

GENERAL GUIDELINES - INSTUCTIONS

AFFIDAVIT OF DAMAGES

The Tenant will have five days, after service, to file a written response to a Complaint for eviction, and 20 days, after service, to file a written response to a complaint for back rent and damages. If the Tenant fails to file a written response in that time the Landlord is entitled to a judgment by default.

Obtaining the judgment is a two-step process. First, a Clerk's default should be obtained by delivering to the Clerk of the Court an executed Motion-for Clerk's Default. A Motion-for Clerk's Default; Count I, should be used to obtain a Clerk's default when the Tenant has failed to respond to an eviction complaint and A Motion-for Clerk's Default; Count II, should be used to obtain a Clerk's default when the Tenant has failed to respond to a complaint for back rent and damages. In order to be entitled to a default, A Nonmilitary Affidavit, must be filed with the Clerk.

Second, based on the Clerk's default, a default final judgment should be obtained from the judge handling the case. The default final judgment is obtained by delivering to the Court a Motion for Default Final judgment-Residential Eviction and/or a Motion for Default Final judgment - Damages (Residential Eviction) with an Affidavit of Damages. If the Landlord is seeking a Default Final judgment - Damages (Residential Eviction), a copy of the motion and affidavit must be served on the Defendant. The forms provide a certificate of service to be completed establishing proper service of the motion and affidavit.

FORM NOTES ARE FOR INFORMATIONAL PURPOSES ONLY AND MAY NOT COMPLETELY DESCRIBE REQUIREMENTS OF FLORIDA LAW. YOU SHOULD CONSULT AN ATTORNEY AS NEEDED.

IN THE COUNTY COURT, IN AND FOR
_____ COUNTY, FLORIDA
[insert county in which rental property is located]

[insert name of Landlord]

Plaintiff,

CASE NO. _____
[insert case number assigned
by Clerk of the Court]

vs.

[insert name of Tenant]

Defendant.

/

AFFIDAVIT OF DAMAGES

STATE OF FLORIDA)
COUNTY OF)

BEFORE ME, the undersigned authority, personally appeared _____ [name] who being first duly sworn, states as follows:

1. I am ____ the Plaintiff or ____ the Plaintiff's agent (check appropriate response) in this case and am authorized to make this affidavit.
2. This affidavit is based on my own personal knowledge.
3. Defendant has possession of the property which is the subject of this eviction under an agreement to pay rent of \$ _____ [rental amount] per _____ [week, month, or other payment period].
4. Defendant has not paid the rent due since _____ [date of payment Tenant has failed to make].
5. Defendant owes Plaintiff \$ _____ [past due rent amount] as alleged in the Complaint plus interest.
6. Defendant owes Plaintiff \$ _____ [amount of other damages] as alleged in the Complaint plus interest.

Name: _____

Sworn and subscribed before me on _____ [date], by _____ (name), who _____ is personally known to me/ _____ produced _____ [document] as identification and who took an oath.

NOTARY PUBLIC-STATE OF FLORIDA

Name: _____

Commission No. _____

My Commission Expires: _____

I CERTIFY that I _____ mailed, _____ faxed and mailed, or _____ hand delivered a copy of this motion and attached _____ affidavit to the Defendant at

_____ [insert address at which Tenant was served and fax number if sent by fax].