

THE COURT HEARING

If you file an answer and pay the rent to the Clerk (or file a motion to determine rent), your case will be scheduled for a hearing. You will be notified in writing of the time and place of the hearing, and you will have an opportunity to present your case.

EVICTION

If the MHP owner wins the case, the judge will enter a judgment for possession of the lot. The clerk will then issue a writ of possession to the sheriff, who will then serve the writ on you by taping it to the door of your mobile home. Pursuant to 723.062, the writ of possession is not issued until ten days after the judgment for possession. At that time, the sheriff can then forcibly remove the tenant and/or mobile home.

About Community Legal Services of Mid-Florida (CLSMF)

CLSMF is a nonprofit legal aid organization which provides free legal assistance to low-income people with civil legal problems in twelve counties across Central Florida. Since 1966, dedicated CLSMF lawyers, paralegals, legal assistants and advocates have worked diligently to solve civil legal problems for people facing life-changing situations, such as domestic violence, unlawful eviction, or the loss of veterans' health or public benefits. We are committed to delivering the highest quality legal aid, with dignity and respect, for those who are seeking access to justice.

**We do not provide legal assistance in criminal or traffic matters*



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Client toll-free number: 1-800-363-2357

ADMINISTRATIVE OFFICE: (386)523-9181

** Certain legal services not offered*

info@clsmf.org

Apply for help online at:

www.clsmf.org



Mobile Home Evictions



If you are a mobile home owner who rents a lot from a Mobile Home Park (MHP), you can be evicted if:

- You do not pay your lot rent.
- You are convicted of violating a federal, state, or local law and your actions threaten the health, safety, or welfare of other park residents.
- You violate your rental agreement or the MHP rules and regulations.
- The MHP changes the way the land is used on which your mobile home is located (for example, a change in use from rental property to agricultural property).

If the MHP owner wants to evict you for one of these reasons, he or she must first give you a written notice to move. The notice must be taped to your door and mailed to you by certified or registered mail, return receipt requested.

THE NOTICE

- For Non-payment of Lot Rent: The notice must give you five (5) days to either pay the lot rent or move. The five days does not include the day the notice was delivered to you. If you pay the lot rent within the five-day period, you cannot be evicted.
- For Violation of federal, state, or local law: The notice must give you seven (7) days to move.
- For Violation of Rental Agreement or Park Rules and Regulations:
 - * For actions which endanger the life, health, safety, or property of other residents or MHP employees, or which interfere with the peaceful enjoyment of the MHP by other residents, the MHP owner or manager must give you a written notice which gives you seven (7) days to move.

- * For the first violation of a minor nature, the MHP manager or owner must give you a written notice which specifically describes the violation and gives you seven (7) days to correct the violation. If you correct the violation within the seven days, you cannot be evicted.

- * For a second or subsequent violation of the same rule or lease condition within twelve (12) months of the first violation, the MHP owner or manager must give you a written notice that specifically describes the violation and gives you thirty (30) days to move.

- For Change in Land Use: The MHP manager or owner must give at least six (6) months' written notice of the change in land use.

EVICTION PROCEDURE

If your landlord files for eviction, you will receive a copy of the eviction papers (the "summons" and "complaint") from a deputy sheriff or process server. If the deputy cannot find you after at least two tries, the law allows him or her to tape the eviction papers to your door (called service by posting). If the papers are posted, the clerk's office must also mail you a copy by regular mail.

Once you are served with the eviction papers, you have five (5) days to file a response at the clerk's office. Your response must also be mailed to the MHP owner within this period, which does not include weekends, legal holidays, or the day you were served. The five-day period begins from the time the sheriff's deputy or process server personally serves you or posts the

notice on your door.

Your response, or answer, should list the legal reasons (called "defenses") you should not be evicted. If the MHP owner claims any rent is due, you must pay this to the Clerk of Court unless your defense is that you already paid your rent. If you do not agree with the amount the MHP owner claims is due, you must ask the judge in writing to decide how much rent should be paid to the clerk (this is called a "motion to determine rent"). This motion also must be filed within the five-day period, and should state a reason why a different amount should be paid to the clerk. Attach any papers you have that support your claim that the rent amount is different.

If the MHP owner claims you owe rent, and you do not pay the rent or file the motion, the judge can enter an order and evict you without a hearing.

If the eviction is for nonpayment of lot rent, the judge can deny the eviction if you pay the lot rent, late fees, court costs, and attorney fees as long as you have not failed to pay rent more than twice during your lease.

If you are served a summons and complaint, you should immediately contact a lawyer. Do not wait until the fourth or fifth day after being served to do this, as the lawyer will need time to help you prepare your answer.

NOTE: The information contained herein applies only to the rental of a lot in a mobile home park where the park offers 10 or more lots for rent. This information does not apply to RV lot rentals or places where a resident rents both the lot *and* the mobile home.