

**IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR Flagler County, FLORIDA**

CASE NO.: 2023 CC 000202
DIVISION: 61

Plaintiff(s)
JAYSON PINO

v.

Defendant(s)
ANDREW MINTZ

ANSWER AND RESPONSE

To Plaintiff's COMPLAINT FOR UNLAWFUL DETAINER

Plaintiff alleges the following in his Complaint for Unlawful Detainer:

1. This is an action to recover possession of real property unlawfully detained, pursuant to Florida Statutes, Chapter 82, located in Flagler County, Florida.

Defendants Answer:

Plaintiffs action fails due to Florida Statutes § 82.04 (2) that states "***This section shall not apply with regard to residential tenancies.***" Plaintiff is praying for judicial action to which he is not entitled. Plaintiff has **failed to provide** legally sufficient notice to Defendant of this action.

2. On or about 4/1/2022 Defendant took possession of the dwelling located at 90 Florida Park Dr. Palm Coast Fl 32137 (described property, i.e. property address or legal description) to which Plaintiff(s) claims possession as shown by the attached chain of title (copy of deed/lease).

Defendants Answer:

Acknowledged that Plaintiff and Defendant took such possession.

3. On or about (date) 3/24/2023 Plaintiff revoked his/her consent for Defendant to be in possession of the dwelling and, on that date, so informed Defendant and demanded that Defendant vacate the premises.

Defendants Answer:

Defendants' residency was not a matter of a landlord / tenant relations, it was a domestic relationship with term in excess of 7 years. There was no written documentation of plaintiff's intent. Defendant is now concerned with personal property located in dwelling.

4. However, Defendant refused to vacate the premises and continues in possession of the dwelling against the consent of Plaintiff, contrary to § 82.04, Florida Statutes.

Defendants Answer:

Plaintiffs action fails due to Florida Statutes 82.04 (2) that states “*This section shall not apply with regard to residential tenancies.*” Plaintiff is praying for judicial relief to which he is not entitled.

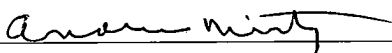
5. In accordance with § 82.04(1), Florida Statutes, Plaintiff is entitled by this lawsuit to have Defendant removed from possession of the premises: and Plaintiff is entitled to the summary procedure set forth in § 51.011, Florida Statutes.

Defendants Answer:

Plaintiffs action fails due to Florida Statutes 82.04 (2) that states “*This section shall not apply with regard to residential tenancies.*” Plaintiff is praying for judicial action to which he is not entitled.

Therefore, the Plaintiff herein has failed to state a valid cause of action regarding the domestic partner, the Defendant who now respectfully requests that the Court will find that Defendant rightfully holds possession of the premises and will deny Plaintiffs motion for final judgment and award of costs of this action. Defendant no longer resides at the subject property and has no intentions of resuming occupancy of said property. However, the Defendant has personal property in the form of furniture, home decorations, electronics, personal items, clothing, plants and yard maintenance equipment. Defendant requests that such personal property suffer no damage or deterioration at the hands of the Plaintiff.

Defendant further prays that the court deny Plaintiff’s action and grant to Defendant the right to peacefully retrieve and remove personal property from said dwelling for a period of time not less than 45 days from the final judgement and order of this court and such other relief as justified by the circumstances in this case.



ANDREW MINTZ
DEFENDANT
282 Keeler Woods Dr.
Marietta, GA 30064

This 30th day of March, 2023

Email: pmintz@lewisinfotech.com