

UNLAWFUL DETAINER

(not Eviction)

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 THE 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 A LEGAL TENANT), and
- 4) THERE IS NO AGREEMENT FOR RENT (VERBAL OR IN WRITING) BETWEEN YOU AND THE PERSON YOU ARE TRYING TO REMOVE.

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 an attorney if you are not sure.

<u>FORMS IN THIS PACKET</u>	<u>WHEN TO USE</u>
Unlawful Detainer Complaint	Required to start the case
Unlawful Detainer Summons (Local Form UT-A)	Required to start the case
Civil Cover Sheet (Form 1.997)	Required to start the case
Civil Cover Sheet Instructions	Instructions for filling out Civil Cover Sheet
Non-Military Affidavit	Use only if the other party is NOT in the military
Motion for Default & Default (Local Form UT-B)	Use if no answer is filed
Judgment for Possession	For the Judge to sign if you win the case
Writ of Possession (Local Form UT-C)	For the Clerk to sign after the Judge signs the Judgment. The Sheriff's office will use this to remove the Defendant.
Final Disposition form (Form 1.998)	Required to be filed with the final order or dismissal
Final Disposition form instructions	Instructions for filling out the Final Disposition form

Information or forms provided by the Clerk of Circuit Court should be considered as basic information only and may not be applicable to every situation. The information is not intended to be used as legal advice. Specific guidance as to how to proceed with filing a lawsuit or answering a lawsuit and questions about your particular situation should be directed to a qualified attorney. If you do not know an attorney, you may call the Lee County Bar Association Lawyer Referral Service at (239) 334-0047. If you do not have the money to hire an attorney, you may apply to Lee County Legal Aid Society by calling (239) 334-6118.

STEP BY STEP INSTRUCTIONS

STEP 1 - Complete the forms to start the case

Complete the "Unlawful Detainer Complaint" and the "Unlawful Detainer Summons" forms. Complete the Civil Cover Sheet form. You are the Plaintiff and the person you want removed from your property is the Defendant. You will be given a Case Number and Division when you file the case with the County Clerk's office. All completed forms are filed with the Clerk's office, Customer Service Center, 1700 Monroe Street Fort Myers, FL 33901.

STEP 2 - Notary

Sign the "Unlawful Detainer Complaint" in front of a notary. The clerk's office will notarize documents for a fee.

STEP 3 - Make copies

Make at least 3 additional copies of the completed Complaint and Summons and Civil Cover Sheet (1 copy for you, 1 copy to be delivered to the Defendant and 1 copy for mailing. If previous address is known, an extra copy will be needed). Copies can be obtained for a fee in the Clerk of Court Self-Help Center, 1700 Monroe Street Fort Myers, FL 33901.

STEP 4 - Filing your case

Take the original Complaint and Summons and Civil Cover Sheet to the County Clerk's office. The Clerk will charge a filing fee. The Clerk will issue the Summons and give it back to you.

STEP 5 - Notifying the other party (Defendant)

The Summons must be served by either the Sheriff or a Certified Process Server. Take the Summons and one copy of the complaint to the Sheriff's office and pay the fee to have the Defendant served. Lee County Sheriff's Civil Process is located at 2072 Victoria Avenue, Fort Myers, FL 33901. A non-refundable fee is required (only cash, cashier's checks or money orders -- no personal checks).

STEP 6 - After the Defendant is served

After the Summons is served to the Defendant, the Defendant has five (5) working days to file a response regarding the case. (Do not count the day of service, Saturdays, Sundays or observed legal holidays.) After 5 working days have passed, the paperwork to complete the case may be filed.

If the Defendant filed an answer, and is not in the military, complete the Non-Military Affidavit form (must be notarized) and a request for a hearing in the Clerk's office. There is no form for this. You may use a plain piece of paper to write your request. Make sure you include the case number and the names of the parties. You must contact the Judicial Assistant for information about the requested hearing.

If the Defendant did not file an answer, and is not in the military, complete the following forms and take them to the County Clerk's office. (If the Defendant did not file an answer and is in the military, STOP HERE and consult an attorney.)

- a. Motion for Default & Default
- b. Non-Military Affidavit (must be notarized)
- c. Judgment for Possession
- d. Writ of Possession (to be filed after Judgment is signed and requires one copy and one original)
- e. Final Disposition Form

The Clerk will file your documents and take the Judgment for Possession to the Judge to be signed. Once the Judgment for Possession is signed by the Judge, the Clerk can issue the Writ of Possession. The Sheriff's office charges a fee to execute the Writ of Possession and remove the Defendant.

STEP 8 - Attending a hearing? What to expect

If the Defendant filed an answer and you have filed a request for a hearing, you must contact the Judicial Assistant. The hearing will take place in a hearing room or a courtroom or Zoom. You will not be in front of a jury, just the general magistrate or judge. Do not interrupt the magistrate or judge when he or she speaks. When speaking to the magistrate or judge, address him or her as "Your Honor" or "Judge."

Each court has at least one bailiff who is a deputy sheriff and is there to maintain order. When you arrive for your hearing, let the bailiff know that you are present and ready. He or she will announce your case when it is time for your hearing, and will tell you where to sit and where to place your belongings as you enter the hearing room. A bailiff will usually remain inside the room during your hearing. If witnesses are called, the bailiff will step out to bring the witness into the hearing room.

At your hearing, be prepared to discuss any issues covered in the complaint and be able to provide proof of any disputed facts by presenting evidence. Evidence is proof presented at a hearing in the form of witnesses (people), exhibits (documents), and objects (things). Not all evidence can be considered by the judge, however. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. Remember, the duty of establishing the facts that you want to present to the court is on YOU. You should provide the judge with admissible evidence to support the claims in your complaint and your statements in court. Telling your story may not be enough to win your case. Once both sides have presented their evidence, the judge will make a decision. If the Judge signs a Judgment for Possession, the Clerk can issue the Writ of Possession once received by the clerk. The Sheriff's office charges a fee to execute the Writ of Possession and remove the Defendant.

EFFECTIVE JANUARY 1, 2021 FILING FEES
FOR LANDLORD TENANT LAWSUITS
COUNTY COURT CIVIL DIVISION
LEE COUNTY, FL

PAYMENT MAY BE MADE BY CASH, CREDIT CARD, CHECK OR MONEY ORDER. CHECKS WILL BE ACCEPTED ACCORDING TO CLERK'S CHECK ACCEPTANCE POLICY. PLEASE BRING VALID PICTURE IDENTIFICATION WHEN PRESENTING CHECKS. PLEASE MAKE CHECKS FOR CLERK'S FEES PAYABLE TO THE CLERK OF THE CIRCUIT COURT.

FILING FEE

Landlord-Tenant Evictions \$185.00
Unlawful Detainers \$300.00

SUMMONS ISSUANCE FEE

Fee for issuing any summons (for each defendant) \$10.00

COUNTERCLAIM, CROSS CLAIM OR THIRD PARTY CLAIM

Filing fee for a counterclaim, cross claim, counter-petition, or third party complaint
..... \$295.00

OATHS

Administered by Clerk (Valid Picture Identification Required).....\$3.50

SHERIFF'S FEES

Service of **ALL** Summons (per defendant).....\$ 40.00
Service of Writ of Possession \$ 90.00

THE CLERK'S OFFICE WILL FORWARD A SUMMONS OR WRIT, WITH THE APPROPRIATE FEE IN MONEY ORDER OR CERTIFIED CHECK, **PAYABLE TO THE SHERIFF OF LEE COUNTY**, TO THE SHERIFF'S OFFICE.

TO AVOID DELAYS IN THE DELIVERY OF SUMMONS OR WRITS, WE RECOMMEND THAT THE PLAINTIFF TAKE THE DOCUMENTS TO THE SHERIFF'S OFFICE.

SEE NEXT PAGE FOR ADDITIONAL FEES

COPIES

Copies (per page) \$ 1.00
Certification (per document) \$ 2.00

MISCELLANEOUS FEES

Additional defendants (for each defendant in excess of five) \$ 2.50
Issuing subpoenas (for each subpoena) \$ 2.00

RECORDING FEES

First page \$10.00
Each additional page \$ 8.50
Additional named parties (each one over four) \$ 1.00

OTHER OFFICE LOCATION:
1039 SE 9th Place 2nd Floor
Cape Coral, FL 33990

MAILING ADDRESS:
Lee County Clerk of Court
Customer Service Center
P.O. BOX 310
Fort Myers, FL 33902

CUSTOMER SERVICE CENTER
Lee County Justice Center
2075 Martin Luther King Blvd.
Fort Myers, FL 33901
Phone (239) 533-5000, option 3

EMAIL ADDRESS:
Courts@leeclerk.org

PLAINTIFF(S),

CASE NO.: _____

v.

JUDGE: _____

DEFENDANT(S).

_____/

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 took possession of the dwelling located at (address / description of mobile home) _____, Lee County, Florida with the permission of Plaintiff.
3. On or about (date) _____ Plaintiff revoked his/her consent for Defendant to be in possession of the dwelling and, on that date, so informed Defendant and demanded that Defendant vacate the premises.
4. However, Defendant refused to vacate the premises and continues in possession of the dwelling against the consent of Plaintiff, contrary to § 82.04, Florida Statutes.
5. In accordance with § 82.04(1), Florida Statutes, Plaintiff is entitled by this lawsuit to have Defendant removed from possession of the premises; and Plaintiff is entitled to the summary procedure set forth in § 51.011, Florida Statutes.

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA
CIVIL DIVISION

CASE NO. _____

Plaintiff(s)

JUDGE _____

VS.

Defendant(s)

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

TO ALL AND SINGULAR THE SHERIFFS 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**: *whose name and address is:*

TO THE DEFENDANT:

YOU ARE REQUIRED to mail or deliver the original of your **WRITTEN ANSWER AND DEFENSES** to the attached **COMPLAINT** to the **CLERK OF THE CIRCUIT COURT**, 2075 Martin Luther King Blvd., 1st Floor, P.O. BOX 310, Fort Myers, FL 33902, **AND** a copy to Plaintiff or Plaintiff's attorney whose name and address is:

REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES



If you are a person with a disability who needs any accommodation in order to participate in a court proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Brooke Dean, Operations Division Manager for the 20th Judicial Circuit whose office is located at the Lee County Justice Center, 1700 Monroe St., Fort Myers, FL 33901, and whose telephone number is (239) 533-1771, 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 or voice impaired, call 711.

PERSONAL SERVICE: IF THIS SUMMONS and a copy of the **COMPLAINT** have been personally served upon you or upon anyone residing at your residence who is 15 years of age or older, your **WRITTEN ANSWER AND DEFENSES MUST** be received by the **CLERK** within **5 WORKING DAYS** of service as to the claim for possession of the premises.

POSTED-MAIL SERVICE: IF THIS SUMMONS and a copy of the **COMPLAINT** have been attached to a conspicuous place on your residence, your **WRITTEN ANSWER AND DEFENSES MUST** be received by the Clerk within **5 WORKING DAYS** of the date that it was attached to some conspicuous place on the property described in the **COMPLAINT**. The date of posting is the date noted thereon by the Process Server.

A **DEFAULT** may be entered against you and a **JUDGMENT** to remove you from the property and/or for reasonable costs and attorney fees may be entered without further notice to you, if you do not follow these instructions.

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

KEVIN C. KARNES
As Clerk of the Court
Civil Division
2075 Martin Luther King Blvd.
Fort Myers, FL 33901
(239) 533-5000

BY: _____
As Deputy Clerk

THE COUNTY COURT DOES NOT PROVIDE INTERPRETERS OR TRANSLATORS, YOU ARE RESPONSIBLE FOR PROVIDING YOUR OWN INTERPRETERS OR TRANSLATORS.

LA CORTE DEL CONDADO NO PROVEE INTERPRETES O TRADUCTORES, USTED ES RESPONSABLE DE PROVEER SU PROPIO INTERPRETE O TRADUCTOR.

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 # _____
 _____ 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 \$100,000.00

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;
- Nonmonetary 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

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 Judicial Administration 2.425.

Signature _____ Fla. Bar # _____
Attorney or party (Bar # if attorney)

(type or print name)

Date

FORM 1.997. INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET

Plaintiff must file this cover sheet with the first document filed in the action or proceeding (except small claims cases, probate, or family cases). Domestic and juvenile cases should be accompanied by a completed Florida Family Law Rules of Procedure Form 12.928, Cover Sheet for Family Court Cases. Failure to file a civil cover sheet in any civil case other than those excepted above may result in sanctions.

I. Case Style. Enter the name of the court, the appropriate case number assigned at the time of filing of the original complaint or petition, the name of the judge assigned (if applicable), and the name (last, first, middle initial) of plaintiff(s) and defendant(s).

II. Amount of Claim. Enter 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. The amount of the claim shall not be used for any other purpose.

III. Type of Case. Place an “X” on the appropriate line. If the cause fits more than one type of case, select the most definitive. If the most definitive label is a subcategory (indented under a broader category label), place an “X” on the category and subcategory lines. Definitions of the cases are provided below in the order they appear on the form.

Circuit Civil

(A) Condominium—all civil lawsuits pursuant to Chapter 718, Florida Statutes, in which a condominium association is a party.

(B) Contracts and indebtedness—all contract actions relating to promissory notes and other debts, including those arising from the sale of goods, but excluding contract disputes involving condominium associations.

(C) Eminent domain—all matters relating to the taking of private property for public use, including inverse condemnation by state agencies, political subdivisions, or public service corporations.

(D) Auto negligence—all matters arising out of a party’s allegedly negligent operation of a motor vehicle.

(E) Negligence—other—all actions sounding in negligence, including statutory claims for relief on account of death or injury, that are not included in other main categories.

(F) Business governance—all matters relating to the management, administration, or control of a company.

(G) Business torts—all matters relating to liability for economic loss allegedly caused by interference with economic or business relationships.

(H) Environmental/Toxic tort—all matters relating to claims that violations of environmental regulatory provisions or exposure to a chemical caused injury or disease.

(I) Third party indemnification—all matters relating to liability transferred to a third party in a financial relationship.

(J) Construction defect—all civil lawsuits in which damage or injury was allegedly caused by defects in the construction of a structure.

(K) Mass tort—all matters relating to a civil action involving numerous plaintiffs against one or more defendants.

(L) Negligent security—all matters involving injury to a person or property allegedly resulting from insufficient security.

(M) Nursing home negligence—all matters involving injury to a nursing home resident resulting from negligence of nursing home staff or facilities.

(N) Premises liability—commercial—all matters involving injury to a person or property allegedly resulting from a defect on the premises of a commercial property.

(O) Premises liability—residential—all matters involving injury to a person or property allegedly resulting from a defect on the premises of a residential property.

(P) Products liability—all matters involving injury to a person or property allegedly resulting from the manufacture or sale of a defective product or from a failure to warn.

(Q) Real property/Mortgage foreclosure—all matters relating to the possession, title, or boundaries of real property. All matters involving foreclosures or sales of real property, including foreclosures associated with condominium associations or condominium units. (The amount of claim specified in Section II. of the form determines the filing fee pursuant to section 28.241, Florida Statutes.)

(R) Commercial foreclosure—all matters relating to the termination of a business owner's interest in commercial property by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property.

(S) Homestead residential foreclosure—all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has been granted a homestead exemption.

(T) Nonhomestead residential foreclosure—all matters relating to the termination of a residential property owner's interest by a lender to gain title or force a sale to satisfy the unpaid debt secured by the property where the property has not been granted a homestead exemption.

(U) Other real property actions—all matters relating to land, land improvements, or property rights not involving commercial or residential foreclosure.

(V) Professional malpractice—all professional malpractice lawsuits.

(W) Malpractice—business—all matters relating to a business's or business person's failure to exercise the degree of care and skill that someone in the same line of work would use under similar circumstances.

(X) Malpractice—medical—all matters relating to a doctor's failure to exercise the degree of care and skill that a physician or surgeon of the same medical specialty would use under similar circumstances.

(Y) Malpractice—other professional—all matters relating to negligence of those other than medical or business professionals.

(Z) Other—all civil matters not included in other categories.

(AA) Antitrust/Trade regulation—all matters relating to unfair methods of competition or unfair or deceptive business acts or practices.

(AB) Business transactions—all matters relating to actions that affect financial or economic interests.

(AC) Constitutional challenge—statute or ordinance—a challenge to a statute or ordinance, citing a violation of the Florida Constitution.

(AD) Constitutional challenge—proposed amendment—a challenge to a legislatively initiated proposed constitutional amendment, but excluding challenges to a citizen-initiated proposed constitutional amendment because the Florida Supreme Court has direct jurisdiction of such challenges.

(AE) Corporate trusts—all matters relating to the business activities of financial services companies or banks acting in a fiduciary capacity for investors.

(AF) Discrimination—employment or other—all matters relating to discrimination, including employment, sex, race, age, handicap, harassment, retaliation, or wages.

(AG) Insurance claims—all matters relating to claims filed with an insurance company.

(AH) Intellectual property—all matters relating to intangible rights protecting commercially valuable products of the human intellect.

(AI) Libel/Slander—all matters relating to written, visual, oral, or aural defamation of character.

(AJ) Shareholder derivative action—all matters relating to actions by a corporation's shareholders to protect and benefit all shareholders against corporate management for improper management.

(AK) Securities litigation—all matters relating to the financial interest or instruments of a company or corporation.

(AL) Trade secrets—all matters relating to a formula, process, device, or other business information that is kept confidential to maintain an advantage over competitors.

(AM) Trust litigation—all civil matters involving guardianships, estates, or trusts and not appropriately filed in probate proceedings.

County Civil

(AN) Civil – all matters involving claims ranging from \$8,001 through \$30,000 in damages, exclusive of interest, costs, and attorney fees.

(AO) Real property/Mortgage foreclosure-all matters involving claims up to \$30,000 relating to the possession, title, or boundaries of real property. All matters involving foreclosures or sales of real property up to \$30,000, including foreclosures associate with condominium associations or condominium units.

(AP) Replevins—all lawsuits pursuant to Chapter 78, Florida Statutes, involving claim up to \$30,000.

(AQ) Evictions—all matters involving the recovery of possession of leased land or rental property by process of law.

(AR) Other civil (non-monetary)—includes all other non-monetary county civil matters that were not described in other county civil categories.

IV. Remedies Sought. Place an “X” on the appropriate line. If more than one remedy is sought in the complaint or petition, check all that apply.

V. Number of Causes of Action. If the complaint or petition alleges more than one cause of action, note the number and the name of the cause of action.

VI. Class Action. Place an “X” on the appropriate line.

VII. Related Cases. Place an “X” on the appropriate line.

VIII. Is Jury Trial Demanded In Complaint? Check the appropriate line to indicate whether a jury trial is being demanded in the complaint.

ATTORNEY OR PARTY SIGNATURE. Sign the civil cover sheet. Print legibly the name of the person signing the civil cover sheet. Attorneys must include a Florida Bar number. Insert the date the civil cover sheet is signed. Signature is a certification that the filer has provided accurate information on the civil cover sheet, **and has read and complied with the requirements of Florida Rule of Judicial Administration 2.425.**

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA
CIVIL DIVISION

PLAINTIFF(S)

vs

CASE NO: _____

JUDGE: _____

DEFENDANT(S)

AFFIDAVIT OF NON-MILITARY SERVICE (UNLAWFUL DETAINER)

**STATE OF FLORIDA
COUNTY OF LEE**

Before me, the undersigned authority, personally appeared _____,
who duly sworn, deposes and says:

The Defendant(s) is/are not now nor has\have been in the military service of the United States of
America since the institution of this action.

Plaintiff

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was acknowledged before me this _____ day of _____,
_____, by _____ who is personally
known to me or who has produced _____ as identification and who
did [] did not [] take an oath.

KEVIN C. KARNES
As Clerk of the Court

As Deputy Clerk

Notary Public

Typed or Printed Name

CASE NO. _____

JUDGE _____

Plaintiff(s)

vs

Defendant(s)

MOTION FOR DEFAULT

Plaintiff moves for entry of a default by the clerk against defendant _____

for failure to serve any paper on the undersigned or file any paper as required by law.

Plaintiff

PLEASE ENTER A DEFAULT AGAINST RESPONDENT WHO HAS FAILED TO RESPOND TO THE PETITION.

I certify that a copy of this document was mailed faxed and mailed e-mailed hand-delivered to the person(s) listed below on (date) _____.

Other party or his/her attorney:

Name: _____

Address: _____

City, State, Zip _____

Fax Number: _____

Designated E-mail Address(es): _____

DEFAULT

A default is entered in this action against the defendant, named in the foregoing motion, for failure to serve or file any paper as required by law.

Dated on _____.

KEVIN C. KARNES
As Clerk of the Court

By: _____
As Deputy Clerk

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL DIVISION

PLAINTIFF(S)

CASE NO: _____

v.

JUDGE: _____

DEFENDANT(S)

JUDGMENT FOR POSSESSION
UNLAWFUL DETAINER

THIS CAUSE was considered by the Court upon the Plaintiff's **COMPLAINT FOR UNLAWFUL DETAINER** from the premises described in the Complaint, and it appears that Defendant(s) was/were duly served with Notice and process as required by law and:

- Defendant(s) failed to file any pleading contesting the allegations of the Complaint and a default has been entered by the Clerk.
- The Court has taken testimony or received Affidavits from the Plaintiff(s).

IT IS THEREFORE ordered by the Court that a Judgment be and is hereby entered against the Defendant(s), and that the Plaintiff(s) does/do have and recover of and from the Defendant(s),

possession of the premises situated in the County of Lee, State of Florida described as:

_____ and the Clerk of this Court shall issue a Writ of Possession under the Seal of this Court directed to the Sheriff of Lee County, Florida, describing the premises and commanding him to put the Plaintiff(s), in possession of the premises.

WRIT OF POSSESSION SHALL:

- issue upon signing of this Judgment.
- not issue for ten (10) days from date of this Judgment.

Plaintiff is awarded Court costs in the amount of \$_____ for which let execution issue with interest at _____% per annum in accordance with section 55.03, Florida Statutes. The Court may reserve jurisdiction to enter a money judgment against the Defendant(s) in accordance with section 83.625, Florida Statutes, if applicable.

DONE AND ORDERED in Fort Myers, Florida, this ___ day of _____, 20 ____.

COUNTY JUDGE

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA
CIVIL DIVISION

CASE NO. _____

JUDGE _____

Plaintiff(s)

vs

Defendant(s)

WRIT OF POSSESSION

THE STATE OF FLORIDA:

To the Sheriff of Lee County, Florida:

YOU ARE COMMANDED to remove all persons from the following described property in
Lee County, Florida: *(Address of Property)*

and to put Plaintiff of the above action in possession of it.

WITNESS my hand and seal of this Court on _____.

KEVIN C. KARNES
As Clerk of the Court

By: _____
Deputy Clerk
(239) 533-5000

Plaintiff/Attorney

Address

Phone Number

FORM 1.998. FINAL DISPOSITION FORM

This form shall be filed by the prevailing party with the Clerk of Court for the purpose of reporting uniform data pursuant to Florida Statutes section 25.075. (See instructions for completion.)

I. CASE STYLE

In the Circuit Court of the Twentieth Judicial Circuit for Lee County, Florida

Plaintiff(s),

Case Number: _____

Judge: _____

vs

Defendant(s)

II. AMOUNT OF FINAL JUDGMENT

Please indicate the amount of judgment, rounded to the nearest dollar. \$ _____.

III. MEANS OF FINAL DISPOSITION (Place an "X" in one box for major category and one subcategory, if applicable, only)

- Dismissed Before Hearing
 - Dismissed Pursuant to Settlement – Before Hearing
 - Dismissed Pursuant to Mediated Settlement – Before Hearing
 - Other – Before Hearing
- Dismissed After Hearing
 - Dismissed Pursuant to Settlement – After Hearing
 - Dismissed Pursuant to Mediated Settlement – After Hearing
 - Other After Hearing – After Hearing
- Disposed by Default
- Disposed by Judge
- Disposed by Non-Jury Trial
- Disposed by Jury Trail
- Other

Date _____

SIGNATURE OF ATTORNEY FOR PREVAILING PARTY

FORM 1.998 INSTRUCTIONS FOR ATTORNEYS COMPLETING FINAL DISPOSITION FORM

I. Case Style. Enter the name of the court, the appropriate case number assigned at the time of filing of the original complaint or petition, the name of the judge assigned to the case and the names (last, first, middle initial) of plaintiff(s) and defendant(s).

II. Amount of Final Judgment. Enter the amount as recorded in the final judgment.

III. Means of Final Disposition. Place an "X" in the appropriate major category box and in the appropriate subcategory box, if applicable. The following are the definitions of the disposition categories.

(A) *Dismissed Before Hearing*—the case is settled, or voluntarily dismissed, or otherwise disposed of before a hearing is held;

(B) *Dismissal Pursuant to Settlement – Before Hearing*—the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation before a hearing is held;

(C) *Dismissal Pursuant to Mediated Settlement – Before Hearing*—the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation before a hearing is held;

(D) *Other - Before Hearing*—the case is dismissed before hearing in an action that does not fall into one of the other disposition categories listed on this form.

(E) *Dismissed After Hearing*—the case is dismissed by a judge, voluntarily dismissed, or settled after a hearing is held;

(F) *Dismissal Pursuant to Settlement – After Hearing*—the case is voluntarily dismissed by the plaintiff after a settlement is reached without mediation after a hearing is held;

(G) *Dismissal Pursuant to Mediated Settlement – After Hearing*—the case is voluntarily dismissed by the plaintiff after a settlement is reached with mediation after a hearing is held;

(H) *Other - After Hearing*—the case is dismissed after hearing in an action that does not fall into one of the other disposition categories listed on this form.

(I) *Disposed by Default*—a defendant chooses not to or fails to contest the plaintiff's allegations and a judgment against the defendant is entered by the court;

(J) *Disposed by Judge*—a judgment or disposition is reached by the judge in a case that is not dismissed and in which no trial has been held. Includes stipulations by the parties, conditional judgments, summary judgment after hearing, and any matter in which a judgment is entered excluding cases disposed of by default as in category (I) above;

(K) *Disposed by Non-Jury Trial*—the case is disposed as a result of a contested trial in which there is no jury and in which the judge determines both the issues of fact and law in the case;

(L) *Disposed by Jury Trial*—the case is disposed as a result of a jury trial (consider the beginning of a jury trial to be when the jurors and alternates are selected and sworn);

(M) *Other*—the case is consolidated, submitted to arbitration or mediation, transferred, or otherwise disposed of by other means not listed in categories (A) through (L).

DATE AND ATTORNEY SIGNATURE. Date and sign the final disposition form.