

**TENANT EVICTION PACKAGE  
FOR FAILURE TO COMPLY WITH LEASE ONLY**  
(THIS PACKAGE DOES NOT APPLY TO COMMERCIAL PROPERTY, NON-PAYMENT OF RENT OR MOBILE HOME PARKS)

**WHAT YOU WILL NEED FOR FILING AN EVICTION:**

1. Seven (7)-day notice given to the tenant (*see Form #1*)
2. Statement of Responsibility (*see Form #2*)
3. Eviction complaint (*see Form #3*)
4. Lease or rental agreement (if applicable)
5. Required fees and envelope(s) (*see "Filing Fees"*)

**FORM #1 – SEVEN-DAY NOTICE:**

- Complete the form
- Make a copy, and give (*via hand delivery, posting or certified mail*) the original to the tenant
- Wait seven (7) days not including the day of service, weekends, or holidays. *The seven-day count begins when the tenant signs the certified mail card. If this service is used, the tenant's signature on the certified mail card is required at the time the tenant eviction case is filed.*
- If the tenant has not moved or complied with the lease after the 7-day time limit, **make a copy of the Seven-Day Notice for the court file and two (2) copies for each tenant** to be submitted with the remaining forms.

**FORM #2 – STATEMENT OF RESPONSIBILITY:**

- Read the Statement of Responsibility.
- Type or clearly print the names and addresses of the parties.
- Sign and date the form. (*No additional copies are necessary.*)

**FORM #3 – COMPLAINT FOR EVICTION FOR FAILURE TO COMPLY WITH LEASE:**

- Type or clearly print the names and addresses of the parties and fill in the appropriate blank lines.
- Sign the complaint before a notary public or a deputy clerk.
- The Clerk's office will need the original complaint and two (2) copies **for each adult tenant**.
- Determine (*see chart below*) if you are filing Count I or Counts I and II.
- **Make a copy of the lease for the court file and two (2) copies for each tenant.**

**COMPLAINT FOR EVICTION FOR FAILURE TO COMPLY WITH LEASE**

Summons	Response to Summons	Eviction Hearings
Sheriff <b>may</b> serve by: <ul style="list-style-type: none"> <li>• Posting (<i>on premises</i>);</li> <li>• Personal Service (<i>given to Tenant</i>); <i>or</i></li> <li>• Substitute Service (<i>given to person who lives with tenant</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• Tenant has <b>5 days</b> to respond (<i>does not include day of service, weekends or holidays</i>); response must be in writing and submitted to the Clerk's office.</li> <li>• If tenant fails to file a response with the Clerk's office, a default will be entered against the Tenant.</li> </ul>	<ul style="list-style-type: none"> <li>• Hearings are not routinely scheduled – it is at the discretion of the court to schedule a hearing.</li> <li>• Hearings must be requested in writing. In the event a hearing is granted, the person requesting a hearing must include a telephone number to be contacted.</li> <li>• If a hearing is granted, both Landlord and Tenant will be notified.</li> </ul>

**WRIT OF POSSESSION:**

- After 5 days of service by Sheriff, the Landlord *may request in writing* a Final Judgment and Writ of Possession. When filing your request, you will also need to give the Clerk the filing and sheriff's fees for the Writ of Possession. (**See "Fees for a Writ of Possession" below**)
- After a Final Judgment is signed by the Judge, Clerk prepares a Writ of Possession and gives to Sheriff for service (*Note: Final Judgment and Writ of Possession must be requested in writing*).
- Sheriff's office will contact Landlord to meet at rental and evict.

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**FILING FEES\***

- Eviction Filing fee \$185.00
  - Clerk's Certificate of Mailing \$ 7.00
  - Summons Preparation Fee \$ 7.00
  - Summons Issuance Fee \$ 10.00
- (For all of the above fees, the court will accept either cash, check or money order made payable to "Clerk of Court")*
- Pre-addressed stamped envelope w/ 2 stamps on each envelope *(per Tenant)*
  - Sheriff's Service fee \$40.00 *(per Tenant)*
- (Money Order or Real Estate check made payable to "FCSO" (Flagler County Sheriff Office))*

**Example: Filing fees for:**   **1 tenant = \$209.00**  
  **2 tenants = \$226.00**  
  **3 tenants = \$243.00**

**Fees for a Writ of Possession**

- Writ of Possession Preparation Fee \$ 7.00  
*(Cash, check or money order made payable to "Clerk of Court")*
- Sheriff's Service fee for Writ \$ 90.00  
*(Money Order or Real Estate check made payable to "FCSO")*

**\* If the Complaint for Eviction is not notarized, there will be an additional Oath Administering Fee of \$3.50.**