

FORM 80

AFFIDAVIT OF DAMAGES

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. Form 76 should be used to obtain a Clerk's default when the Tenant has failed to respond to an eviction complaint and Form 77 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, Form 81, 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 (Form 78) and/or a Motion for Default Final judgment - Damages (Residential Eviction) (Form 79) with an Affidavit of Damages (Form 80). 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.

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

IN THE COUNTY COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

ROBIN SMITH

CASE NO. _____

Plaintiff,

AFFIDAVIT OF DAMAGES

vs. HERBERT CARTWRIGHT

Defendant.

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, personally appeared ROBIN SMITH
who being first duly sworn, states as follows:

1. I am _____ the Plaintiff _____ or the Plaintiff's agent 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 \$ 900.00 per _____ [week, month, or other payment period].
4. Defendant has not paid the rent due since 11/1/17
5. Defendant owes Plaintiff \$ 6030.00 (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: ROBIN SMITH

Sworn and subscribed before me on _____, by _____
_____, who _____ is personally known to me _____ produced _____ 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 _____
[address at which Tenant was served and fax number if sent by fax].

Name HERBERT CARTWRIGHT

Address _____

Fax No. _____

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: _____