

GENERAL INSTRUCTIONS FOR RESIDENTIAL TENANT EVICTIONS

The following information is provided for filing a residential tenant eviction case for **non-payment of rent for possession only**. The following is what you will need to bring with you when you file your Complaint for Possession.

1. \$185.00 filing fee payable to the Clerk of the Court. Cash or check.
2. \$10.00 per party, person. Fee for issuance of summons.
3. \$40.00 sheriff's fee for each service set. (Note: Husband and wife are two separate services.) Also, this fee must be paid with a separate check or money order. The Sheriff's Office Civil Process Department's telephone number is (239) 793-9250 for fee or service information.
3. Original Complaint form and two copies for each defendant. This form must be completely filled in.
4. 3 copies of the three day notice and any other attachments such as a lease, for each defendant.
5. 5 day Eviction Summons with 3 copies for each defendant.
6. Stamped addressed envelopes with sufficient postage. (Business size envelope) One for each defendant and one with your return name and address.

File your Complaint, three day notice and any other exhibits: i.e. lease, and summons form with this office. If requested, we will forward the summons to the Sheriff's Department for service on the Defendant(s). The Sheriff's Department will advise you of the date the defendant was served the eviction papers.

Five working days (excluding the date of service, Saturday, Sunday and legal holidays) after service upon the defendant(s), if the defendant has not filed an Answer, a motion for Default may be filed and Default issued. You may file the Motion for Final Default Judgment, Final Default Judgment Eviction, and Writ of Possession at that time. Judgments must be accompanied by self addressed stamped envelopes for each defendant and for you. The Writ of Possession must be accompanied by a check payable to the Sheriff of Collier County in the amount of \$90.00. If an answer has been filed you may set your case for Non-Jury Trial by calling the Judge's office.

Eviction forms are available in the civil department on the 3rd Floor of the Courthouse Annex and on the Clerk's website at www.collierclerk.com; click on Court Divisions, then Evictions. **Clerk of Court employees can not assist you with the selection of any form.**

If there is any doubt in your mind concerning these forms, the use of the forms, or your legal rights, it is strongly recommended that the services of an attorney be obtained. If you do not know an attorney you should contact the Lawyer Referral Service (239) 252-8250. If you are financially unable to afford the services of an attorney you should contact the Legal Aid office in your area.

Because of the changing nature of the law, the forms and information about them may become outdated. Regardless of whether you discuss your case with an attorney, you should research original sources of authority (Statutes and Rules of Procedure) to update and insure accuracy of the forms.