# INFORMATION FOR TENANT EVICTIONS



Clay County Clerk of Court and Comptroller, Tara S. Green

# **IMPORTANT INFORMATION**

THIS INFORMATION IS MEANT TO BE A GUIDE TO TENANT EVICTIONS IN CLAY COUNTY, FLORIDA. IT IS NOT LEGAL ADVICE AND SHOULD NOT BE LOOKED UPON AS SUCH. ANY PERSONS SEEKING LEGAL ADVICE SHOULD CONSULT AN ATTORNEY

### FOR GENERAL INFORMATION:

www.clayclerk.com

### CASE SEARCHES FOR CLAY COUNTY:

www.clayclerk.com/courtrecords

### FOR MORE INFORMATION

LANDLORD AND TENANTS – CHAPTER 83 SMALL CLAIMS – CHAPTER 34 GARNISHMENTS – CHAPTER 77 UNLAWFUL DETAINER – CHAPTER 82

# TO DETERMINE THE "REGISTERED AGENT" FOR A BUSINESS

www.Sunbiz.org

### **ADDITIONAL USEFUL INFORMATION**

www.floridalawhelp.org www.floridabar.org JAX Legal Aid – Clay County Office (904) 284-8410

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### **EVICTION CASES – GENERAL INFORMATION**

### **Count I and Count II**

#### **Definitions:**

- Plaintiff(s) The Landlord(s) or Property Owner(s)
- Defendant(s) The Tenant(s) or Resident(s)
- Self-Representation Litigants or Parties representing themselves in court without the assistance of an attorney.
- Count I Count for Eviction/Possession of the Property
- Count II Count for Damages/Past Due Rent
- Examples of noncompliance which are of a nature that the tenant should not be given an opportunity to cure include, but are not limited to, destruction, damage, or misuse of the landlord's or other tenants' property by intentional act or a subsequent or continued unreasonable disturbance.
- Examples of noncompliance which are of a nature that the tenant should be given an opportunity to cure include, but are not limited to, activities in contravention of the lease or this part such as having or permitting unauthorized pets, guests, or vehicles; parking in an unauthorized manner or permitting such parking; or failing to keep the premises clean and sanitary.

### Filing the Eviction with the Court

The complete packet of forms required to file an Eviction in Clay County, Florida, is available at the Clerk's Office, Room 1049; and our satellite locations for a \$3.00 fee, or online for free at www.clayclerk.com

# Forms to open the case

- REQUIRED
  - o Eviction Compliant
  - o Plaintiff's Statement
  - o Copy of Notice to Tenant that was served
    - (this notice should have been completed and served prior to filing the case and the allotted time must have already expired)

#### OPTIONAL

- o Lease, current or expired
- o Any other documents you wish to file (Optional)
  - (i.e. correspondence, photos, text messages, etc.)

### All fees are due upon filing and opening the case:

- Clerk's Eviction Filing Fee:
  - o \$185.00
- Clerk's Summons Fee:
  - o \$10.00 per Defendant
- Sheriff's Office Service of Summons Fee:
  - 5 \$40.00 per Defendant, to be Served
    - \*\* Clay County Sheriff's Office fees are paid separately from Clerk's fees. Please bring Money Order, Cashier's Check, Certified Check, or Case. Make the form of payment payable to Clay County Sheriff's Office.
  - o Copies
    - \$0.15 per page if required copies are not provided at the time of filing
  - o If you are not the Legal Property Owner:
    - You will need to obtain a "Letter of Authorization" from the Property Owner giving you permission to conduct business on their behalf (i.e. filing of the case)

### **Evictions:**

Please be advised that from the time of the Eviction case is opened until the Final Judgment is received the process could take approximately 30 days. However, each case is handled individually so some cases may take less time, whereas some cases can take longer to resolve (i.e. if Count II is being pursued). To guarantee prompt filing of your case, you must supply 1 original of all the documents filed plus 2 copies per defendant and an additional set for us to return to you with the copies of the summons for us to give to you for your records.

#### **Evictions Process:**

Once the Eviction Case is filed, the Clerk will prepare an Evictions Summons for Pro Se Landlords to be served on the Tenant. The Eviction Summons may be served by the Clay County Sheriff's Office, or by a private Process Server if there is an appropriate court order. Upon official service by the Sheriff's Office or the Process Server the Tenant will have five (5) business days to respond to the eviction portion of the complaint. The Tenant is instructed to file their original answer to the Clerk and mail or hand deliver a copy to the Plaintiff. **NOTE: Evictions (Count I) may be posted or served on the person.** 

- If an answer and/or rent monies are deposited into the Clerk's Court Registry during the five (5) business days (not including the day of service), the Clerk will notify the Judge. The Judge may issue a Final Judgment; set a hearing; or set a hearing requiring the Defendant(s) to place monies into the court registry by a certain time/date in order to actually hold the hearing that was set. If the Defendant does not comply with the Order requiring monies into the registry, it will cancel any hearing that was set; and the Judge will sign a Final Judgment of Eviction, without any further action required by the Plaintiff.
- If an answer is not filed within the five (5) business days, the Plaintiff will need to file a Motion for Default and a Non-Military Affidavit. Upon receipt of these documents, the Clerk will forward the file to the Judge. The Judge may set the case for a hearing (with or without an Order to deposit monies into the registry, as described above) or grant a Final Judgment and the Plaintiff possession of the property. If the Judge grants the Plaintiff possession of the property upon the payment of the Sheriff's fee, the Clerk will issue a Writ of Possession for the Sheriff to serve. The Sheriff's Office fee for the Service of the Writ of Possession Fee will be \$90.00. You may prepay this fee when filing the Motion for Default/Default and Non-Military Affidavit.\*\*

\*\* Please bring cash or money order, or cashier's check certified check, and make payable directly to the Clay County Sheriff's Office.

### If Count II is being pursued

If the plaintiff is seeking rent/damages and the defendants have been served, they will have twenty (20) days to respond to Count II. **NOTE: Count II (damages) of the complaint must be served personally on the defendant(s) and will not be considered served if only Count I (the eviction notice) was posted.** If the defendant responds to Count I of the complaint a decision will be made by the assigned judge; whether they will set a hearing for both counts at once, or to address count II as a separate hearing. All parties will be required to attend any hearings. As the Plaintiff, if you do not attend pretrial, your case may be dismissed. If the defendant is not served properly as to Count II, the plaintiff will not be required to attend a pretrial conference and the plaintiff will have to apply for a new summons and pay the appropriate fees to further pursue a money judgment.

#### **Judgments**

The Court does not collect the Judgment on the Plaintiff's behalf. A Post Judgment Packet may be obtained from the Clerk's Office which provides guidance on how to collect on the Judgment.

<u>Settlement</u>
If the Plaintiff and other Defendant(s) reach a settlement the Clerk's Office must be notified in writing.

# THREE DAY NOTICE FOR NON-PAYMENT OF RENT

A three-day notice must list every adult living on the premises along with the proper address of the property. If names are unknown, they may be listed as unknown tenants. The three-day notice gives the tenant(s) an option to pay up or vacate the premises. The amount stated on the notice can only include back rent. No late fees or damages may be added. The tenant(s) must be given three full working days (excluding weekends, holidays, and date of service) and this must be stated on the notice in the "on or before date" section. The notice MUST be signed and dated to show the courts when service was made and specified as to the "type" of service. This would be either by personal delivery or posting on premises. This will determine the validity of the three-day notice and further actions by the Court.

Contact the Civil Law Department at (904) 269-6363 if you have any questions regarding this form

		<del></del>
THREE D	OAY NOTICE – DEMAN	D FOR PAYMENT OF RENT OR POSSESSION
		d to me in the sum of \$ for the rent and
		, and that I demand payment for the above rent or possession
-		ding Saturdays, Sundays, and legal holidays) from the date of
•	•	or delivery of possession of the premises must be done on or, 20
		LANDLORD
		Address
		Telephone
	day of py on premises in the abser	, $20$ By $\square$ Personal Delivery nce of the tenant(s).

NOTE: The amount demanded is or rent only. It does not include interest, late charges, or any other fee or amount which may be due under the lease.

### NOTICE TO TERMINATE TENANCY AT WILL (15 DAYS AND 7 DAY NOTICES)

A notice to terminate tenancy at will (15 days notice to vacate) is used when a landlord wishes to terminate a monthly rental. The landlord is not required to give a specific reason when this notice is served. Tenants must be given a 15 day notice AT LEAST "15 days prior to when rent is due again," excluding date of service. Notice must be signed, dated and given a specific date to vacate.

A notice to terminate tenancy at will (7 days notice to vacate) is used when a landlord wishes to terminate a weekly tenancy. The landlord is not required to give a specific reason when this notice is served. Tenants must be given a 7 day notice AT LEAST "7 days prior to when rent is due again," excluding the date of service. Notice must be signed, dated and given a specific date to vacate.

For further information about the appropriate amount of time to give notice to the tenant(s) refer to Florida Statute 83.57.

Contact the Civil Law Department at (904) 269-6363 if you have any questions regarding this form.

# NOTICE OF TERMINATION OF TENANCY AT WILL

TO:					
YOU ARE HEREBY NO	TIFIED TO QU	IIT AND VAC	CATE THE PREM	MISES DESCR	AIBED AS:
on or before the da	ay of		, 20		
This notice is given under a	and by authority o	of Section 83.5	7, Florida Statute.	The tenancy un	der which you
have been occupying and u	ising the said des	cribed premise	es as of the date she	own above. Dat	ted at
	, this	day of			20
		(	OWNER/AGENT	SIGNATURE	
		Ā	Address		
		<del>-</del>			
		7	Telephone		
This NOTICE served on the					
premises in the absence of	the tenant				

# SEVEN DAY NOTICE OF NON-COMPLIANCE WITH AN OPPORTUNITY TO CURE

When there is a lease agreement, a 7 day notice of non-compliance may be given to tenants who have failed to comply with the provisions of the lease. The notice must list each adult involved along with the correct address of the premises. All reasons for non-compliance MUST be listed. If the non-compliance CAN be corrected the tenant must be given the option to either correct the problem or vacate.

Contact the Civil Law Department at (904) 269-6363 if you have any questions regarding this form.

TO:			
SEVEN DAY NOTICE FO	OR NON-COMPLIA	NCE (WITH C	DPPORTUNITY TO CURE)
Dear:			<u> </u>
YOU ARE HEREBY NOTIFIED	THAT YOU ARE NO	OT COMPLYIN	G WITH YOUR LEASE IN THAT
	_		
You are hereby advised to	hat you have seven (7	) days from the	delivery of this letter to bring the
problem into compliance or vaca	te the premises. This	action is taken b	ecause of the non-compliance list
above.			
		LANDLORD	/AGENT SIGNATURE
		Address	
		Address	
		Telephone	
Served this day of _		, 20	by   personal delivery
□ posting a copy on premises i	n absence of tenant.		

# SEVEN DAY NOTICE OF NON-COMPLIANCE WITHOUT AN OPPORTUNITY TO CURE

Where there is a lease agreement a seven (7) day notice of non-compliance may be given to tenants who have failed to comply with the provisions of the lease. The notice must list each above adult involved in the case along with the correct address of the premises. All reasons for non-compliance must be listed. The notice must signed, dated, and given a specific date to vacate if the non-compliance cannot be corrected.

Contact the Civil Law Department at (904) 269-6363 if you have any questions regarding this form

TO:			
SEVEN DAY NOTICE FOR NON-COMPLIANCE (WITH NO OPPORTUNITY TO CURE)			
Dear:			
YOU ARE HEREBY NOTIFIED T	THAT YOU ARE NOT COMPLYING WITH YOUR LEASE IN THAT		
You are hereby advised th	nat your lease is terminated effective immediately. You have seven (7)		
days from the delivery of this let compliance listed above.	ter to vacate the premises. This action is taken because of the non-		
compitance instead above.			
	LANDLORD/AGENT SIGNATURE		
	Address		
	Telephone		
Served this day of	, $20$ by $\square$ personal delivery		
□ posting a copy on premises in	absence of tenant		

# **INSTRUCTIONS FOR EVICTION COMPLAINT**

A complaint consists of count I and count II. Count I is for the eviction process only (for possession of the property). Count II is completed when filing for lost rent, damages, etc. These can be filed at the same time but are issued a separate summons. If you file for count II when filing the Eviction, a pre-trial date will be set, and you will need to appear at that time along with the defendant for the Judge to hear your case. This date is set far enough in advance so that count I may be completed. The amounts in count II can be amended if need be after possession of the property is obtained, and additional damages are assessed. Once possession is obtained, the landlord may also dismiss count II if so desired

\*If you file for count I only, there will be NO pre-trial scheduled. If damages are assessed, and count II wasn't filed at the initial filing of the Eviction, then a Small Claims case will need to be filed as a separate case.

Contact the Civil Law Department by phone at (904) 284/269-6363 if you have any questions regarding completing this form.



	CASE NO.: DIVISION:
PLAINTIFF	DIVISION
DEFENDANT	
EVIC	ΓΙΟΝ COMPLAINT COUNT I
	from real property in Clay County, Florida. ving described real property in Clay County, Florida.
The lease started on	is a rental agreement between the parties and ends on  CMENT, A COPY MUST BE ATTACHED HEREIN.
IF THIS ACTION IS BEING FI	ILED BECAUSE OF NONPAYMENT IN RENT:
4. Tenant failed to pay rent due on:_	. The amount due was:
	ff served Defendant with a notice on
1 0	of the property, but Defendant refuses to do either.
A COPY OF THE NOTICE MUST	
	D FOR A REASON OTHER THAN NONPAYMENT
OF RENT:  6 State the reason the eviction is being	ing filed
6. State the reason the eviction is be	ing med.
7 Vos No Digintis	ff sourced Defendant with a nation on
to surrender possession of the pro	ff served Defendant with a notice on
A COPY OF THE NOTICE MUST	•

WHEREFORE, Plaintiff demands judgment for possession of said property.

# **COUNT II**

Ι.	. This is an action for damages.	
2.	2. Plaintiff is seeking to recover from Defen	dant unpaid rent in the amount of
		escribed above for the period of
	through	
3.	through  5. Plaintiff seeks \$ for damage	es to the property.
DI	DI AINTHEE MHST DE DDEDADED TO 1	DDOVE DAMACES AT THE TIME COUNT
	TWO IS HEARD.	PROVE DAMAGES AT THE TIME COUNT
1	WO IS HEARD.	
W	WHEREFORE, Plaintiff demands judgment i	in the sum of .
	The state of the s	
		Plaintiff
		Phone
		Email
ease	se provide contact information for the Def	fendant if you have it.
ane	ne Number	
	il Address	
ıuıı	11 / 1441 000	

# ACCURATE COMPLETION OF THIS STATEMENT IS NECESSARY SO THAT THE CLERK CAN ASSIST YOU IN THE PREPARATION OF YOUR CLAIM

# **PLAINTIFF'S STATEMENT**

Name of Pla	nintiff:	
	Plaintiff:	
Telephone n	number:	Email Address:
Amount of C	Claim \$	
This claim i	is for: (Check the box that a	applies to your claim)
	•	y the Plaintiff(s) to the Defendant(s);
	·	y the Plaintiff(s) to the Defendant(s);
	caned by the Plaintiff(s) to the	
•	•	counts stated and agreed to between them;
•	tten instrument, copy of which	9
	certain premises in Clay Cou	
	-	•
		4
☐ Any addi	itional facts in connection wi	th any of the above:
Date when a	alleged debt or contract was i	ncurred or damages occurred
	•	sincurred or damages occurred
11000 ((11010	unogou door of contract was	interior of durings occurred
If the defend	dant(s) is an individual, is he	/she in the military service? ☐ Yes ☐ No
		service, are you prepared at this time to swear under oath to the
fact? ☐ Yes	•	
NOTE:	(A) If you are suing an in	ndividual, give their full name
	. , ,	siness firm, give the firm name and the name of the owner
	(C) If you are suing a pa	rtnership, you must name all of the partners
	(D) If you are suing a co	orporation, give its full name, state where it is incorporated, and
		its officers (President, Vice President, Secretary, and Treasurer)
	· · ·	a result of an automobile accident, you may name the driver, and
	also the registered owner	
	• •	determine which of the above applies to your case, please see the
M C1 : :	Clerk.	
My Claim is	s against (Name and Address	of Defendant(s))
		Plaintiff(s) or Agent
		i miniii (3) Oi / igoiit

# INSTRUCTIONS FOR AFFIDAVIT OF NON-MILITARY

An Affidavit of Non-Military is a sworn statement stating that you know the Defendant(s) are not currently serving in the military to the best of your knowledge. Without the Non-Military Affidavit, the Judge will not accept the default. **You may not enter a default against a person in the military.** If a Defendant is in the military, you must file a motion to the courts asking the Judge to appoint an Attorney Ad-Litem. This is an attorney who will appear on behalf of the person who is in the military. If not in the military, you need to state where the Defendant(s) is employed or what type of work they perform.

Contact the Civil Law Department by phone at (904) 284/269-6363 if you have any questions regarding completing this form.



	,
Plaintiff,	CASE NO.:
Vs.	DIVISION:
Defendant(s)	
Defendant(s)	
A FEIDA VIT C	DF NON-MILITARY SERVICE
AFFIDAVII C	T NON-MILITARY SERVICE
STATE OF FLORIDA	
COUNTY OF CLAY	
Before me personally appeared the under	ersigned, and, who being by me first duly sworn, deposed
	for the plaintiff in the within Statement of Claim; that
	is not now in the military service of
the United States of America; and that the	ne defendant is employed as follows:
	PLAINTIFF
	FLAINTIFT
STATE OF FLORIDA	
COUNTY OF CLAY	
Before me this day personally appeared	
who being duly sworn, deposes and says	s that the allegations contained therein are true.
	NOTARY PUBLIC/DEPUTY CLERK
	Sworn to and subscribed before me this
	Day of
	Identification presented:
	FL DL#
	Personally known to me

Plaintiff,	CASE NO.:
VS.	DIVISION:
Defendant(s)	
	/
<u>MO'</u>	TION FOR DEFAULT
Plaintiff(s) moves for entry of a	Default by the Clerk against the Defendant(s),
for failure to serve any paper on the und	dersigned or file any paper as required by law.
	ver or other pleading of the Defendant(s) in the above styled tiff(s) or his/her Attorney, to the time of filing the above
Dated:	Plaintiff

Plaintiff,	, CASE NO.:
VS.	DIVISION:
	/
	DEFAULT
A Default is entered in this	action against the Defendant(s) named in the foregoing Motion
for failure to serve or file any pape	r as required by law.
Dated:	DEPUTY CLERK
	TARA S. GREEN
	CLERK OF THE CIRCUIT COURT

Plaintiff,	CASE NO.:
VS.	DIVISION:
Defendant(s)	
	/
NOT	ICE OF DISMISSAL
TO:	
	ses this action pursuant to Rules of Civil Procedure 1.420(a)
	PLAINTIFF
<u>CERTI</u>	IFICATE OF SERVICE
I hereby certify that a copy of the forego	ing has been furnished to
at	
by U.S. Mail this day of	

Petitioner(s), vs.	CASE NO.: DIVISION:
Respondent(s).	
NOTICE OF CONFIDENTIAL I	INFORMATION WITHIN COURT FILING
Pursuant to Florida Rule of Judicial Admir	nistration 2.420(d)(2), I hereby certify:
Rule 2.420(d)(1)(B) and that:  (a) The title/type of document is  (b) The entire document is con	nt containing confidential information as described in, and:, and: on within the document is precisely located at:
OR	
described in Rule 2.420(d)(1)(B), but a N was not filed with the document and t	ed in this case that contains confidential information as lotice of Confidential Information within Court Filing the confidential information was not maintained as r[e]by notify the clerk that this confidential information
(c) Date of document:	
(d) Docket entry number:	
(e) Entire document is confidential, or Precise location of confidential inf	r formation in document:
	Filer's Signature

# **CERTIFICATE OF SERVICE**

I HEREB	BY CERTIFY that a copy of th	e foregoing was furnished by email	delivery
m	ail fax on:		
on	day of	, 20	
		Signature	
		Address:	
		THE STATE OF THE S	
		Phone:	
		Florida Bar No. (if applicable)	):
		Email Address:	

Note: The clerk of court shall review filings identified as containing confidential information to determine whether the information is facially subject to confidentiality under Rule 2.420(d)(1)(B). The clerk shall notify the filer in writing within 5 days if the clerk determines that the information is NOT subject to confidentiality. Unless a motion is filed pursuant to Florida Rule of Judicial Administration 2.420(d)(3), the records shall not be held as confidential for more than 10 days.

		٠
	Petitioner(s),	CASE NO.:
VS.		DIVISION:
	Respondent(s).	<i>3</i>
	(-).	
MOT	ION TO DETERMINE THE CONF	TIDENTIALITY OF TRIAL COURT RECORDS
Rule o a.	f Judicial Administration 2.420 for an o	s/her attorney, moves the Court pursuant to Florida order determining the confidentiality of court records.  In written notice of the subject motion to all affected  , and
	filed copies of the notice provided. described the confidential information revealing the confidential information	The notice identified this case by docket number; ion with as much specificity as possible, without n, including the "precise location" of the information f the motion is denied by the court then the subject
b.	The particular court records or portion as confidential are:	n of a record that the movant seeks to have determined
c.	The movant seeks an order sealing the all that apply]	ne following information relative to this case: [Select
	The party's name on the prog	gress docket
	Particular documents within	the court file, specifically
	the entire court file, but not the	· ·
	the entire court file and the p	
d.	The legal basis for determining the co	ourt records to be confidential is:
e.		plicable legal standards for determining such court
f.	[For rule 2.420(c)(9) motions] Confi	dentiality of
	is required to protect the following in	terests(s): [Select any/all that apply]

adı	1. Preventing a serious and imminent threat to the fair, impartial, and orderly ministration of justice, specifically:
	2. A trade secret.
	3. A compelling government interest, specifically:
	4. Obtaining evidence to determine the legal issues in a case;
	5. Avoiding substantial injury to innocent third parties, specifically:
	6. Avoiding substantial injury to a party by the disclosure of matters protected by common law or privacy right not generally inherent in this type of proceeding, ecifically:
-	7. Complying with established public policy set forth in the Florida or United ates Constitution or statutes of Florida rules or case law, specifically:
du	here is no less restrictive measure available to protect this/these interest(s), and the degree ration and manner of confidentiality ordered herein are no broader than necessary to otect the interest(s).
Where	efore, the undersigned <b>REQUESTS</b> that:
	ourt this motion for a hearing.
	ourt finds that documents are confidential and for the Court
	the following materials related to this matter and to keep such materials from public
access	: [select all that apply]
1.	The party's name on the progress docket and in the case style. On the public progress docket, the Clerk of the Circuit Court shall substitute the following for the party's name:
2	public.
2.	The following documents within the court file:
	However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.
3.	subject to any substitution of a party's name set forth above.
4.	The entire court file and the progress docket shall not be available on any public information system. However, the case number shall remain public.

Submitted and filed on I hereby certify that a copy of the forego		 e-mail	U.S.	Mail
personal service on	•			
	— Party/Attori	ney's Signatur	e	
	•	ney's Signatur		
	Attorney Na	, .		
	Attorney Na Florida Bar	ame No		
	Attorney Na Florida Bar Address	ame		

	CASE NO.:
Plaintiff,	DIVISION:
VS.	
 Defendant.	
	/
<b>DESIGNATION</b> 0	OF E-MAIL ADDRESS BY A PARTY NOT
REPR	ESENTED BY AN ATTORNEY
Durguent to Floride Dule of	Convert Practice and Indicial Administration 2 516(h)(1)(a)
	General Practice and Judicial Administration 2.516(b)(1)(c), designate the e-mail address(es) below for electronic
service of all documents related to	this case.
	am authorizing the court, clerk of court, and all parties to send
	ts, motions, pleadings, or other written communications to me
by e-mail through the Florda Court	
I understand that I must ke	ep the clerk's office and the opposing party or parties notified
of my current e-mail address(es)	and that all copies of notices, orders, judgments, motions,
pleadings, or other written commun	nications in this case will be served at the e-mail address(es) on
record at the clerk's office.	
(Desi	ignated e-mail address)
(Secondary de	esignated e-mail address(es), if any)
`	5 ( ), 3,
(Cartification)	ate of Service on the following page)

# **CERTIFICATE OF SERVICE**

	I HEREBY CERTIFY that a copy hereof has been furnished by				E-mail		_ U.S.		
mail	Hand-delivered	l to	the	Clay	County	Clerk	of	Courts	and
									,
		•	-	ties name/					
this _	day of			, 20	·				
				Si	gnature				
				Pr	inted name				
				E-	mail addres	SS			
				A	ddress				
				710					
				Ph	one numbe	r			
				111	ione numbe	1			