

## ESCAMBIA COUNTY GENERAL INFORMATION FOR LANDLORD AND TENANT EVICTIONS

Filing Fee: \$185.00 (Checks made payable to Ernie Lee Magaha, Clerk)  
Summons Fee: 10.00 (per defendant, in addition to filing fee)  
Sheriff Fee: 40.00 per person (Business check or money order payable to the Escambia County Sheriff or you can take cash to the Sheriff Dept.)

### PROCEDURES TO FILE LANDLORD/TENANT EVICTIONS

There are four different types of notices given to tenants for evictions, each for a specific non compliance. Listed below are the different types of notices. You must give the tenant one of the following notices by either **hand delivery to tenant or posting the notice to the tenant's door**. After the required time has passed, you must bring to the Clerk's Office the filing fees and your complaint, along with five copies of one of the notices listed below, together with a **stamped envelope** addressed to each tenant. If there is a written lease agreement, bring five copies of it along with the notice and envelope to start the eviction procedures. There are Court approved and Supreme Court approved forms for giving the notice and proceeding with the eviction. These forms may be obtained from the Clerk's Office County Civil Division at a cost of \$4.80 for the packet or \$.15 per page. Also, these forms may be obtained through our web-site [www.escambiaclerk.com](http://www.escambiaclerk.com)

#### THREE DAY NOTICE

If a tenant has not paid the rent due, the landlord may give his tenant a three day notice in writing to vacate the premises or pay the rent (please state the full amount of **rent only** that is due). Once the time frame has elapsed (Excluding Saturdays, Sundays, legal holidays and date of service) after service of the notice, if the tenant has not complied with the notice, the landlord may file the Eviction action with the Clerk's Office.

#### SEVEN DAY NOTICE (WITH CURE)

If the landlord has a tenant who is undesirable but the situation could be remedied within seven days (i.e. unauthorized pets, guest, or parking, etc.), the landlord may give the tenant a Seven Day Notice with cure. The notice must state the non-compliance and give the tenant seven days to correct the problem or to vacate the premises. Once the time has elapsed (seven straight days, excluding date of service) after service of the notice and the tenant has failed to comply with the notice, the landlord may file the Eviction action with the Clerk's office. If the tenant complies within the time frame given, the tenant may remain in the premises. If this same conduct or conduct of a similar nature is repeated within twelve (12) months, the landlord can terminate the lease by giving a seven day notice without cure.

#### SEVEN DAY NOTICE (WITHOUT CURE)

If a tenant is undesirable with a serious non-compliance (i.e. destruction, damage or misuse of property; unreasonable disturbance, etc.), the landlord may give the tenant a Seven Day Notice without cure. The notice informs the tenant the rental agreement is terminated and that no further rent will be accepted. It also lists the items of non-compliance. Once the time has elapsed (seven straight days, excluding date of service) and the tenant remains in the premises, the landlord may file the Eviction with the Clerk's office.

#### FIFTEEN DAY NOTICE

If the landlord needs possession of his property and it is not for any of the above reasons and the rent is paid on a month to month basis, the landlord may give the tenant a fifteen day written notice to vacate the premises. The notice states that the rental agreement is terminated and no further rent will be accepted. **This notice should be given fifteen days prior to the rent being due**. Once the time has elapsed (fifteen straight days, excluding the date of service) and the tenant remains in the premises, the landlord may file the Eviction action with the Clerk's Office.

### PROCEDURE AFTER INITIAL FILING OF EVICTION COMPLAINT

When the eviction complaint is filed, the clerk issues a five day summons and forwards it to the Sheriff for service on the tenant. The tenant has five working days to file a written response to the summons with the Court or to vacate the premises. If a written response is made, a hearing will be set before the judge assigned to the case and the parties are notified. If no response is made, the landlord may come back to the Clerk's office, with a Motion for Default, and pay another \$70.00 to the sheriff (Business check or money order payable to the Escambia County Sheriff or you can take cash to Sheriff Dept.). You must submit a Judgment for Possession for the judge to sign and a Writ of Possession to be issued by the Clerk's office. The Sheriff's Department will serve the tenant with a notice to vacate. If the tenant does not vacate the premises, the Sheriff will then proceed to evict the tenants. If the tenant should vacate the premises or pay the rent prior to the landlord filing their Motion for Default, the landlord should notify the Clerk's office in writing and submit an Order of Dismissal for the Judge to sign. Questions regarding eviction of mobile homes or inquires concerning individual cases or problems should be directed to the Clerk's office. Telephone number: (850) 595-4170.