

# TENANT EVICTION PACKAGE FOR NON-PAYMENT OF RENT ONLY

(THIS PACKAGE DOES NOT APPLY TO COMMERCIAL PROPERTY, FAILURE TO COMPLY WITH LEASE OR MOBILE HOME PARKS)

## WHAT YOU WILL NEED FOR FILING AN EVICTION:

1. Three-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 – THREE-DAY NOTICE:

- Complete the form
- Make a copy, and give (*via hand delivery, posting or certified mail*) the original to the tenant
- Wait three (3) days not including the day of service, weekends, or holidays. *The three-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 paid the rent after the three-day time limit, **make a copy of the Three-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 TENANT EVICTION:

- 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 COUNTS I AND II

Complaint for Tenant Eviction	Summons	Response to Summons	Back Rent*	Eviiction Hearings
<i>(Non-Payment of Rent)</i>	<i>(A Combination 5 day and 20 day Summons will be issued)</i>			
Count I (Possession)	<u>5-Day summons:</u> <b>MAY BE POSTED</b> 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>);</li> <li>or</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>• Tenant can deposit back rent and file a written response with the Clerk's office. A hearing <i>may be</i> scheduled, <i>if requested</i>.</li> <li>• Tenant can file a written response w/supporting documents indicating back rent is not owed. Hearing <i>may be</i> scheduled, <i>if requested</i>.</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>
Count II (Back Rent)	<u>20-Day summons:</u> <b>MUST BE PERSONALLY SERVED</b> Sheriff <b>must</b> serve by: <ul style="list-style-type: none"> <li>• Personal Service (<i>given to Tenant</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>20 days</b> to respond (<i>including weekends and holidays</i>); response must be in writing and submitted to Clerk's office.</li> <li>• If the tenant fails to file a response with the Clerk's office, a default will be entered against the Tenant.</li> </ul>	See "Back Rent" in Count I above.	See "Eviiction Hearings" in Count I above.

- -- Back rent deposited into the Court Registry can only be released with a Court Order. You can file a motion and ask the Judge to release that money from the Court Registry.
- -- ***The landlord should not accept any monies from the tenant(s) during the eviction process. Instead, the landlord should instruct the tenant(s) to deposit any and all monies into the Registry of the Court.***

## WRIT OF POSSESSION:

- After 5 days or 20 days of service by Sheriff (*depending on the type of complaint you have filed*), 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.