

LAURA E. ROTH
Clerk of the Court, Volusia County, FL

REQUIREMENTS FOR FILING EVICTION – POSSESSION ONLY

ONE TENANT

****Please read if you are filing the Complaint for Eviction via the State eportal.**

File the original court documents listed in #1 via the eportal

Submit payment via the eportal for Filing Fee, Summons Issuance Fee and \$5.00 Fee (if you choose this option #3 use fee type SVD)

If you want the Clerk to forward your Summons to the Sheriff for service of process, please mail a separate package to the Clerk of Court, Attn: Civil Division, PO Box 6043, DeLand, FL 32721-6043 that includes the items listed below:

- 1) Copy of Complaint, Notice and Lease agreement (if applicable) for each tenant
- 2) Envelopes and copies listed below in #1 and #2 OR #3 in lieu of providing envelopes and copies, pay a fee of \$5.00 per tenant (which can be paid via the eportal) to cover the cost of copies and mailings.

If option #3 is chosen, please mail only a copy of your Complaint (for identification purposes) and your check or money order made payable to the Volusia Sheriff's Office or Sheriff's Office for service of process. The Clerk will make copies for service and mailing for \$5.00 per tenant.

****Please read if you are hand delivering or mailing your new suit to the Clerk.**

#1 File with the Clerk of Court:

- Original signed Complaint and two (2) copies for one tenant.
- Original Civil Cover Sheet **Clerk will prepare for pro se litigant
- Three (3) copies of the Notice given informing the tenant of an impending eviction suit.
- Three (3) copies of written lease agreement (not applicable for oral agreements).
- One original of anything else you wish to file or attach which may include:
 - Non-Military Affidavit
 - Eviction Consent To Case Closure After 90 Days of Inactivity
 - Permission To Use E-Mail

#2 Provide three (3) legal sized envelopes with adequate postage and with proper addresses:

- One envelope addressed to the tenant, stamped with adequate postage for mailing all documents filed. ****This must be large enough to hold all filed documents in. If you are not sure of the postage needed, add extra to ensure that the US Postal Services will deliver it. Failure to add sufficient postage may result in a delay to your case.**
- One envelope addressed to the plaintiff, stamped with adequate postage for returning copies of documents submitted and issued Summons.
- One envelope addressed to the plaintiff, stamped with adequate postage for the Sheriff to use to return “proof of service” of the summons.

#3 In lieu of providing copies and envelopes listed above in #1 & #2, Plaintiff(s)/Landlord(s) may pay a \$5.00 fee per defendant/tenant for the Clerk to print all copies of the Summons and Complaint needed for service and mailing.

#4 Payment for the filing fee, summons issuance fee and copies/envelopes fee payable to the “Clerk of the Court”

- See current fee schedule to establish costs
 - ❖ Filing fee
 - ❖ Summons issuance fee per Summons
 - ❖ Copies/Envelopes fee if #3 is chosen - \$5.00 per tenant

#5 Separate check or money order payable to Volusia Sheriff’s Office or Sheriff’s Office for service of process.

- See current fee schedule to establish costs.
 - ❖ Fee is per Summons

TWO TENANTS

****Please read if you are filing the Complaint for Eviction via the State eportal.**

File the original court documents listed in #1 via the eportal

Submit payment via the eportal for Filing Fee, Summons Issuance Fee and \$5.00 Fee (if you choose this option #3 use fee type SVD)

If you want the Clerk to forward your Summons to the Sheriff for service of process, please mail a separate package to the Clerk of Court, Attn: Civil Division, PO Box 6043, DeLand, FL 32721-6043 that includes the items listed below:

- 1) Copy of Complaint, Notice and Lease agreement (if applicable) for each tenant
- 2) Envelopes and copies listed below in #1 and #2 for each tenant OR #3 in lieu of providing envelopes and copies, pay a fee of \$5.00 per tenant (which can be paid via the eportal) to cover the cost of copies and mailings.

If option #3 is chosen, please mail only a copy of your Complaint (for identification purposes) and your check or money order made payable to the Volusia Sheriff's Office or Sheriff's Office for service of process. The Clerk will make copies for service and mailing for \$5.00 per tenant.

****Please read if you are hand delivering or mailing your new suit to the Clerk.**

#1 File with the Clerk of Court:

- Original signed Complaint and four (4) copies for two tenants.
- Original Civil Cover Sheet ****Clerk will prepare for pro se litigant**
- Five (5) copies of the Notice given informing the tenant of an impending eviction suit.
- Five (5) copies of written lease agreement (not applicable for oral agreements).
- One Original of anything else you wish to file or attach which may include:
 - Non-Military Affidavit
 - Eviction Consent To Case Closure After 90 Days of Inactivity
 - Permission To Use E-Mail

#2 Provide four (4) legal sized envelopes with adequate postage and with proper addresses:

- One envelope addressed to each tenant, stamped with adequate postage for mailing all documents filed. ****This must be large enough to hold all filed documents in. If you are not sure of the postage needed, add extra to ensure that the US Postal Services will deliver it. Failure to add sufficient postage may result in a delay to your case.**

- One envelope addressed to the plaintiff, stamped with adequate postage for returning copies of documents submitted and issued Summons.
- One envelope addressed to the plaintiff, stamped with adequate postage for the Sheriff to use to return “proof of service” of the summons.

#3 In lieu of providing copies and envelopes listed above in #1 & #2, Plaintiff(s)/Landlord(s) may pay a \$5.00 fee per defendant/tenant for the Clerk to print all copies of the Summons and Complaint needed for service and mailing.

#4 Payment for the filing fee, summons issuance fee and copies/envelopes fee payable to the “Clerk of the Court”

- See current fee schedule to establish costs
 - ❖ Filing fee
 - ❖ Summons issuance fee per Summons
 - ❖ Copies/Envelopes fee if #3 is chosen - \$5.00 per tenant

#5 Separate check or money order payable to Volusia Sheriff’s Office or Sheriff’s Office for service of process.

- See current fee schedule to establish costs.
 - ❖ Fee is per Summons

REQUIREMENTS FOR EVICTION WITH MORE THAN TWO (2) TENANTS

NOTE: When evicting more than two (2) tenants, additional copies of the Complaint, Notice and attachments with envelopes are required for each additional tenant, along with additional service fee for the Sheriff.

REQUIREMENTS FOR FILING EVICTION FOR POSSESSION AND DAMAGES – COUNT I AND II

****Please read if you are filing the Complaint for Eviction via the State eportal.**

File the original court documents listed in #1 via the eportal

Submit payment via the eportal for Filing Fee, Summons Issuance Fee and \$5.00 Fee for each tenant (if you choose this option #3 use fee type SVD)

If you want the Clerk to forward your Summons to the Sheriff for service of process, please mail a separate package to the Clerk of Court, Attn: Civil Division, PO Box 6043, DeLand, FL 32721-6043 that includes the items listed below:

- 1) Copy of Complaint, Notice and Lease agreement (if applicable) for each tenant
- 2) Envelopes and copies listed below in #1 and #2 OR #3 for each tenant OR in lieu of providing envelopes and copies, pay a fee of \$5.00 per tenant (which can be paid via the eportal) to cover the cost of copies and mailings.

If option #3 is chosen, please mail only a copy of your Complaint (for identification purposes) and your check or money order made payable to the Volusia Sheriff's Office or Sheriff's Office for service of process. The Clerk will make copies for service and mailing for \$5.00 per tenant.

****Please read if you are hand delivering or mailing your new suit to the Clerk.**

#1 File with the Clerk of Court:

- Original signed Complaint and three (3) copies ****add two (2) additional copies for each tenant over one (1).**
- Original Civil Cover Sheet ****Clerk will prepare for pro se litigant**
- Original and Three (3) copies of the Notice given informing the tenant of an impending eviction suit. ****add two (2) additional copies for each tenant over one (1).**
- Original and Three (3) copies of written lease agreement (not applicable for oral agreements). ****add two (2) additional copies for each tenant over one (1).**
- Original of anything else you wish to file or attach which may include:
 - Non-Military Affidavit
 - Eviction Consent To Case Closure After 90 Days of Inactivity
 - Permission To Use E-Mail

#2 Provide three (3) legal sized envelopes with adequate postage and with proper addresses:

- One envelope addressed to the tenant, stamped with adequate postage for mailing all documents filed. ****This must be large enough to hold all filed documents in. If you are not sure of the postage needed, add extra to ensure that the US Postal Services will deliver it. Failure to add sufficient postage may result in a delay to your case. ADD ONE (1) ADDITIONAL ENVELOPE ADDRESSED TO EACH ADDITIONAL TENANTS FOR EACH TENANT OVER ONE (1).**
- One envelope addressed to the plaintiff, stamped with adequate postage for returning copies of documents submitted and issued Summons.
- One envelope addressed to the plaintiff, stamped with adequate postage for the Sheriff to use to return “proof of service” of the summons.

#3 **In lieu of providing copies and envelopes listed above in #1 & #2, Plaintiff(s)/Landlord(s) may pay a \$5.00 fee per defendant/tenant for the Clerk to print all copies of the Summons and Complaint needed for service and mailing.**

#4 Payment for the filing fee, summons issuance fee and copies/envelopes fee payable to the “Clerk of the Court”

- See current fee schedule to establish costs
 - ❖ Filing fee
 - ❖ Summons issuance fee per Summons – **Since two (2) Summons are issued for each tenant, the charge is \$20.00 per tenant for Summons issuance.**
 - ✓ Five (5) day Summons is issued for Count 1 (Possession of Property)
 - ✓ Twenty (20) day Summons is issued for Count 2 (Damages)
 - ❖ Copies/Envelopes fee if #3 is chosen - \$5.00 per tenant

#5 Separate check or money order payable to Volusia Sheriff’s Office or Sheriff’s Office for service of process.

- See current fee schedule to establish costs.
 - ❖ Fee is per Summons (2 per tenant issued)

NOTE: When filing a two (2) count Complaint (for possession and damages), two (2) additional copies of the Complaint, Notice and exhibits is required for each defendant/tenant, along with added services fee for the Sheriff.

1. Since the Clerk issues a Five (5) and Twenty (20) day summons, the fee is \$10.00 per summons issued (or \$20.00 per defendant/tenant).
2. Payment for the filing fee and summons issuance fee payable to the “Clerk of the Court”.

3. Separate check payable to Volusia Sheriff's Office or Volusia Sheriff for service of process.

- **See current fee schedule to establish costs.**
 - ❖ **Fee is per Summons**