



**MICHELLE R. MILLER  
CLERK & COMPTROLLER  
ST. LUCIE COUNTY, FLORIDA**

**SELF-SERVICE CENTER**

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**Department: County Civil**

**Packet #EV2-25: Complaint for Eviction and Damages**

*Eviction action for non-payment and damages.*

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**NonRefundable**



**MICHELLER. MILLER**  
**CLERK & COMPTROLLER**  
**ST. LUCIE COUNTY, FLORIDA**  
County Civil division  
250 N.W. Country Club Drive  
Port Saint Lucie, Florida 34986  
(772) 785-5880

## **INSTRUCTIONS FOR FILING AN EVICTION FOR FAILURE TO PAY RENT AND TO RECOVER PAST DUE RENT**

These forms should be used when a landlord desires possession of the premises from a tenant for nonpayment of rent and to recover damages (past due rent). The landlord is referred to as the plaintiff and the tenant as the defendant. These forms should be typed or printed legibly. Please be sure to include a telephone number on the Complaint for Eviction and Damages where the Clerk's Office or Sheriff's Department may reach you.

**Pursuant to F.S. 83.43(3), "landlord" is defined as the owner of a dwelling unit.**

**The plaintiff in a landlord/tenant action must be the owner of the property. The plaintiff must provide proof of ownership of the property when filing an eviction complaint. This proof may be a copy of the property record card from the St. Lucie County Property Appraiser's office at [www.paslc.org](http://www.paslc.org) or a warranty deed.**

**Failure to file proof of ownership of the property will result in the judge dismissing your complaint and loss of any filing fees.**

### **STEP 1**

The following paperwork and fees are required to process your Eviction case:

- **PAPERWORK:**
  - 3-Day Notice to Tenant
  - Copy of lease or rental agreement
  - Complaint for Eviction and Damages
  - Three (3) copies of all documents for **each** defendant (service & mailing)
  - One (1) copy of all documents for your records
  - Pre-Addressed Stamped Envelopes: one with each defendant's name and address
  - Proof of Ownership
  - Property Management Agreement
- **FILING FEE:** (payable to ST. LUCIE COUNTY CLERK OF COURT)
  - \$185.00 cash/money order/MasterCard or Visa
  - PLUS \$10.00 PER SUMMONS / PER DEFENDANT (eviction summons & damage summon)
- **SERVICE FEE:** (payable to St Lucie County Sheriff's Dept.)
  - \$40.00 per defendant, payable by money order, cashier's check or business check
  - \$90.00 Writ of Possession (paid after issuance of Judgment)

## STEP TWO

File the original, copies and envelopes with the Clerk of Courts County Civil Division. You may file your complaint at either of the following locations:

South County Courthouse Annex (Main Office)  
250 N.W. Country Club Drive, Room 115  
Port St Lucie, Florida 34986

Small Claims Department  
201 South Indian River Drive  
Fort Pierce, Florida 34950

**\*All court files are located and all hearings are held at the South County Annex.\***

Once the Clerk's Office has processed your complaint, an Eviction Summons will be issued, a Summons for the action for Back Rent/Damages and a Certificate of Mailing will be prepared (if a self-addressed stamped envelope was provided). Service of the Complaint and Summons' may be perfected by either sheriff's service or you may hire a private process server.

### For Service of Process:

St Lucie County Sheriff's Department - Civil Office  
218 South Second Street  
Fort Pierce, Florida 34950

St Lucie County Sheriff's Department (for service of evictions in Port St Lucie & Jensen Beach only)  
250 N.W. Country Club Drive  
Port St Lucie, Florida 34986

If you have questions in regards to the service of the summons, you may contact the sheriff's department at 772-462-3214 or 772-462-3271.

Once the defendant(s)/tenant(s) has been served, they will have five days (excluding the day of service, Saturdays, Sundays & legal holidays) to file a written response to your complaint.

## STEP THREE

If the defendant files a response within the required time, the judge assigned to your case will review the file and determine whether or not the case should be set for hearing. If a hearing is scheduled, all parties will be notified by mail. The owner or an attorney must appear at the hearing. If a hearing is not scheduled, the judge will issue a written decision and copies will be mailed to all parties.

If the defendant does not file a response within the required time, you may then file for a default.

## **STEP FOUR**

Complete and file the following:

Original Motion for Clerk's Default – Residential Eviction with copies for defendant(s) and yourself  
Original Non-Military Affidavit  
Original Motion for Default Final Judgment – Residential Eviction  
Original proposed Final Judgment for Possession with copies for defendant(s) and yourself  
Self-addressed stamped envelopes with each defendant's name and address and your name and address.

Once the Judge enters your Final Judgment for Possession, you will need a Writ of Possession to remove the tenants from the property

## **STEP FIVE**

Issuance of the Writ of Possession is not an automatic process. To obtain the Writ of Possession, you may call the Clerk of Court, County Civil Division at 772-785-5880. Deliver the Writ to the sheriff's department (at either address located above) along with the service fee of \$90.00. The sheriff's department will schedule a date and time to meet you at the premises to remove any persons remaining and deliver possession back to you.

## **STEP SIX**

The tenant has twenty days, after service, to file a written response to the back rent and damages portion of the complaint. If the Tenant fails to file a written response in that time period, to obtain a final judgment complete and file the following:

Original Motion for Clerk's Default – Damages (Residential Eviction) with copies for defendant(s) and yourself  
Original Non-Military Affidavit (unless previously filed)  
Original Motion for Default Final Judgment – Damages (Residential Eviction)  
Original Affidavit of Damages  
Original proposed Default Final Judgment – Damages (Residential Eviction)  
Self-addressed stamped envelopes with each defendant's name and address and your name and address.

Once the Clerk of Court enters the Default for failure to respond, the remaining documents will be forwarded to the judge assigned to your case for entry. Copies of the Default Final Judgment will be mailed to all parties.

**If the defendant vacates the premises or settlement is reached, the Plaintiff may file a Voluntary Dismissal which is available on the Clerk of Court's website at [www.stlucieclerk.com](http://www.stlucieclerk.com)**

## **NOTICE FROM LANDLORD TO TENANT—TERMINATION FOR FAILURE TO PAY RENT**

### **INSTRUCTIONS**

This notice may be delivered by mail or by delivering a copy to the dwelling unit, or, if the Tenant is absent from the dwelling unit, by leaving a copy thereof at the dwelling unit. If the Tenant fails to pay rent when due and the default continues for three (3) days (excluding Saturday, Sunday, and legal holidays) after delivery of written demand by the Landlord for payment of the rent or possession of the premises, the Landlord may terminate the rental agreement. This written demand is a prerequisite to an action to evict the Tenant or recover past due rent. Your written rental agreement may have allowed for a longer period than three days and should be reviewed.

SOURCE: Section 83.56(3) and (4), Florida Statutes (2007).

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

**NOTICE FROM LANDLORD TO TENANT—TERMINATION FOR FAILURE TO PAY RENT**

To: \_\_\_\_\_  
Tenant's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

From: \_\_\_\_\_

Date: \_\_\_\_\_

You are hereby notified that you are indebted to me in the sum of \$\_\_\_\_\_ [insert amount owed by Tenant] for the rent and use of the premises located at \_\_\_\_\_, Florida [insert address of premises, including county], now occupied by you and that I demand payment of the rent or possession of the premises within three days (excluding Saturday, Sunday and legal holidays) from the date of delivery of this notice to-wit: on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20 [insert the date which is three days from the delivery of this notice, excluding the date of delivery, Saturday, Sunday and legal holidays].

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Landlord/Property Manager  
[circle one]

\_\_\_\_\_  
Address [street address where Tenant can deliver rent]

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

Hand Delivered On: \_\_\_\_\_

Posted On: \_\_\_\_\_

Approved for use under rule 10-2.1(a) of  
the Rules Regulating The Florida Bar  
The Florida Bar 2010

This form was completed with the assistance of:  
Name:  
Address:  
Telephone Number:

In the County Court of the Nineteenth Judicial Circuit,  
in and for St. Lucie County, Florida

Case No:

PLAINTIFF(S),

VS

DEFENDANT(S).

DESIGNATION OF E-MAIL ADDRESS FOR PARTY NOT  
REPRESENTED BY AN ATTORNEY

Pursuant to Florida Rules of General Practice and Judicial Administration 2.516, I, \_\_\_\_\_  
\_\_\_\_\_, designate the below e-mail address(es) for electronic service of all  
documents related to this case.

By completing this form, I am authorizing the court, clerk of court, and all parties to send  
copies of notices, orders, judgments, motions, pleadings, or other written communications to me  
by e-mail or through the Florida Courts E-filing Portal.

I will file a written notice with the clerk of court if my current e-mail address changes.

Designated e-mail address: \_\_\_\_\_

Secondary designated e-mail address(es) (if any) \_\_\_\_\_

I certify that a copy hereof has been furnished to the clerk of court for St. Lucie County and  
\_\_\_\_\_ by  
(e-mail) (hand delivery) (mail) \_\_\_\_\_

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(e-mail address)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(phone number)



**MICHELLER. MILLER  
CLERK & COMPTROLLER  
ST. LUCIE COUNTY, FLORIDA**

County Civil division  
250 N.W. Country Club Drive  
Port Saint Lucie, Florida 34986  
(772) 785-5880

In the County Court, Nineteenth Judicial Circuit,  
in and for County of St. Lucie, State of Florida –  
Civil Division

Case No. \_\_\_\_\_

Plaintiff,  
Vs.

**COMPLAINT FOR EVICTION  
AND DAMAGES**

Defendant.  
\_\_\_\_\_ /

**COUNT ONE  
(Tenant Eviction)**

1. This is an action to evict the Defendant and all persons claiming by, through or under him from real property located in St. Lucie County.
2. The Plaintiff owns the following described real property in said county,  
\_\_\_\_\_.
3. The Defendant has possession of the property under a (oral/written) agreement to pay rent of \$\_\_\_\_\_ payable \_\_\_\_\_ [insert terms of rental payments, i.e., weekly, monthly, etc]. A copy of the written agreement, if any, is attached as Exhibit "A".
4. Defendant failed to pay the rent that was due on \_\_\_\_\_.
5. Plaintiff served the Defendant with a written notice on \_\_\_\_\_ to pay the rent or deliver possession but Defendant refuses to do either. A copy of the notice is attached as Exhibit "B".

WHEREFORE, the Plaintiff demands judgment for possession of the property against the Defendant.

**COUNT TWO  
(Damages)**

6. This is an action for damages which do not exceed \$15,000.00.
7. Plaintiff restates those allegations contained in paragraph 1 through 5 above.
8. Defendant owes Plaintiff \$ \_\_\_\_\_ [insert past due rent amount] that is due with interest since \_\_\_\_\_, 20 [insert date of last rental payment Tenant failed to make].

WHEREFORE, Plaintiff demands judgment for damages against the Defendant.

\_\_\_\_\_  
Landlord's Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
Phone number \_\_\_\_\_



IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

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

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

**MOTION FOR CLERK’S DEFAULT -  
RESIDENTIAL EVICTION**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

Plaintiff asks the Clerk to enter a default against \_\_\_\_\_,  
[insert defendants name]

Defendant, for failing to respond as required by law to the Plaintiff’s Complaint for residential eviction.

\_\_\_\_\_  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

**DEFAULT – RESIDENTIAL EVICTION**

A default is entered against the above named Defendant(s) for failure to respond as required by law.

DATED: \_\_\_\_\_

Michelle R. Miller  
Clerk & Comptroller, St. Lucie County

By \_\_\_\_\_  
Deputy Clerk

IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

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

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

**NON-MILITARY AFFIDAVIT**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

On this day personally appeared before me, the undersigned authority, \_\_\_\_\_,  
who, after being first duly sworn, says:

Defendant, \_\_\_\_\_, is known by Affiant not to be in the  
military service or any governmental agency or branch subject to the provisions of the Soldiers' and Sailors'  
Civil Relief Act.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

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].

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Fax No. \_\_\_\_\_

IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

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

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

**MOTION FOR DEFAULT FINAL -  
JUDGMENT - RESIDENTIAL EVICTION**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

Plaintiff asks the Clerk to enter a default judgment against \_\_\_\_\_

[name], Defendant(s), for failure to respond as required by law to Plaintiff's Complaint for Eviction.

1. Plaintiff filed a Complaint alleging grounds for residential eviction of Defendant.
2. A Default was entered by the Clerk of this Court on \_\_\_\_\_  
[date].

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment for Residential Eviction against  
Defendant.

\_\_\_\_\_  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

cc: \_\_\_\_\_  
[insert name and address of Tenant]

IN THE CIRCUIT/COUNTY COURT OF THE NINETEENTH JUDICIAL  
CIRCUIT IN AND FOR ST. LUCIE COUNTY, FLORIDA

\_\_\_\_\_  
[insert name of landlord/owner]

Case no: \_\_\_\_\_  
[insert case number assigned by Clerk of the Circuit Court]

Plaintiff(s),  
Vs

\_\_\_\_\_  
[insert name of tenant]

Defendant(s),  
\_\_\_\_\_ /

**FINAL JUDGMENT – EVICTION**

**THIS ACTION** came before the Court upon Plaintiff's Complaint for Eviction. On the evidence presented, and **IT IS ADJUDGED**, that:

1. Judgment for eviction is hereby granted in favor of Plaintiff(s), \_\_\_\_\_.  
[insert name of landlord/owner]
2. Plaintiff(s) or through Plaintiff's agent is to be put into possession of the premises described as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
[insert street address of rental premises including, if applicable, unit number]
3. The Plaintiff(s) is awarded court costs in the amount of \$ \_\_\_\_\_.
4. At the request of the Plaintiff, the Clerk of the Circuit Court is ordered to issue forthwith a Writ of Possession that shall be valid for thirty (30) days from the date of this judgment.

DONE AND ORDERED in St. Lucie County, Florida on \_\_\_\_\_.

\_\_\_\_\_  
County Judge

CC: \_\_\_\_\_  
[insert name of landlord/owner]

\_\_\_\_\_  
[insert name of tenant]

IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

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

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

**MOTION FOR CLERK'S DEFAULT -  
DAMAGES (RESIDENTIAL EVICTION)**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

Plaintiff asks the Clerk to enter a default against \_\_\_\_\_,  
[insert defendants name]

Defendant, for failing to respond as required by law to the Plaintiff's Complaint for damages.

\_\_\_\_\_  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone No. \_\_\_\_\_

**DEFAULT – DAMAGES**

A default is entered against the above named Defendant(s) for failure to respond as required by law.

DATED: \_\_\_\_\_

Michelle R. Miller  
Clerk & Comptroller, St. Lucie County

By \_\_\_\_\_  
Deputy Clerk

IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

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

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

**MOTION FOR DEFAULT FINAL -  
JUDGMENT - DAMAGES  
(RESIDENTIAL EVICTION)**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

Plaintiff asks the Clerk to enter a default judgment against \_\_\_\_\_  
[name], Defendant(s), for failure to respond as required by law to Plaintiff's Complaint for damages.

1. Plaintiff filed a Complaint for damages against the Defendant.
2. Defendant has failed to timely file an answer and a Default has been entered by the Clerk of this Court on \_\_\_\_\_ [date].
3. In support of this Motion, Plaintiff submits the attached Affidavit of Damages.

WHEREFORE, Plaintiff asks this Court to enter a Final Judgment for damages against Defendant.

I HEREBY 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]

\_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone No. \_\_\_\_\_

IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

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

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

**AFFIDAVIT OF DAMAGES**

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

\*This form **MUST** be mailed to the tenant on the same day that it is filed or it will not be considered.

STATE OF FLORIDA )  
COUNTY OF ST. LUCIE )

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. The 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 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. Subtract last month's rent from deposit in the amount of \_\_\_\_\_ [amount of last month's rent that has been retained from deposit].
6. Defendant owes Plaintiff \$ \_\_\_\_\_ [amount of other damages] as alleged in the Complaint. Subtract security deposit in the amount of \_\_\_\_\_ [amount of security deposit that has been retained]. Alleged damages are listed below: [itemize amounts due and attach documentation/receipts paid for repairs]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Printed 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  
Or DEPUTY CLERK

Name: \_\_\_\_\_

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

I CERTIFY that I mailed, faxed and mailed, emailed, or hand delivered a copy of this motion and  
attached affidavit to the Defendant at \_\_\_\_\_  
[insert address, fax number, or email address at which Tenant was served].

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_



IN THE COUNTY COURT, IN AND FOR ST LUCIE COUNTY, FLORIDA

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

\_\_\_\_\_  
[insert name of Landlord/owner]

Plaintiff,

Vs.

\_\_\_\_\_  
[insert name of Tenant]

Defendant.

**FINAL JUDGMENT – DAMAGES**

THIS ACTION came before the Court upon Plaintiff's Complaint for unpaid rent. On the evidence presented, it is ADJUDGED that the Plaintiff, \_\_\_\_\_ [insert Landlord's name], whose principal address is \_\_\_\_\_ [insert Landlord's address], recover from the Defendant, \_\_\_\_\_ [insert Tenant's name], whose principal address is \_\_\_\_\_ [insert Tenant's address], the sum of \$ \_\_\_\_\_ with costs in the sum of \$ \_\_\_\_\_, making a total of \$ \_\_\_\_\_, that shall bear interest at the legal rate established pursuant to section 55.03, Florida Statutes, for all of which let execution issue.

DONE AND ORDERED in St. Lucie County, Florida on \_\_\_\_\_.

\_\_\_\_\_  
COUNTY JUDGE

cc: \_\_\_\_\_  
[insert name of Landlord]

\_\_\_\_\_  
[insert name of Tenant]



# MICHELLER. MILLER CLERK & COMPTROLLER

ST. LUCIE COUNTY, FLORIDA

County Civil division  
250 N.W. Country Club Drive  
Port Saint Lucie, Florida 34986

## HOW TO COLLECT YOUR JUDGMENT COUNTY CIVIL DIVISION ST. LUCIE COUNTY, FLORIDA

Having received a final judgment, your County Court can do just as much, but no more than any other Court can do to help you collect your judgment. You can:

1. Record a certified copy of the final judgment with the Clerk of the Court. The charge for recording is \$10.00 for the first page and \$8.50 for each additional page, plus \$.75 for postage. The recording of the certified copy creates a lien of record against any real estate in the county where recorded then or thereafter owned by the Defendant in his name. See Florida Statute 55.10(a) for lien duration and extending the lien. Additional copies are \$1.00 per page plus \$2.00 for certification.

2. Judgment liens: You can obtain a Judgment lien against all of the defendant's personal property located anywhere in the State of Florida by filing a Judgment Lien Certificate with the Department of State. A judgment lien lapses after 5 years. If there are liens ahead of yours, as those liens lapse, yours will move to the top. After 5 years, you can file again and obtain another judgment lien but if others have filed after your first filing, those liens will now be ahead of yours. To get the proper form, you can either download the form from the Department of State's website: [www.sunbiz.org](http://www.sunbiz.org) or call the Department of State, Division of Corporation, Judgment Liens Section, at 850-656-7463.

3. Writs of Execution: Fifteen (15) days after entry of a final judgment, you may obtain a Writ of Execution from the Clerk's Office. Deliver this Writ to the Sheriff of the county in which the Defendant lives or where any of his property (real or personal) is located. You must also give the sheriff written instructions, called Instructions for Levy, which describe the property to be levied on and its location. In order to get the sheriff to levy upon the defendant's property, you must first locate it. The sheriff will require you to pay a cost deposit. Before the property can be levied upon, you must check the Department of State's website at [www.sunbiz.org](http://www.sunbiz.org) to see if there are any judgment liens filed under the name of the defendant. You must also check for creditors who have filed UCC security interests in the name of the Defendant at [www.floridaucc.com](http://www.floridaucc.com). You must notify all of these people of the time and date of the sale. You will then give the sheriff a signed affidavit, on which you must provide the information contained in the judgment lien certificates filed against the defendant. Once the notices have been sent, the sale must be properly advertised in a local newspaper. The sheriff can then sell the property at public auction to the highest bidder. Money received from the sale will be paid out first to the sheriff to pay costs (if the sale price covers costs, your deposit will be returned to you); second the sheriff pays you \$500; and third, if anyone obtained a Judgment Lien before you did, the sheriff pays that person before paying you. If any funds are left after paying any Judgment Liens recorded with the State ahead of your, those funds will be paid to you. **IMPORTANT:** If you previously docketed a Writ of Execution with the sheriff, you must file a judgment lien certificate with the state before October 1, 2003 in order to hold that place in line.

4. If you know of any third person, such as an employer, mortgagor or bank (where the Defendant has money deposited), who may owe the Defendant any money, you may secure from the Clerk a Writ of Garnishment against such third party. If the Court finds that your judgment is still in effect and unsatisfied, the Court will order such third person holding the money or property due the Defendant to pay the same to you. The charge for the Writ of Garnishment is \$85.00. In addition, you shall pay \$100.00 to the garnishee on the garnishee's demand at any time after service of the Writ for payment or part payment of his or her attorney fee which the garnishee expends or agrees to expend in obtaining representation in responding to the Writ. This amount may be added to the amount of your final judgment.

FORMS: (for bank account) Motion for Writ of Garnishment; (for wage garnishment) Motion for Continuing Writ of Garnishment

You must remember that under the Constitution and laws of this State, if the Defendant is the "head of a family" (generally a spouse who is living with one or more members of his family who are dependant upon him for support) such "head of household" has certain exempt property which cannot be successfully levied upon, sold, attached or garnished. For example:

1. Up to 160 acres of land in the county or up to a half acre within a city limit on which he lives with his family;
2. All of this personal property, including money, of a value of not more than \$1,000.00;
3. All salary, wages and commissions earned by his labor

FORMS: Claim of Exemption and Request for Hearing

5. Thirty days after the date of a judgment, an individual (businesses are exempt) may file a Motion for Hearing in Aid of Execution. The Defendant must appear in Court and disclose all assets. The cost is a reopen fee of \$25.00 for cases less than \$500.00 and \$50.00 for cases in excess of \$500.00 (reopen fee required only if ninety days have expired since the entry of the judgment) and \$40.00 per Defendant for sheriff's service.

FORMS: Exparte Motion for Hearing in Aid of Execution

6. Collection of Judgments on Automobile Accidents: In addition to the aforementioned procedures, thirty days after the date of judgment, you can request a Record of Unsatisfied Judgment be issued and mailed to the Department of Highway Safety and Motor Vehicles. Upon receipt, the Defendant's registration and driving privilege will be suspended until the judgment is satisfied.

MICHELLE R. MILLER, CLERK AND COMPTROLLER  
SMALL CLAIMS AND COUNTY CIVIL DIVISION  
250 N.W. COUNTRY CLUB DRIVE  
PORT ST LUCIE, FLORIDA 34986  
(772) 785-5880

DEPT. OF HIGHWAY SAFETY & MOTOR VEHICLES  
BUREAU OF FINANCIAL RESPONSIBILITY  
2900 APALACHEE PKY, ROOM A-208  
TALLAHASSEE, FL 32399-0585



**MICHELLER. MILLER  
CLERK & COMPTROLLER**

**ST. LUCIE COUNTY, FLORIDA**

County Civil division  
250 N.W. Country Club Drive  
Port Saint Lucie, Florida 34986  
(772) 785-5880

**NOTICE OF LIMITATION OF SERVICES PROVIDED**

THE PERSONNEL IN THIS SELF-HELP PROGRAM ARE NOT ACTING AS YOUR LAWYER OR PROVIDING LEGAL ADVICE TO YOU.

SELF-HELP PERSONNEL ARE NOT ACTING ON BEHALF OF THE COURT OR ANY JUDGE. THE PRESIDING JUDGE IN YOUR CASE MAY REQUIRE AMENDMENT OF A FORM OR SUBSTITUTION OF A DIFFERENT FORM. THE JUDGE IS NOT REQUIRED TO GRANT THE RELIEF REQUESTED IN A FORM.

THE PERSONNEL IN THIS SELF-HELP PROGRAM CANNOT TELL YOU WHAT YOUR LEGAL RIGHTS OR REMEDIES ARE, REPRESENT YOU IN COURT OR TELL YOU HOW TO TESTIFY IN COURT.

THE INFORMATION THAT YOU GIVE TO AND RECEIVE FROM SELF-HELP PERSONNEL IS NOT CONFIDENTIAL AND MAY BE SUBJECT TO DISCLOSURE AT A LATER DATE. IF ANOTHER PERSON INVOLVED IN YOUR CASE SEEKS ASSISTANCE FROM THIS SELF-HELP PROGRAM THAT PERSON WILL BE GIVEN THE SAME ASSISTANCE THAT YOU RECEIVE.

IN ALL CASES, IT IS BEST TO CONSULT WITH YOUR OWN ATTORNEY.

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**ACKNOWLEDGMENT**

*PLEASE COMPLETE THE FOLLOWING PARAGRAPH.  
FILE THE SIGNED DOCUMENT WITH THE CLERK OF COURT.*

\_\_\_\_\_ I CAN READ ENGLISH

\_\_\_\_\_ I CANNOT READ ENGLISH, THIS NOTICE WAS READ TO ME BY

[NAME] \_\_\_\_\_ IN [LANGUAGE] \_\_\_\_\_

I \_\_\_\_\_ {name} do acknowledge that I have read this Notice of Limitation of Services Provided. I have received an explanation of the Notice of Limitation of Services Provided and I understand the limitation of the services provided. I understand that it is in my best interest to secure an attorney to represent my interest in this case. I understand that this form must be signed and filed with the Clerk before the Self-Help program may provide services to me.

Date \_\_\_\_\_

\_\_\_\_\_  
Signature

Case No: \_\_\_\_\_

\_\_\_\_\_  
Signature