

FLORIDA THIRD DISTRICT COURT OF APPEAL

Nephatari P. Ford v. Princeton Groves FL Apartments

No. 3D24-1747 (Fla. 3d DCA May 7, 2025) · No. 3D24-1747 · Decided May 7, 2025

SUMMARY

The Third District Court of Appeal held that the trial court erred by entering a default final judgment of eviction without a hearing. The tenant had asserted payment of rent as a defense and had requested a determination of the amount to deposit into the court registry. The appellate court reversed and remanded with instructions to vacate the default final judgment and writ of possession.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	EMAS, J.; MILLER, J.; GOODEN, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 7, 2025
DOCKET	3D24-1747
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order denying the tenant's motion to set aside a default final judgment of residential eviction and an associated writ of possession.
STANDARD OF REVIEW	De novo review applies because the appeal concerns statutory interpretation.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Nephatari P. Ford v. Princeton Groves FL Apartments

TOPICS

- eviction
- landlord tenant
- default judgment
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- landlord-tenant law
- civil procedure
- appellate procedure
- statutory interpretation
- eviction

QUESTIONS PRESENTED

1. Whether the trial court could enter a default final judgment of eviction without first holding a hearing when the tenant asserted the defense of payment.
2. Whether the tenant's request for a determination of the amount of rent to be deposited into the court registry required the trial court to conduct a hearing before entering judgment.
3. Whether the default final judgment and writ of possession had to be vacated.

HOLDINGS

1. A tenant who properly asserts payment of rent is not subject to the statutory requirement to deposit accrued rent into the court registry that applies when the tenant interposes a defense other than payment.
2. When a tenant properly moves for a determination of the amount of rent to be paid into the court registry, the trial court must conduct a hearing and determine that amount before entering a default final judgment based on nonpayment.
3. The trial court erred by entering the default final judgment without first holding the required hearing; the default final judgment and writ of possession must be vacated.

KEY QUOTATIONS

“Thus, the requirement to pay accrued rent into the registry of the court during the pendency of the eviction action is inapplicable where the tenant properly asserts the defense of payment.” (6)

“Thus, where the tenant files a proper motion to determine the amount of rent to be paid into the court registry, the court is required to hold a hearing to determine that amount.” (8)

“Because Ford interposed a defense of payment of rent, and further requested a determination of the amount of rent to be placed in the court registry during the pendency of the action, the trial court erred in entering a default final judgment without first holding a hearing, requiring vacatur of the default final judgment and the writ of possession.” (9)

FACTUAL BACKGROUND

The landlord alleged that Ford failed to pay \$1,558 in rent due for August 2024 and served a three-day notice to pay or vacate. Ford responded that her rent had been prepaid when the lease was executed and disputed that any rent was due. She also requested that the court determine the amount, if any, that she was required to deposit into the court registry. The trial court entered a default final judgment without holding a hearing and later denied Ford's motion to set it aside.

PROCEDURAL HISTORY

Princeton Groves FL Apartments filed a residential eviction complaint alleging nonpayment of August 2024 rent. Ford responded that she had prepaid the rent and requested that the court determine any amount required to be deposited into the court registry. The trial court struck her answer and entered a default and default final judgment, later denied her motion to set aside the judgment and emergency motion to stay the writ, and issued a writ of possession. The Third District Court of Appeal reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the default final judgment and writ of possession and conduct further proceedings consistent with the opinion, including the required hearing and determination concerning the tenant's payment defense and the amount of rent, if any, to be placed in the court registry.

CASES CITED

- Dudley v. State, 139 So. 3d 273 (Fla. 2014)
- Alfonso v. Maiuri, No. 3D24-0579, 2025 WL 700080 (Fla. 3d DCA Mar. 5, 2025)
- Lee v. 1510 N.E. 109 St., LLC, 324 So. 3d 993, 994-95 (Fla. 3d DCA 2021)
- Kaufman v. High Seas, LLC, 383 So. 3d 509 (Fla. 4th DCA 2024)
- 1560-1568 Drexel Ave., LLC v. Dalton, 320 So. 3d 965, 969 (Fla. 3d DCA 2021)
- Axen v. Poah Cutler Manor, LLC, 323 So. 3d 800, 801 (Fla. 3d DCA 2021)

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