



WHAT YOU WILL NEED TO FILE AN UNLAWFUL DETAINER **(not 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.

Unlawful Detainer is a county court lawsuit, filed pursuant to Florida Statute Chapter 82, 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 any attorney if you are not sure.**

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 a 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 legal tenant), ***and***
4. There is no agreement for rent (verbal or in writing) between you and the person you are trying to remove.

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. Civil Cover Sheet
2. Complaint for Unlawful Detainer
3. Statement of Responsibility
4. Pre-addressed, stamped, business-size envelope(s) *

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	Envelope
1	1	3	1
2	1	5	2
3	1	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 unlawful detainer. 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-Unlawful Detainer.

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 owner 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

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

Plaintiff, Case No: _____

vs.

Defendant,

COMPLAINT FOR
UNLAWFUL DETAINER

Plaintiff(s), _____, sues 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) entered or took possession of the dwelling located at (address/description of dwelling) _____, Putnam County, Florida with the permission of the Plaintiff, 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 that 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 the Plaintiff(s), contrary to § 82.04, Florida Statutes.
5. In accordance with § 82.04(1), Florida Statutes, Plaintiff(s) is entitled by this lawsuit to have Defendant removed from possession of the premises; and Plaintiff(s) is entitled to the summary procedure set forth in § 51.011, Florida Statutes.

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

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

Plaintiff (Owner) Signature

Name

Street Address

City, State, Zip

Phone Number

Email

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: _____

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 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)

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

vs. Plaintiff,

Case No: _____

Defendant,

MOTION FOR DEFAULT FINAL JUDGMENT – UNLAWFUL DETAINER

Plaintiff asks the Clerk to enter a default against _____, Defendant, for unlawful detainer, stating as follows:

1. Plaintiff filed a Complaint for Unlawful Detainer against the Defendant(s).
2. Defendant(s) failed to timely file an answer, and a default was entered by the Clerk of Court on _____.

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment for Unlawful Detainer against the Defendant(s).

Dated:

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 _____.