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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. C" Oqvkqp/hqt" Engtm)u" Fghcwnv=" Eqwpv" K." should be used to obtain a Clerk's default when the Tenant has failed to respond to an eviction complaint and C" Oqvkqp/hqt" Engtm)u" Fghcwnv=" Eqwpv" KK. 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, C 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.

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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].