be reviewed.

SOURCE: Section 83.56(3) and (4), Florida Statutes

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENT OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED

THREE DAY NOTICE TO PAY RENT

TO: _____

You are hereby notified that you are indebted to me in the sum of \$_____dollars for rent and use of the premises located at _____, Putnam County, Florida, now occupied by you, and that I demand payment of the rent or possession of the premises within three (3) days (excluding Saturdays, Sunday, and legal holidays) from the date of delivery of this notice, to-wit: on or before the _____ day of _____ 20____ (insert the date which is three (3) days from the delivery of this notice, excluding the date of delivery, Saturday, Sunday and legal holidays).

Date Delivered to Tenant

Signature

Name of Landlord

Address

City, State, Zip Code

Phone Number

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

vs. Plaintiff,

Case No: _____

Defendant,

COMPLAINT TO EVICT TENANT
NON PAYMENT OF RENT and
ACTION FOR RENT

COUNT I

1. This is an action to evict a tenant from real property located in Putnam County, Florida.
2. Plaintiff owns the following described property in said county (enter physical address of property):

3. Defendant has possession of the property under (check one) ☐ oral ☐ written agreement to pay rent of \$_____ payable (enter terms) _____. **A COPY OF THE WRITTEN AGREEMENT, IF ANY, IS ATTACHED AS EXHIBIT "A".**
4. Defendant failed to pay rent due on _____.
5. Plaintiff served defendant with a notice on _____, to pay the rent or deliver possession but defendant refuses to do either. **A COPY OF THE NOTICE IS ATTACHED AS EXHIBIT "B".**

COUNT II

6. Plaintiff(s) reiterates and realleges Paragraphs 1, 2, and 3 of COUNT I.
7. The Defendant(s) owes the Plaintiff(s) rent in the amount of \$_____.

WHEREFORE, Plaintiff(s) demands judgment for possession of the property and damages in the amount of \$_____, and costs of this action against the defendant.

Plaintiff (Owner) Signature

Street Address

City/State/Zip

Phone Number

E-mail address

Case No: _____

STATEMENT OF RESPONSIBILITY

Before filing this case, I have considered the following matters and acknowledge that:

1. This case is being filed in the County Court pursuant to Florida Statute Chapter 82.04. That the conduct of this case will be in accordance with the rules of procedure and laws of Florida which apply to this case.
2. The naming of proper parties is an important element of the case and the responsibility for naming proper plaintiff(s) and defendant(s) in this case is mine.
3. I am responsible for the furnishing of a correct address or location at which the defendant(s) can be served or given notice of this suit.
4. I assume responsibility as to my right to file this case for myself or for the named plaintiff(s) realizing that if the plaintiff is a corporation that such plaintiff may be required to be represented by an attorney.
5. I do not expect the Clerk who receives and files this claim to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.
6. I am solely responsible for the collection of any judgment entered in my favor.
7. I am responsible for identifying any confidential information in my pleadings under Florida Rules of Judicial Administration 2.240 and 2.425 and acknowledge it is my responsibility to file a NOTICE OF CONFIDENTIALITY form or MOTION if needed.

Date _____

Signature

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

Plaintiff(s)

CASE NO.: _____

DIVISION: 63

vs..

Defendant(s)
_____ /

CONSENT TO CASE CLOSURE AFTER 90 DAYS OF INACTIVITY

Eviction – Possession Only

I, _____ (Plaintiff/Landlord) hereby consent, without further notice to the dismissal and closure of this case file after 90 days of inactivity have elapsed.

I hereby certify that a true and correct copy of the Consent will be furnished by U.S. mail or included with the initial serve of process to the above named respondent(s).

DATED this ____ day of _____, 20____.

Plaintiff/Landlord

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

Petitioner/Plaintiff,
vs.

Case No: _____

Respondent/Defendant,

REQUEST TO ISSUE SUMMONS

To Clerk: Please issue a ☐ summons ☐ Alias or ☐ Pluries Summons to:

Respondent/Defendant name _____

Address for service _____

Respondent/Defendant name _____

Address for service _____

NOTE: There is a \$17.00 fee for each summons prepared and issued by the clerk. There is also a \$40.00 Sheriff's service fee required for each summons to be served by the Putnam County Sheriff's Office. If the party to be served is outside of Putnam County or you choose to use a process server, it is YOUR responsibility to get the summons to the out of county Sheriff's Office or the process server of your choice.

Signature

Address

Phone Number

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

CASE NO. _____
DIVISION: 63

Plaintiff,

vs.

Defendant,

MOTION FOR DEFAULT

Plaintiff(s) move for default against the defendant(s) _____

For failure to

☐ serve any papers on the undersigned or file any papers as required by law.

☐ deposit rent in the court registry as required by law.

Plaintiff(s)

I CERTIFY that on _____ (date) a copy of this document has been furnished to
_____, defendant(s) at _____
_____ (address(es)) by ☐ mail, ☐ e-mail, ☐ e-portal,
☐ hand delivered.

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

Plaintiff,

Case No: _____

vs.

Defendant,

NONMILITARY AFFIDAVIT

On this day personally appeared before me, the undersigned authority, _____, who after being first duly sworn, says:

Defendant, _____, is known by Affiant not to be in the military service or any governmental agency or branch subject to the provisions of the Soldiers' and Sailors' Civil Relief Act.

Dated: _____

Signature of Affiant

Name: _____

Address: _____

Telephone No. _____

Sworn and subscribed before me on _____, by _____
(name), who is ☐ personally known to me ☐ produced _____ (document) as identification
and who took an oath.

Notary Public/Deputy Clerk

Name: _____

Commission No. _____

My Commission Expires: _____

I certify that I ☐ mailed, ☐ faxed and mailed, or ☐ hand delivered a copy of this motion and attached affidavit to the
Defendant at _____
(insert address at which Tenant was served and fax number if sent by fax).

[Type here]

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

Plaintiff,

Case No: _____

vs.

Defendant,

AFFIDAVIT OF DAMAGES

STATE OF FLORIDA)

COUNTY OF)

BEFORE ME, the undersigned authority, personally appeared _____(name)

Who being first duly sworn, states as follows:

1. I am _____ the Plaintiff or _____ the Plaintiff's agent (check appropriate response) in this case and am authorized to make this affidavit.
2. This affidavit is based on my own personal knowledge.
3. Defendant has possession of the property which is the subject of this eviction under an agreement to pay rent of \$ _____ (rental amount) per _____ (week, month, or other payment period).
4. Defendant has not paid the rent due since _____(date of payment tenant has failed to make).
5. Defendant owes Plaintiff \$ _____ (past due rent amount) as alleged in the Complaint plus interest.
6. Defendant owes Plaintiff \$ _____ (amount of other damages) as alleged in the Complaint plus interest.

Affiant

Notary Public/Deputy Clerk

Name:_____

Commission No.:_____

My Commission Expires:_____

I CERTIFY that I have _____ mailed, _____ faxed and mailed, or _____ hand delivered a copy of this Affidavit of Damages to the Defendant at _____.

Affiant

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

vs. Plaintiff,

Case No: _____

Defendant,

MOTION FOR DEFAULT FINAL JUDGMENT – DAMAGES (RESIDENTIAL EVICTION)

Plaintiff asks the Clerk to enter a default against _____, Defendant, for failing to respond as required by law to Plaintiff's Complaint to Evict Tenant for Non-Payment of Rent and Action for Rent .

1. Plaintiff filed a 2 Count Complaint alleging grounds for residential eviction and damages against Defendant.
2. Defendant has failed to timely file an answer and a Default has been entered by the Clerk of Court on _____.
3. In support of this motion, Plaintiff submits an Affidavit of Damages.

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment for Residential Eviction and Damages against Defendant.

Signature

Name: _____

Address: _____

Telephone No.: _____

I certify that a copy of this form has been furnished to (list all parties to this action)

by ☐ hand delivery ☐ mail ☐ fax on _____.