### Landlord Tenant Plaintiff.

#### What forms will I need to file a civil complaint?

- You will need to fill out and file the following forms:
  - o Summons
  - o Complaint
  - o Praecipe
  - o Copy of Notice to Vacate
  - o Lease Agreement, if applicable
- Additional forms that may be required:
  - o Affidavit of Non-Military Service
  - o Motion to Enter Default and Entry of Default
  - o Default Judgment
  - o Notice of Entry of Judgment
  - Writ of Execution
  - o Notice of Appeal
  - o Answer to Counterclaim

#### What words do I need to know?

#### • Plaintiff:

o is someone who files an action in court. You are the Plaintiff in this case.

#### Defendant:

o is the person that you are filing against is the Defendant in this case.

#### • Praecipe:

o is a request to the entity that serves the Summons and Complaint on the Defendant.

#### Summons:

o tells the Defendant that you have 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:

o is a short and simple statement of your conflict with the Defendant. It asks the Court to enter a money judgment in your favor or order the Defendant to return property to you.

#### • Affidavit of Non-Military Service:

a court document that legally determines whether the defendant is or isn't an activeduty military member.

#### • Motion to Enter Default and Entry of Default:

o the first step to obtaining a default judgment against the defendant.

#### • Default Judgment:

o is a judgment in favor of either party.

#### • Notice of Entry of Judgment:

o is a document stating that an entry of judgment has been granted.

#### • Writ of Execution:

o is a court order that is filed for the purpose of securing payment after a judgment has been granted.

### • Notice of Appeal:

o is a notice to inform the court that you are appealing the decision.

#### • Answer to Counterclaim:

o a response to the defendant's counterclaim.

#### What do I do?

#### 1. Fill out the forms

- o Fill out all the blanks on the Summons, Complaint, and Praecipe.
- o Sign and date your Complaint and Praecipe.
  - i. Both must be signed in front of a notary or the court clerk.

#### 2. File Forms with Justice Court.

- o Go to the Yellowstone County Justice Court in room 603 to file the Summons, Complaint, and Praecipe with a clerk.
- o Pay the filing fee of \$50 or request a fee waiver.
- o Ask for copies of filing and keep your copies in a secure place.

#### 3. Have the Defendant served.

- O You will need to hire a process server to personally serve the defendant with the Summons and Complaint.
  - i. See attached list of process servers

#### 4. Wait for the Defendant to respond.

- o The Defendant has 5 judicial days following the date of service to file an answer with the court.
  - i. The Defendant may also file a counterclaim, in which case you will be able to file an answer to their counterclaim.

#### 5. Go to your hearing.

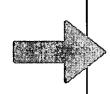
- o A date will be scheduled with the court after an answer has been filed.
- o Bring all evidence you have with you to court either printed or on a USB.
- o See "Guidelines for Courtroom Conduct" for more information.

# **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.

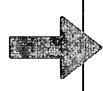
### FILE AN ANSWER WITH THE COURT



Respond to this lawsuit within 5 Business 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**

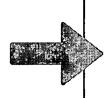


Legal aid lawyers can help you know your rights, answer the lawsuit, and prepare for court. Call Montana Legal Services

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

	) )
	)
-vs- ) 	COMPLAINT FOR POSSESSION AND DAMAGES
) Defendant(s) )	) ) )
I am the Plaintiff in this case. I am the landlord/o	owner of the property located at the following I am asking for
possession of the premises. *	
1. Defendant(s), the Tenant(s), currently i	reside in the premises for which I am seeking
possession, and has/have a (Check one):	:
$\square$ written rental agreement, a copy of whi	ich is attached as an Exhibit
OR	
☐ an oral month-to-month rental agreeme	ent
POSSESSION:	
I am entitled to take back the Property for the fol	llowing reason(s) (Check all that apply):
2. ☐ LANDLORD TERMINATED TENAN	CY
I terminated the tenancy by providing a 30	0-day written notice on the following
date: * A	copy of the notice is attached as an
Exhibit.	
☐ FAILURE TO PAY RENT	
a. Per the lease/rental agreement,	rent is due and owing on the day
of each month.	
b. Tenant(s) has/have failed to pay	rent for the month(s) of:
	Rent continues to be due and owing.
c. I sent a 3-Day Notice of Nonpay	ment to the Tenant(s) on the following date:
* No rent	was paid, and the rental agreement was
terminated. *A copy of the notice	is attached as an Exhibit.

### OTHER VIOLATIONS OF THE LEASE:

3. The Tenant(s) has/ have violated the terms of the lease for the following reasons other	Эľ
than non-payment of rent:	
☐ The Tenant(s) has/have unauthorized pet(s). I provided at least 3 days' notice	
to remove the pet. The tenant(s) did not remove the pet(s).	
☐ The Tenant(s) has/have allowed unauthorized people to reside at the	
premises, and I provided at least 3 days' notice to remove the unauthorized	
person. The tenant(s) did not fix the violation.	
☐ The Tenant(s) has/have violated in a different way. I provided at least 14	
days' notice. The tenant(s) did not fix the violation. The Tenant's violation was:	
A written Notice of the violation was sent to the Tenant(s) on the following date:  * The Tenant(s) did not correct the violation of the lease, and the rental agreement was terminated. A copy of the notice is attached as an Exhibit.	
* The Tenant(s) did not correct the violation of the lease,	
* The Tenant(s) did not correct the violation of the lease, and the rental agreement was terminated. A copy of the notice is attached as an	<b>;</b>
. * The Tenant(s) did not correct the violation of the lease, and the rental agreement was terminated. A copy of the notice is attached as an Exhibit.  Despite proper notice, the Tenant(s) continue to hold over and reside on the premises after the	<b>;</b>
* The Tenant(s) did not correct the violation of the lease, and the rental agreement was terminated. A copy of the notice is attached as an Exhibit.  Despite proper notice, the Tenant(s) continue to hold over and reside on the premises after the expiration of the notice.	<b>;</b>
* The Tenant(s) did not correct the violation of the lease, and the rental agreement was terminated. A copy of the notice is attached as an Exhibit.  Despite proper notice, the Tenant(s) continue to hold over and reside on the premises after the expiration of the notice.  DAMAGES (Select all that apply):	<b>;</b>
* The Tenant(s) did not correct the violation of the lease, and the rental agreement was terminated. A copy of the notice is attached as an Exhibit.  Despite proper notice, the Tenant(s) continue to hold over and reside on the premises after the expiration of the notice.  DAMAGES (Select all that apply):  □ Defendant(s) continue to owe rent in the amount of \$ per	÷

### REQUEST FOR RELIEF

WHEREFORE, Plaintiff(s) prays for a Ju	udgment against the Defendant (Select all that apply):
☐ Award me possession of the premises	s and remove the Tenant(s).
☐ Award me damages and/ or rent in an	n amount of \$
☐ Award other proper relief, including co	ourt costs and interest.
Dated this day of	, 20
	Plaintiff Signature
Please Print Legibly	
Plaintiff(s)	Defendant(s)
Plaintiff(s) Address	Defendant(s) Address
Phone Number	Phone Number
Email Address	Email Address

-VS-	Plaintiff(s)  Defendant(s)	) ) <b>AFF</b>	e Number <u>CV-</u> FIDAVIT OF N-MILTARY SERVICE	
State of Montana	) ) ss			
County of Park	)			
Civil Relief Act of 2.	ndant(s) is/are not in the f 2003; or the military web site as Servicemembers Civindant(s) is/are in the unresigned has insufficientes status as defined but that the submission inment of up to one ye	ne uniformed so and the defence of Relief Act of niformed servent of a willfully face	services as defined by the Servicemember dent(s) is/are not in the uniformed service of 2003; or	es
			Plaintiff Signature	_
CURCODIDED AND CIAOD		OR JUDGE'S \$		
SUBSCRIBED AND SWOR	N to before the this	uay oi	, 2024.	
Seal	JUDG	SE / CLERK / NC	OTARY	
(For use by notary)  Name  Notary Public for the State of Posiding et	signed printed of Montana.			
Residing at My Commission Expires				

	_ ) Case Number	
Plaintiff(	_ )	<del></del>
-vs-	) AFFIDAVIT OF	AMOUNT DUE
Defendant(s	, , , , ,	
I, tl	he Plaintiff(s) in the above-entitle	d action, that as of the date
of Motion filed for Default the sum of \$	, plus	owing by the
Defendant to the Plaintiff as set forth in the	Complaint to which reference is 1	hereby made, together with
costs of suit incurred.		
I DELCARE UNDER PENALTY OF PE MONTANA THE FACTS STATED IN T THE BEST OF MY KNOWLEDGE. I A	THIS AFFIDAVIT ARE TRUE	AND CORRECT TO
INFORMATION IS A CRIME.		
NOTARY SEA	AL OR JUDGE'S SIGNUTARUE	
SUBSCRIBED AND SWORN to before me this	day of	, 2024.
Seal	JUDGE / CLERK / NOTARY	
Namepr	gned inted	
Notary Public for the State of Montana. Residing at		
My Commission Expires	- ·	

Is Your Complaint for Possession Ready to File?
1. ☐ Complete your name and contact information in the top left corner of page 1.
2. □ Enter your name (and any other co-filers) on the "Plaintiff" line in the caption.
3. ☐ Enter the person(s) name(s) who you are suing on the "Defendant" line in the caption
4. ☐ Leave the Case Number and Judge lines blank in the caption for the Clerk to complete.
5. □ Complete the address of the property for which you are requesting Possession and specify
the type of lease you have.
6. ☐ Under the "Possession" section, select all boxes that apply and fill in the blank information
requested regarding Notices and dates.
7.   Attach copies of all Notices referenced to this Complaint when you file with the Clerk.
8. ☐ Under the "Damages" section enter the amount of money you are asking the court to
award you for back due rent.
9. ☐ Enter the date that you are signing this complaint.
10. ☐ Sign on the "Signature" line
11. ☐ Print your name on the "Print Name" line.
12. ☐ Make copies of the complaint and any notices included. You must provide the clerk with
the original and at least two additional copies of the complaint. (Original for court file, one copy
for each defendant and one copy for your records.
13. ☐ Take your originals and copies of the Complaint and Summons to the Justice Court Civil
Clerk with your \$50.00 filing fee. The clerk will file-stamp and separate your paperwork into
"sets" for you to provide to a Process Server for Service on the Defendant.
MCA Statutory References for Landlords*:
§ 70-24-427, MCA provides Landlords remedies after termination of a lease agreement in an
action for possession
§70-24-441, MCA outlines the specific timeframes of which notice must be provided by Landlord
or Tenant for termination of specific leases (tenancies).
§70-24-422, MCA provides Landlord's Rights of Termination and required notifications when
regarding noncompliance of a lease agreement by Tenant.

## **PRAECIPE**

	**************************************
Plaintiff(s)/Petitioner(s)	
Vs.	Case Number:
Defendant(s)/Respondent(s)	
**************************************	*****************
Type of papers to serve: Summons & O  WRIT and Notice to Levying Office	Compliant Answer with Counter Claim er WRIT or Possession etition for Temporary Order of Protection, on
Please serve the attached papers to (Nam	e of Defendant(s) or Respondent(s):
Physical Address:	
Phone number(s):	
Place of Employment (if known):	
Address and Phone number of employer:	
**************************************	***************
Address:	
Email Address	
Dotad this day of	

	· · · · · · · · · · · · · · · · · · ·		
	Plaintiff(s) (Landlord)	) ) ) Case Number <u>CV-</u> ) <b>EVICTION SUMMONS</b>	
		Action for Possession or Eviction	
	· · · · · · · · · · · · · · · · · · ·	) )	
	Defendant (Tenant)	)	
Dear Tenan	nt,		
Your landlo	rd (the Plaintiff) is seeking to evid	ct you from the rental property located at the address in Park County, Montana.	
What	If you wish to challenge the eviction, you must file a written answer with the Justice Court. You can also assert a counterclaim against the Plaintiff. Call Montana Legal Services at 1-800-666-6899 to get free legal help.		
How	Your answer must contain a denial of any or all of the material facts stated in the Complaint that the Defendant believes to be untrue, and also a statement, in plain or direct manner, of any other facts constituting a defense. Any matter not denied shall be deemed admitted.		
Where	Your answer must be filed in Park County Justice Court, 414 E Callender St, Livingston, Montana. You must pay a filing fee of \$30 unless the fee is waived by the Court. A copy of your answer <u>must</u> be sent to the Plaintiff.		
When	• •	ys after service of the Summons to file your answer ice is when you are given this Summons document.	
WARNIN		r or counterclaim within five (5) business days after service of may ask the court to enter a judgment against you by default.	
	This can result in your evic	tion from the rental property.	
Date		(Clerk of Court)	
Plaintiff(s) / Pl	aintiff Attorney	Plaintiff(s) / Plaintiff Attorney	
Plaintiff(s) Add	dress	City, State, Zip Code	
Phone Number	ar	Fmail Address	

Plaintiff(s)  -vs-  Defendant(s)	) ) ) ) ) Civil Case <u>CV-</u> )  SUMMONS  RETURN OF SERVICE )
RETUR	RN OF SERVICE
I HEREBY CERTIFY that I received the within Sun	nmons on the day of, 20,
and personally served the same on the	day of, 20,
upon	_ at the following location
A copy of said Summons & Complaint was served	to the defendant.
Dated this day of	, 20
Service       \$         Copy       \$         Mileage       \$         Total       \$         By:	
υ σται σται στα	Sheriff/Deputy Sheriff/Process Server