

UNLAWFUL DETAINER INSTRUCTIONS

READ ALL OF THE INFORMATION AND INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE FORMS AND SUBMITTING THEM FOR FILING.

RETAIN COPIES OF ALL FORMS FILED FOR YOUR OWN RECORDS.

DOCUMENTS MUST BE LEGIBLE TYPED OR LEGIBLY HANDWRITTEN.

FORMS TO USE FOR STEP ONE

Take or mail the completed forms along with the filing fee and the Sheriff's fee (2 separate checks) to the Clerk's office at the Charlotte County Justice Center, 350 East Marion Avenue, Punta Gorda, FL 33950 for filing.

Form #1 – Complaint for Unlawful Detainer

- Fill in the party names in the space provided (Plaintiff is the party filing the case and the Defendant is the party being removed).
- Read each line and fill in the appropriate response.
- Date and sign in the space provided and print or type your name, address, phone number and email (if available).
- Make a copy for yourself and each Defendant and an additional copy for mailing to Defendant.

Form #2 – Summons

- Fill in names of the Plaintiff(s) and Defendant(s).
- Provide the name and address of the party being served (Defendant).
- Provide the name and address of the serving party (Plaintiff).
- Once completed, the Clerk will date and sign for issuance.
- Make a copy for yourself and 2 copies each Defendant

*The summons must be served by either the Charlotte County Sheriff or a Certified Process Server of your choice.
The Sheriff charges \$40.00 per defendant to serve the summons.*

Form #3 – Civil Cover Sheet

- Fill in names of the Plaintiff(s) and Defendant(s)
- Check the appropriate box for your filing, on the second page.
- Sign and date the document.

Once the case is filed and processed the issued summons will be forwarded to the Charlotte County Sheriff's Civil Process for service, unless you choose to have a Certified Process Server serve the Defendant. In that instance, you are responsible for getting the documents to the Process Server for service.

FORMS TO USE FOR STEP TWO

6 days after summons has been served to the Defendant, the Defendant has **five (5) business days** to file a response regarding the case. **Do not count the day of service, Saturdays, Sundays or observed legal holidays.** After FIVE (5) BUSINESS DAYS have passed, on the 6th day the following paperwork may be filed to complete the case.

Form #4 – Non-Military Affidavit

- Fill in names of Plaintiff(s) and Defendant(s).
- Read each line and select and/or fill in the appropriate response.
- Date and sign in the presence of a Notary Public or Deputy Clerk.

Form #5 – Motion for Clerk’s Default

- Fill in names of Plaintiff(s) and Defendant(s).
- Sign in the space provided and print or type your name, address and number.
- Once completed the Clerk will date, sign and seal for issuance.

Form #6 – Motion for Default Final Judgment

- Fill in names of Plaintiff(s) and Defendant(s).
- Sign in the space provided and print your name, address and phone number.

Form #7 – Final Judgment for Unlawful Detainer

- Fill in the names of the Plaintiff(s) and Defendant(s).
- Read each line and fill in the appropriate responses.
- Once completed, the judge will sign and date this form.

Form #8 – Final Disposition Form

- Fill in the names of the Plaintiff(s) and Defendants(s).
- Check the box indicating how the case was closed.
- Sign and date the document.

Form #9 – Notice of Hearing

If the Defendant(s) **DID** respond, use this form to schedule a hearing. It is your responsibility to contact the office of the judge assigned to your case to schedule a hearing date and time. Once you have the hearing time:

- Fill in the names of the Plaintiff(s) and Defendant(s).
- Read each line and fill in the appropriate response with the hearing information obtained from the judge’s assistant.
- Provide the name and address of the party being served, select the type of service used and the date it was sent.
- Sign in the space provided and print or type your name, address and phone number.
- Make a copy for the Defendant and yourself.

Form #10 – Writ of Possession

- Fill in the names of Plaintiff(s) and Defendant(s).
- Fill in the address of the property involved in the case.
- Fill in the contact information for the Sheriff.
- Provide a check for \$90.00 payable to the Sheriff.

FORM TO DISMISS THE CASE

Form #11 – Notice of Voluntary Dismissal (if you do not wish to complete your suit)

- Complete the form and return it to the Clerk’s office.