

UNLAWFUL DETAINER

GENERAL INFORMATION NOTICE

Information or forms provided by the Clerk of Circuit Court should be considered as basic procedural information only and may not be applicable to every situation. The information is not intended to be used as legal advice. Specific guidance concerning filing a lawsuit, answering a lawsuit or questions about your particular situation should be directed to a qualified attorney.

When should this form 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 are the 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:

Example: You let your former significant other or relative live in your home. You have now requested them to leave and they have refused.

Filing fee for Unlawful Detainer:

The filing fee is \$185.00 plus \$10.00 per summons. Please make all checks for the filing fees payable to the Walton County Clerk of Circuit Court.

Service fees:

After the Complaint has been filed, a summons is prepared and sent to the Sheriff's Office to serve on the defendant for a fee of \$40.00 per defendant named. This fee is to be paid by money order or check made payable to the Walton County Sheriff's Office.

What happens after the defendant is served?

The defendant has five (5) working days after being served in which to answer.

If the defendant answers in writing before the time allowed by law the case may be scheduled for a hearing before a judge.

If the defendant does not answer as stated above, within the time allowed by law, the plaintiff is entitled to a default. The plaintiff must formally request the Clerk enter a default by filing a Motion for Default.

[Please note: We suggest that you bring the Sheriff's service fee of \$90.00 to remit with your Motion for Default. The service fee has to be paid by money order or check made payable to the Walton County Sheriff's Office. This service fee is for the Sheriff to serve the Writ of Possession, described in the next paragraph. Doing this will save you a trip to the Clerk's Office. Once a judgment and writ are entered, we will forward this service fee, as a courtesy, to the Sheriff.]

The default is then entered and a proposed final judgment is forwarded to the judge. If the judgment is signed, the plaintiff will be entitled to a Writ of Possession. The Clerk will forward this Writ of Possession and service fee to the Sheriff. As soon as the Sheriff's Office receives and serves the Writ of Possession, the defendant will have 24 hours to vacate the premises.

IN THE COUNTY COURT IN AND FOR WALTON COUNTY, FLORIDA

Case Number: _____

Plaintiff(s)

vs.

Defendant(s)

COMPLAINT FOR UNLAWFUL DETAINER

Come(s) now the 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) took possession of the property
located at (address/description of property): _____

_____ Walton County, Florida with permission of Plaintiff.
3. On or about (date) _____, Plaintiff(s) revokes his/her consent for
Defendant(s) to be in possession of the dwelling and, on that date, so informed Defendant(s)
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 Plaintiff(s), contrary to Chapter 82.04, Florida Statutes.
5. In accordance with Chapter 82.04(1), Florida Statutes, Plaintiff(s) is/are entitled by this
lawsuit to have Defendant(s) removed from possession of the premises; and Plaintiff(s) is/are
entitled to the summary procedure set forth in Chapter 51.011, Florida Statutes.

WHEREFORE, Plaintiff(s) respectfully requests that the Court will find that Defendant(s) wrongfully holds 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 Chapter 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.

Signature

Plaintiff (sign and print)

Address: _____

City, State, Zip Code: _____

Telephone: _____