

FORM COUNTY CIVIL – SUMMONS

This form should be used to obtain personal service on the other party when you begin your lawsuit. Service is required for all documents filed in your case. Service means giving a copy of the required papers to the other party using the procedure that the law requires.

IMPORTANT

IF THE OTHER PARTY CANNOT BE FOUND (SERVED):

Pursuant to Florida Statute 48. 183, if the tenant cannot be found in the county or there is no person 15 years of age or older residing at the tenant's usual place of abode in the county, after at least two attempts to obtain service, the summons may be served by attaching (posting) a copy to a conspicuous place on the property described in the complaint.

If the landlord anticipates the tenant being served by posting, the landlord shall provide the Clerk and Comptroller with:

1. A copy of the complaint for each tenant.
2. A prestamped envelope addressed to each tenant at the premises involved in the proceeding. (Legal size envelope please)

The Clerk and Comptroller will immediately mail the copy of the summons and complaint by first-class mail, note the fact on the docket, and file a certificate in the court file of the fact and date of mailing.

Service shall be effective on the date of posting or mailing, whichever occurs later, and at least 5 days MUST elapse from the date of service before a judgment for final removal of the defendant may be entered.

Failure to complete this step may cause a delay in processing your case.

IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY FLORIDA

Plaintiff(s)

Case: _____

-vs-

Division: _____

Defendant(s)

EVICTION SUMMONS/RESIDENTIAL

To: _____

PLEASE READ CAREFULLY

You are being sued by _____, to require you to move out of the place where you are living for the reasons given in the attached complaint.

You are entitled to a trial to determine whether you can be required to move, but you MUST do ALL of the things listed below. You must do them within (5) days (not including Saturday, Sunday, or any legal holiday) after the date these papers were given to you, or a person who lives with you, or were posted at your home.

THE THINGS YOU MUST DO ARE AS FOLLOWS:

(1) Write down the reason(s) why you think you should not be forced to move. The written reason(s) must be given to the Clerk and Comptroller at:

- | | | | |
|--------------------------|----------------------------------|--------------------------|----------------------------|
| <input type="checkbox"/> | Robert D. Sumner Judicial Center | <input type="checkbox"/> | West Pasco Judicial Center |
| | 38053 Live Oak Avenue | | 7530 Little Road |
| | Dade City, FL 33523 | | New Port Richey, FL 34654 |

(2) Mail or give a copy of your written reason(s) to:

Plaintiff/Plaintiff's Attorney

It is important that any pleading filed with the Clerk has a certification that a copy has been provided to the Plaintiff, or, if represented by an attorney, to the attorney named above.

(3) Pay to the Clerk and Comptroller the amount of rent that the attached complaint claims to be due, along with the registry fee, in accordance with Florida Statute (3% of the first \$500, 1.5% of everything thereafter), and any rent that becomes due until the lawsuit is over. This includes an additional rent that may come due between the time of the filing of the Complaint and the Answer filed by you. Payment must be made by cash, cashier's check, or money order, made payable to Nikki Alvarez-Sowles, Esq., Pasco County Clerk & Comptroller

If you believe that the amount claimed in the Complaint is incorrect; you should file with the Clerk and Comptroller a motion to have the court determine the amount to be paid. If you file a motion, you must attach to the motion any documents supporting your position and mail or give a copy of the motion to the plaintiff/plaintiff's attorney.

By statute, public housing tenants or tenants receiving rent subsidies shall be required to deposit only that portion of the full rent for which the tenant is responsible pursuant to Federal, State or Local program in which the tenants are participating.

(4) The Court will review your motion in the event that you are disputing the amount of rent to be paid to the Clerk and Comptroller and will determine if it is legally sufficient. If the Court determines that your motion is legally sufficient, the Court will either schedule a hearing, or determine without a hearing, what amount should be paid to the Clerk and Comptroller while the lawsuit is pending. If the Court determines that your motion is not legally sufficient, the Court may enter a default and Final Judgment of Eviction without a hearing or further notice.

(5) In the event that the basis of the eviction is for reasons other than failure to pay rent, you are still required to pay rent into the registry when due so as to preserve any defenses. This is regardless of whether the landlord has accepted rent or refused rent after the Complaint for Eviction has been filed. Failure to do so may result in you being evicted without a hearing or further notice.

IF YOU DO NOT DO ALL OF THESE THINGS SPECIFIED ABOVE WITHIN FIVE (5) WORKING DAYS AFTER THE DATE THAT THESE PAPERS WERE GIVEN TO YOU OR TO A PERSON WHO LIVES WITH YOU OR WERE POSTED AT YOUR HOME, YOU MAY BE EVICTED WITHOUT A HEARING OR FURTHER NOTICE.

(6) If the attached Complaint also contains a claim for money damages (such as unpaid rent), you must respond to that claim separately. You must write down the reason why you believe that you do not owe the money claimed. The written reasons must be given to the Clerk and Comptroller at the address specified in paragraph (1) above, and you must mail or give a copy of your written reasons the plaintiff/plaintiff's attorney at the address specified in paragraph (2) above. This must be done within 20 days after the date these papers were given to you or to a person who lives with you or were posted at your home. This obligation is separate from the requirement of answering the claim for eviction within five (5) working days after these papers were given to you or a person who lives with you or were posted at your home.

THE STATE OF FLORIDA:

TO EACH SHERIFF OF THE STATE: You are commanded to serve this summons and a copy of the complaint in this lawsuit on the above-named defendant.

Dated: _____.

(Seal)

By: _____
Deputy Clerk

Office of Nikki Alvarez-Sowles, Esq.
Pasco County Clerk & Comptroller

FOR PROCEEDINGS BEFORE THE COURTS OF PASCO COUNTY

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact either the Pasco County Customer Service Center, 8731 Citizens Drive, New Port Richey, FL 34654, (727) 847-2411 (V) or the Pasco County Risk Management Office, 7536 State Street, New Port Richey, FL 34654, (727) 847-8028 (V) 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 vision impaired, call 711.

Proper dress is required, or you may be held in contempt or refused admittance, no shorts, undershirts, tank tops, etc

- Ret'd Pasco County Sheriff
- Ret'd Process Server
- Ret'd Plaintiff(s)
- Ret'd Atty

This is to certify that a copy of the foregoing was mailed
by regular us mail this _____day _____, 20_____.

- PLAINTIFF PLAINTIFF'S ATTY
- DEFENDANT DEFENDANT'S ATTY
- Other _____

By: _____
Deputy Clerk

Office of Nikki Alvarez-Sowles, Esq.
Pasco County Clerk & Comptroller

SIRVASE LEER CON CUIDADO

Usted esta siendo demandado por _____ para exigirle que desaloje el lugar donde reside por los motivos que se expresan en la demanda adjunta. Usted tiene derecho a ser sometido a juicio para determinar si se le puede exigir que se mude, pero ES NECESARIO que haga TODO lo que se le pide a continuacion en un plazo de 5 dias (no incluidos los sabados, domingos, ni dias feriados) a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se colocaron en su casa.

USTED DEBERA HACER LO SIGUIENTE:

- (1) Escribir el (los) motivo(s) por el (los) cual(es) cree que no se le debe obligar a mudarse. El (Los) motivo(s) debera(n) entregarse por escrito al secretario del tribunal en el _____ County Courthouse _____, Florida
- (2) Enviar por correo o darle su(s) motivo(s) por escrito a:

Demandante/Abogado del Demandante

Direccion

(3) Pagarle al secretario del tribunal el monto del alquiler que la demanda adjunta reclama como adeudado, asi como cualquier alquiler pagadero hasta que concluya el litigio. Si usted considera que el monto reclamado en la demanda es incorrecto, debera presentarle al secretario del tribunal una mocion para que el tribunal determine el monto que deba pagarse. Si usted presenta una mocion, March 6, 2013 Florida Rules of Civil Procedure 175 debera adjuntarle a esta cualesquiera documentos que respalden su posicion, y enviar por correo o entregar una copia de la misma al demandante/abogado del demandante.

(4) Si usted presenta una mocion para que el tribunal determine el monto del alquiler que deba pagarse al secretario del tribunal, debera comunicarse de inmediato con la oficina del juez al que se le haya asignado el caso para que programe una audiencia con el fin de determinar el monto que deba pagarse al secretario del tribunal mientras el litigio este pendiente.

SI USTED NO LLEVA A CABO LAS ACCIONES QUE SE ESPECIFICAN ANTERIORMENTE EN UN PLAZO DE 5 DIAS LABORABLES A PARTIR DE LA FECHA EN QUE ESTOS DOCUMENTOS SE LE ENTREGARON A USTED O A UNA PERSONA QUE VIVE CON USTED, O SE COLOQUEN EN SU CASA, SE LE PODRA DESALOJAR SIN NECESIDAD DE CELEBRAR UNA AUDIENCIA NI CURSARSELE OTRO AVISO

(5) Si la demanda adjunta tambien incluye una reclamacion por danos y perjuicios pecunarios (tales como el incumplimiento de pago del alquiler), usted debera responder a dicha reclamacion por separado. Debera exponer por escrito los motivos por los cuales considera que usted no debe la suma reclamada, y entregarlos al secretario del tribunal en la direccion que se especifica en el parrafo (1) anterior, asi como enviar por correo o entregar una copia de los mismos al demandante/abogado del demandante en la direccion que se especifica en el parrafo (2) anterior. Esto debera llevarse a cabo en un plazo de 20 dias a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted. Esta obligacion es aparte del requisito de responder a la demanda de desalojo en un plazo de 5 dias a partir de la fecha en que estos documentos se le entregaron a usted o a una persona que vive con usted, o se coloquen en su casa.

LISEZ ATTENTIVEMENT

Vous etes poursuivi par _____ pour exiger que vous evacuez les lieux de votre residence pour les raisons enumerees dans la plainte ci-dessous. Vous avez droit a un proces pour determiner si vous devez demenager, mais vous devez, au prealable, suivre les instructions enumerees ci-dessous, pendant les 5 jours (non compris le samedi, le dimanche, ou un jour ferie) a partir de la date ou ces documents ont ete donnes a vous ou a la personne vivant avec vous, ou ont ete affichees a votre residence.

LISTE DES INSTRUCTIONS A SUIVRE:

(1) Enumerer par ecrit les raisons pour lesquelles vous pensez ne pas avoir a demenager. Elles doivent etre remises au clerc du tribunal a _____ County Courthouse _____, Florida

(2) Envoyer ou donner une copie au:

Plaignant/Avocat du Plaignant

Adresse

(3) Payer au clerc du tribunal le montant des loyers dus comme etabli dans la plainte et le montant des loyers dus jusqu'a la fin du proces. Si vous pensez que le montant etabli dans la plainte est incorrect, vous devez presenter au clerc du tribunal une demande en justice pour determiner la somme a payer. Pour cela vous devez attacher a la demande tous les documents soutenant votre position et faire parvenir une copie de la demande au plaignant/avocat du plaignant. March 6, 2013 Florida Rules of Civil Procedure 177

(4) Si vous faites une demande en justice pour determiner la somme a payer au clerc du tribunal, vous devrez immediatement prevenir le bureau de juge qui presidera au proces pour fixer la date de l'audience qui decidera quelle somme doit etre payee au clerc du tribunal pendant que le proces est en cours.

SI VOUS NE SUIVEZ PAS CES INSTRUCTIONS A LA LETTRE DANS LES 5 JOURS QUE SUIVENT LA DATE OU CES DOCUMENTS ONT ETE REMIS A VOUS OU A LA PERSONNE HABITANT AVEC VOUS, OU ONT ETE AFFICHES A VOTRE RESIDENCE, VOUS POUVEZ ETRE EXPULSES SANS AUDIENCE OU SANS AVIS PREALABLE

(5) Si la plainte ci-dessus contient une demande pour dommages pecuniaires, tels des loyers arrieres, vous devez y repondre separement. Vous devez enumerer par ecrit les raisons pour lesquelles vous estimez ne pas devoir le montant demande. Ces raisons ecrites doivent etre donnees au clerc du tribunal a l'adresse specifiee dans le paragraphe (1) et une copie de ces raisons donnee ou envoyee au plaignant/avocat du plaignant a l'adresse specifiee dans le paragraphe (2). Cela doit etre fait dans les 20 jours suivant la date ou ces documents ont ete presentes a vous ou a la personne habitant avec vous. Cette obligation ne fait pas partie des instructions a suivre en reponse au proces d'eviction dans les 5 jours suivant la date ou ces documents ont ete presentes a vous ou a la personne habitant avec vous, ou affichees a votre residence.