

Landlord Tenant Defendant

What forms will I need as a defendant?

- You need:
 - Answer to Complaint
 - Counterclaim

What words do I need to know?

- **Plaintiff:**
 - is someone who files an action in court.
- **Defendant:**
 - is the person the Plaintiff is filing against. You are the Defendant.
- **Summons:**
 - tells the Defendant that the Plaintiff has filed a claim against him or her in Justice Court. It also tells the Defendant that he or she should file an answer within the time allowed to avoid a default judgment.
- **Complaint:**
 - is a short and simple statement of the Plaintiff's conflict with the Defendant. It asks the Court to enter a money judgment in the Plaintiff's favor or order the Defendant to return property.
- **Answer:**
 - is an answer to the Plaintiff's complaint. You tell the court in writing what you agree or disagree with in the complaint.
- **Counterclaim:**
 - an opposing claim brought by the Defendant against the Plaintiff.
- **Hearing:**
 - a proceeding before the court.

Summary:

If you get served with court papers, look at them right away. If you miss your deadline to respond, you could be caught by surprise with an entry of default in the Plaintiff's favor.

The only way to take part in the lawsuit and have your voice heard is to **file a written Answer before your deadline**. Even if you call the other side and work something out, that doesn't mean the lawsuit against you will go away. If you miss your deadline, whoever sued you may get whatever they asked for in the court papers.

The sooner you read the court papers, the faster you can act. Dealing with the court papers right away will help you in the long run.

What do I do?

1. Read the Summons and Complaint.

- a. When someone sues you, you will be served with a Summons and a Complaint.
- b. The **Summons** will usually be the page on top. The Summons will say:
 - i. Which Court the lawsuit is filed in.
 - ii. How many days you have to file a written Answer to the Complaint.
 - iii. That you must pay a fee to the Court to file a written Answer.
- c. The **Complaint** will say:
 - i. Why the Plaintiff is suing you.
 - ii. What the Plaintiff is asking the court to do.

2. Filing an Answer (and Counterclaim).

- a. Find out your deadline to file an Answer with the court.
 - i. You have **5 Judicial days** to file an Answer
*The clock starts the day after you were served.
 - ii. **It is YOUR responsibility to determine the day of deadline and to remember** your date of service.
 - iii. There is a \$30 filing fee to file an Answer (cash or check only)
 - * The Court requests exact change if pay in cash.
 - * You can request a fee waiver.
 - * The fee waiver must be filed with the Answer.
 - iv. If you are filing a Counterclaim, it must be filed with your Answer
- b. Fill out the answer form completely
- c. After you file your answer with the Court, **you must send a copy** of your Answer to the plaintiff(s) or the plaintiff(s) attorney if one is listed.
 - i. If you also file a Counterclaim the Plaintiff has the right to respond to the Counterclaim in 5 Judicial Days.
 - ii. A Counterclaim can not exceed \$15,000.

3. Attend All Your Court Hearings.

- a. The court will inform you when it schedules a hearing.
- b. You must show up to every court hearing. If you don't you could lose the case.

Get Help with your Eviction Lawsuit

Take action as soon as possible to get help.

Your landlord has sued you for eviction. If you act now, you can protect yourself. You may still have options to stay in your home, get resources, and make a plan.

FILE AN ANSWER WITH THE COURT

Respond to this lawsuit within 5 days.

If you don't file a written answer with the Justice Court, your landlord might evict you automatically. **Legal aid can help you file an answer for free.**

SPEAK WITH A FREE LAWYER

Legal aid lawyers can help you know your rights, answer the lawsuit, and prepare for court. Call Montana Legal Services Association at 1-800-666-6899 or go to montanalawhelp.org

GET RENT HELP

You may find help to pay rent, utilities, & other costs. Call as soon as possible to find financial help.

Call Montana Emergency Rental Assistance at (406) 841-2840 or visit housing.mt.gov

Have more questions or need accommodations?

Contact the Court Help Program
courts.mt.gov/selfhelp/ (406) 444-9300



Scan this QR Code to go to a free eviction help guide on Montana Law Help.

IN THE JUSTICE COURT OF RECORD
CITY OF LIVINGSTON, PARK COUNTY, STATE OF MONTANA
BEFORE CLAY HERBST, JUSTICE OF THE PEACE

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)	
)	
Plaintiff(s))	Case Number CV-_____
-vs-)	ANSWER (Possession)
)	
)	
Defendant(s))	

I am the Defendant (Tenant) in this case. I received a copy of Plaintiff's (Landlord's) Complaint and I answer as follows:

1. The Landlord alleges that we have a lease and that I still reside at the property.
 I admit this. I deny this. There is not a lease agreement.
 I deny this. I no longer live at the property.

2. The Landlord alleges that I was sent a notice of termination of the lease.
 I received this notice. I did not receive this notice.

3. The Landlord alleged specific violations of the lease. I respond to those as follows:

(Attach additional pages to this answer if necessary):

4. I deny everything that I did not admit.

Other (any other legal reason that the court should not evict you):

Request for Relief

I respectfully ask the Court:

1. That the Complaint be dismissed; and
2. For any other relief that is proper, including awarding court costs to me, if I paid any court costs.

Defendant / Defendant Attorney

Defendant / Defendant Attorney

Defendant(s) Address

City, State, Zip Code

Phone Number

Email Address

Dated this _____ day of _____, 20_____.

Defendant Signature

Certificate of Service

I HERBY CERTIFY that true and correct copies of the foregoing Motion, was duly served upon the opposing party(ies) on the _____ day of _____, 20 _____ by the method and at the address as indicated below:

Opposing Party Name / Attorney

Address

City/State/Zip Code

Email Address

U.S. Mail, first class postage prepaid

Emailed

Hand Delivered

(Defendant signature)

NOTE: Each Defendant must file an answer separately

1. Enter the name(s) of the party suing you on the "Plaintiff" line in the caption.
2. Enter your name(s) on the "Defendant(s)" line in the caption.
3. Enter the Case Number listed on the complaint on the "Case Number" line.
4. Check the boxes that apply to your case in the field below the caption regarding your lease and
 - a. complete any additional information you want to include in your Answer
5. Enter your name and up to date contact information.
6. Fill in the date you are signing this Answer.
7. Sign your Name on the "Signature" Line
8. Complete the Certificate of Service section with the same date that you will mail your answer to
 - a. the Plaintiff (or their attorney, if represented). Specify the date of mailing, the address you are mailing your answer to and the name of the intended recipient. This information can be found on your Complaint.
9. Take the original of your answer to the Justice Court Civil Clerk with your \$30.00 filing fee.
 - a. The clerk will file-stamp the original and make copies the copies will be stamped and returned to you to mail to the Plaintiff(s).

(cash or check only and please bring exact change. The court does not always have change)

While the Justice Court clerks are pleased to assist you in any way possible, please understand that we are unable to provide legal advice. If you need legal advice or have questions, please contact an attorney.

MCA Statutory References for Tenants:

Proper Notice: Section 70-24-427(1), MCA (Section 70-33

Proper Notice: Section 70-24-427(1), MCA (Section 70-33-427(1), MCA for rental of a mobile home lot only) requires that the tenancy be terminated before the Complaint is filed.

Proper Notice: Section 70-24-422, MCA (Section 70-33-433, MCA for rental of a mobile home lot only) requires notice to be given in writing.

Proper Notice: Section 70-24-422, MCA (Section 70-33-433, MCA for rental of a mobile home lot only) references the number of days required for Notice by rental agreement or statute. The notice did not give the correct number of days to move out as required under the rental agreement or by statute.

Retaliation: Section 70-24-431, MCA (Section 70-33-431, MCA for rental of a mobile home lot only) keeps a landlord from retaliating over a tenant complaint by evicting them.

Landlord Requirement: Section 70-24-303, MCA (Section 70-33-303, MCA for rental of a mobile home lot only) lists Landlord's property maintenance requirements by lease and statute.

Essential Services: Section 70-24-408, MCA (Section 70-33-406 for rental of a mobile home lot only), keeps a landlord from failing to provide or stopping essential service provided to a tenant's residence.