



**RE: Eviction Requirements Imposed by the Court/Immediate Review and Action Required**

**DONNA S. BARFIELD**  
Attorney at Law

**RYAN R. MCCAIN**  
Florida Bar Board Certified  
Real Estate Lawyer

**DARREN J. AYOUB**  
Attorney at Law

**ELIZABETH S. RIVERA**  
Attorney at Law

**BARFIELD MCCAIN PA**  
Attorneys and  
Counselors at Law

**BARFIELDPA.COM**

**Ph: (561) 650-8139**  
**Fx: (561) 650-8146**

Dear Valued Client:

As you know, our Firm has circulated several advisories over the past few weeks related to the impact and effects of the coronavirus (COVID-19) on the multifamily housing industry. In the event you did not receive our advisory related to the Coronavirus Aid, Relief, and Economic Security Act, known as the "CARES Act", a copy is attached for your review and reference. The Act became effective on March 27, 2020.

Related thereto, on May 13, 2020, the 11th Judicial Circuit, which includes Miami-Dade County, issued Administrative Order 20-10 (attached hereto for your review) requiring the following:

**All Plaintiffs in residential eviction cases for nonpayment of rent or other fees or charges, filed on or after March 27, 2020, shall file a declaration under penalty of perjury verifying whether or not the property which the eviction case is seeking to recover possession of has a Federally backed mortgage loan, a Federally backed multifamily mortgage loan, or is otherwise a "covered dwelling" under section 4024 of the CARES Act.**

**No judgment, including a default judgment, shall be issued in an eviction case in favor of the Plaintiff until a declaration, under penalty of perjury, verifying that the property the eviction case is seeking to recover possession of is not a "covered dwelling" under the CARES Act, is filed with the Court.**

**The sworn declaration, under penalty of perjury and verifying that the property the eviction case is seeking to recover possession of is not a "covered dwelling" under the CARES Act, may be filed at any time between the time of filing the plaintiff's petition, until filing of a motion for judgment.**

To summarize, for all new evictions initiated and filed on or after March 27, 2020 in Miami-Dade County, the Court will not issue a judgment of any kind until the Plaintiff has filed a declaration under penalty of perjury verifying the property is not a "covered property" under the CARES Act.

Please note, while currently only Miami-Dade has imposed such a formal requirement; we anticipate most, if not all, counties will follow suit.



Accordingly, and in an effort to insulate our clients from avoidable and unnecessary liability and/or negative media attention, we are requesting all clients sign a similar declaration. We believe the best and safest course of action to avoid delays and the possibility of incurring costs and attorney's fees for a wrongfully filed case, is to file the declaration with the complaint for eviction.

While you likely received our advisory and previous request to sign a CARES Act Acknowledgment Form for our internal purposes, please understand that the declaration is a separate and distinct requirement of the Court, which must be signed and provided to our office for eviction filings from now through August 26, 2020. In an effort to alleviate future delays to the greatest extent possible, we are attaching a blank declaration for your review and execution.

As always, these proactive measures have been implemented to protect and support your interests, and to ensure strict compliance with the newly established law outlined in the CARES Act. Thank you so much in advance for your kind assistance in this matter. Please feel free to contact us with any questions or concerns. Our highest priority is supporting our valued clients through this uncharted territory. Our focus, dedication, and support continue to be unwavering as we traverse these unique times, and we hope you and your loved ones remain safe and healthy.

Warm Regards,  
Your Friends at Barfield, McCain PA