

UNLAWFUL DETAINER

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 told them to leave, and they refused.

If your situation does not meet these criteria, unlawful detainer may not be the appropriate action, and you should review the information on eviction and ejection. CONTACT AN ATTORNEY with any questions. This does not constitute legal advice.

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.

| FORMS IN THIS PACKET |
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| Civil Cover Sheet |
| Unlawful Detainer Complaint |
| Unlawful Detainer Summons (COCV1107) |
| Affidavit as to Military Status |
| Motion for Default & Default (COCV1215) |
| Judgment for Possession |
| Writ of Possession (COCV1239) |
| Disclosure from Nonlawyer |
| Notice of Voluntary Dismissal |

Filing fee: \$300.00

Summons issuance fee: \$10.00 per summons

Payable by cash/personal check/cashiers check/certified check/money order/ credit card (MasterCard, Visa, American Express or Discover)

IN ADDITION to the above mentioned filing fee and summons issuance fee, a fee is required to serve each defendant. You must obtain a private process server to serve the summons.

It is important to remember that a delay can occur as a result of any errors on your paperwork, or if the proper fees are not submitted.