

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 (COCV1107)	Required to start the case
Non-Military Affidavit	Use only if the other party is NOT in the military and they do not file an answer
Motion for Default & Default (COCV1215)	Use if no answer is filed
Judgment for Possession	For the Judge to sign if you win the case
Writ of Possession (COCV1239)	For the Clerk to sign after the Judge signs the Judgment. The Sheriff's office will use this to remove the Defendant.

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.