

\$2.00

COMPLAINT FOR UNLAWFUL DETAINER

(INFORMATION PAGE)

When should these forms 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 legal tenant) and
- THE PERSON YOU ARE TRYING TO REMOVE DOES **NOT** HAVE A 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, and
- THE PROPERTY IS LOCATED IN BAY COUNTY, FLORIDA.

Example – You have someone (roommate, boyfriend, girlfriend, family member, etc) living in your home with you. **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 an attorney if you are not sure.

READ ALL OF THE INFORMATION AND INSTRUCTIONS BEFORE COMPLETING THE FORMS AND SUBMITTING THEM FOR FILING.

RETAIN COPIES OF ALL FORMS FILED FOR YOUR OWN RECORDS.

DOCUMENTS MUST BE LEGIBLE, TYPE WRITTEN OR LEGIBLY HANDWRITTEN IN BLACK OR BLUE INK.

FILING FEE: \$185.00

Summons issuance fee: \$10.00 per defendant

Payable by cash/ cashier's check/ money order/ credit card (MasterCard, Visa, American Express, Discover)

There is a 3.5% fee assessed when using your credit card.

IN ADDITION to the above mentioned filing fee and summons issuance fee, a fee is required to serve each defendant. The Sheriff of Bay County charges \$40 for each defendant served. The Sheriff's office will accept a personal local check made payable to BCSO.

*******NOTICE*******

This package is designed to help persons seeking to represent themselves in court without the assistance of an attorney. It is meant to serve as a guide only.

We do not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedure exactly or accept each and every form drafted. Any person using these instructions and forms does so at his or her own risk. Please note that Florida law prevents our staff from providing legal advice.

FILING CHECKLIST

Step One

(File case with Clerk) forms #1 & #2

To file an Unlawful Detainer case, you may file the following forms along with the filing fee and issuance fee with the Clerk's office. **make a copy of Form 1 and Form 2 for your records if desired**

Form #1 Complaint for Unlawful Detainer

Fill in the parties names in the space provided (Plaintiff is the party filing the case and the Defendant is the party being removed). Read each line and complete with appropriate responses. Date and sign in the space provided. Print or type your information.

Attach a copy of your deed or lease agreement to the complaint to prove you are the owner/ Leaseholder of the property.

Once completed, make one (1) copy of the original for each defendant

Form #2 Summons

Fill in names of the Plaintiff(s) and Defendant(s). Provide the name and address of the party to be served (defendant). The Clerk will date and sign this document after you file your case.

Once your portion is completed, make (2) copies of the original for each defendant

Forms #1 and #2 must be served on the other party (defendant) by the Sheriff. After filing your case, the Clerk will give you a service package to be taken to the Bay County Sheriff's Office for service. You will pay the Sheriff's Office the fee to have the Defendant served. The Sheriff's Office is located at 3421 N. Highway 77, Panama City, FL 32405.

The defendant has 5 business days after the service date to respond.

(Excluding the date of service, weekends or holidays) You may track the progress of your case by visiting our website at www.baycoclerk.com and performing a case search or you may contact our office at 850-747-5141 to determine if an answer was filed by the other party.

Step Two

Defendant DID NOT respond - file the following forms:

Form #3 Non-Military Affidavit

Fill in names of Plaintiff(s) and Defendant(s). Read each line and select and/or fill in the appropriate response. Date and sign in the presence of a Notary Public or Deputy Clerk. The fee for the clerk to notarize is **\$10.00**.

Form #4 Motion for Clerk's Default

Fill in names of Plaintiff(s) and Defendant(s). Sign and print or type your name, address and number.

Form #5 Motion for Default Final Judgment

Fill in names of Plaintiff(s) and Defendant(s). Sign and print name, address and phone number. Sign in the space provided and print your name, address and phone number.

Form #6 Final Judgment for Unlawful Detainer

Fill in the names of the Plaintiff(s) and Defendant(s). Read each line and fill in the appropriate responses. The Judge will sign and date this form. Submit along with a local check, cashier's check or money order for \$90.00 made payable to the Bay County Sheriff.

Form #8 Writ of Possession

Fill in the names of Plaintiff(s) and Defendant(s). Fill in the address of the property involved in this case. If a Final Judgment is signed, the Clerk will forward three (3) certified copies of the Writ to the Sheriff's Office for service on the Defendant. Someone from the BCSO will contact you by phone.

OR

Defendant DID respond :

Form #7 Request for Notice of Hearing

Fill in the names of the Plaintiff(s) and Defendant(s). Sign and print your information. The Clerk will submit your request to the assigned judge. A hearing date will be scheduled and you will be notified by mail.

Form #6 Final Judgment for Unlawful Detainer (complete and bring to your hearing)

Fill in the names of the Plaintiff(s) and Defendant(s). Read each line and fill in the appropriate responses **Bring the Final Judgment and (1) copy for each Plaintiff AND Defendant to the hearing and (1) pre-addressed, stamped envelope for each party as well.

Form #8 Writ of Possession (complete and bring to your hearing)

Fill in the names of Plaintiff(s) and Defendant(s). Fill in the address of the property involved in this case.

TO DISMISS THE CASE

Form #9 Notice of Voluntary Dismissal (if you do not wish to complete your suit)
Complete the form and return it to the Clerk's office.

If the Judge grants your complaint, a Final Judgment will be signed.

The Writ of Possession (form #8) will then be issued and certified copies will be sent to the Bay County Sheriff along with the payment of \$90 previously provided.

Or you may choose to retrieve the \$90 payment previously provided and hand deliver the certified copies of the writ to the Bay County Sheriff's Office.

**IN THE COUNTY COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA**

Case No. _____

Plaintiff(s)

Vs

Defendant(s)

COMPLAINT FOR UNLAWFUL DETAINER

COMES NOW, the Plaintiff(s) _____ and sues Defendant(s)
_____ and alleges as follows:

1. This is an action for unlawful detainer pursuant to Chapter 82, Florida Statutes.
2. The Defendant(s) is in possession of the following real property located in Bay County, Florida:

(Property address including City, State and Zip Code)
3. Plaintiff has demanded possession of the premises by virtue of the attached deed or lease agreement and defendant(s) refuses to deliver possession of the property to Plaintiff(s).
4. In accordance with Florida Statutes 82.04(1), Plaintiff is entitled by this lawsuit to have Defendant removed from possession of the premises.

Note: A statement of Plaintiff's ownership (copy of deed/title or a valid lease or rental agreement) must be attached.

WHEREFORE Plaintiff(s) demands judgment for possession of the property as is just and proper.

Date: _____

Signature of Plaintiff(s)

Print Name: _____

Address: _____

City, State, Zip: _____

Telephone: _____

E-mail address: _____

IN THE COUNTY COURT, FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY

CASE NUMBER: _____

PLAINTIFF

VS

DEFENDANT

**UNLAWFUL DETAINER SUMMONS
(CLAIM FOR POSSESSION OF PREMISES)**

TO ALL AND SINGULAR SHERIFF'S OF THE STATE OF FLORIDA

You are commanded to serve this SUMMONS and a copy of the COMPLAINT in the above styled cause upon the

DEFENDANT(S):

Defendant Name

Defendant Address

City, State, Zip Code

TO THE DEFENDANT(S):

You are being sued by Plaintiff, owner/ leaseholder to require you to vacate the premises which you are unlawfully possessing.

You are entitled to a hearing to decide whether you can be required to vacate, but you **must** do **all** of the things listed below. You must do them within **five (5)** days (not including Saturday, Sunday, or any legal holiday) after the date these papers were given to you or were posted at the premises.

THE THINGS YOU MUST DO ARE AS FOLLOWS:

- (1) Write down the reasons(s) why you think you should not be forced to vacate. The written reason(s) must be given to the Clerk at the Bay County Courthouse, 300 E. 4th Street, Panama City, Florida.
- (2) As well as the Courthouse, mail or hand-deliver a copy of your written reason(s) to:

Plaintiff Name

Plaintiff Address

City, State, Zip Code

A DEFAULT may be entered against you and a JUDGMENT to remove you from the property may be entered without further notice to you if you do not follow these instructions.

TO EACH SHERIFF OF THE STATE: You are commanded to serve this SUMMONS and a copy of the COMPLAINT in this lawsuit on the above named Defendant.

DATE: _____

BILL KINSAUL
CLERK OF THE CIRCUIT COURT
BY:

Deputy clerk

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT COURT ADMINISTRATION, 14TH JUDICIAL CIRCUIT, PO BOX 1089, 301 MCKENZIE AVE, PANAMA CITY FL 32402, 850-747-5370 AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE, OR IMMEDIATELY UPON RECEIVING THIS NOTIFICATION IF THE TIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS; IF YOU ARE HEARING IMPAIRED, CALL 711.

IN THE COUNTY COURT
IN AND FOR BAY COUNTY, FLORIDA

Plaintiff
Vs

Case no. _____
Division _____

Defendant

NON-MILITARY AFFIDAVIT

State of Florida
County of Bay

On this day personally appeared before me, _____ the undersigned authority who after
(plaintiff name)
being duly sworn, says:

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

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

Address

City, State and Zip Code

Phone number

State of Florida
County of Bay

Sworn and subscribed before me this _____ day of _____, 20____, by
_____, who [] is personally known to me or [] produced
_____ as identification and who took an oath.

Notary Public or Deputy Clerk

IN THE COUNTY COURT
IN AND FOR BAY COUNTY, FLORIDA

Plaintiff
Vs

Case no. _____
Division _____

Defendant

MOTION FOR CLERK'S DEFAULT

Plaintiff asks the Clerk to enter a default against Defendant(s), for failing to respond as required by law to Plaintiff's complaint.

Dated: _____

Signature of Plaintiff

Address

City, State and Zip Code

Phone number

DEFAULT

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

Dated: _____

BILL KINSAUL
Clerk of Court, Bay County

By: _____
Deputy Clerk

IN THE COUNTY COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA

Case Number: _____

Plaintiff(s)

Vs

Defendant(s)

MOTION FOR DEFAULT FINAL JUDGMENT- UNLAWFUL DETAINER

Plaintiff(s) asks the court to enter a Default Final Judgment against Defendant(s) for unlawful detainer and says:

1. Plaintiff(s) filed a Complaint for Unlawful Detainer from Real Property against Defendant(s).
2. Defendant(s) has failed to timely file an answer and a default has been entered by the Clerk of this Court.

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

Date: _____

Signature of Plaintiff

Print Name: _____

Address: _____

City, State, Zip: _____

Telephone No: _____

**IN THE COUNTY COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA**

Case No. _____

Plaintiff(s)

Vs

Defendant(s)

FINAL JUDGMENT FOR UNLAWFUL DETAINER

This cause having come before the Court on Complaint for Unlawful Detainer and it appearing that the Defendant(s) has been duly served with process, it is hereby:

ORDERED AND ADJUDGED that the Plaintiff(s) do have and recover from the Defendant(s) possession of the following premises located in Bay County, Florida, to wit:

(Property address including City, State and Zip Code)

The Clerk of Court shall issue the Writ of Possession for the aforesaid premises forthwith.

DONE AND ORDERED in Bay County, Florida on the _____ day of _____, 20____.

County Court Judge

cc:
Plaintiff
Defendant

**IN THE COUNTY COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA**

Case No. _____

Plaintiff(s)

Vs

Defendant(s)

REQUEST FOR NOTICE OF HEARING/ TRIAL

Comes now the Plaintiff in the above styled case and states that this cause is at issue and ready for a hearing or non-jury trial in Chambers.

Plaintiff requests a notice of hearing or a notice of non-jury trial be set for the above styled case.

If this matter is resolved, the Plaintiff shall contact the judge's office to cancel the hearing.

Dated: _____

Signature of Plaintiff(s)

Printed Name

Address

City, State, Zip

Telephone number

IN THE COUNTY COURT OF THE FOURTEENTH JUDICIAL CIRCUIT

IN AND FOR BAY COUNTY, FLORIDA

Case no. _____

Plaintiff(s)

Vs

Defendant(s)

WRIT OF POSSESSION

THE STATE OF FLORIDA:

TO ALL AND SINGULAR THE SHERIFFS OF THE STATE:

YOU ARE COMMANDED to remove Defendant(s) from the following property in Bay County, Florida:

(Property Address including City, State and Zip Code)

and to put Plaintiff(s) in full possession thereof after Twenty Four (24) hours notice conspicuously posted on the premises.

Witness my hand and seal of the Court on _____ day of _____, 20____.

BILL KINSAUL
Clerk of Circuit Court

BY: _____
Deputy Clerk

**IN THE COUNTY COURT
IN AND FOR BAY COUNTY, FLORIDA**

Case no. _____

Plaintiff(s)
Vs

Defendant(s)

NOTICE OF DISMISSAL

The plaintiff hereby requests the above styled case be dismissed this ____ day of _____, 20____.

Signature Plaintiff

Certificate of Service

I hereby certify that a copy of the foregoing Notice of Dismissal has been furnished to

_____ at _____

(Name of defendant) (Insert address)

By [] United States Mail, [] hand delivery, this _____ day of _____, 20____.

Signature of Plaintiff