

INSTRUCTIONS FOR PRO SE EVICTIONS

To file an eviction without counsel you will need the following documents:

- Notice to Vacate Premises: this has to be served on the tenant either personally or by tacking on a frequently used door at the address.
- Civil Information Sheet: this information sheet must be completed and accompany the other documents required. **You will need one copy.**
- Petition for Eviction and Motion for Immediate Possession: this is the document that you will use to request the court grant an eviction and immediate possession of the premises and for monetary amount owed. **You will need an original and 2 copies of this document. If there is more than one occupant, you will need a separate set of documents for each person to be evicted.**
- Summons For Eviction: this document states when the person is to be in court for the eviction hearing. **You will need an original and 2 copies of this document.** A date and time for the hearing will be given to you by the clerk.
- Journal Entry of Judgment: this document is to be completed after the hearing and filed with the Court. **You will need an original and 2 copies.**
- Certificate of Service: this form is filed with the Court stating by who and when the Journal Entry of Judgment was served to the tenant(s).
- Writ of Restitution: this document is an order of the Court to have the Sheriff's Office go to the premises and oversee the removal of the tenant(s). **You will need an original and 2 copies.**
- Motion For Additional Damages: this document is used to set a hearing with the Court after the tenant(s) has/have left the premises and owner/property manager has had the opportunity to determine damages (if any) that may have been inflicted to the property since the date tenant(s) moved in and that were not listed on a check in sheet during a move-in walk through.

The eviction hearing will be set no less than three (3) days nor more than fourteen (14) days after the case is filed with the Court. **A filing fee must be paid when the case is filed along with a \$10.00 fee to the sheriff's office to serve the papers.**

NOTICE TO VACATE PREMISES

TO: _____

You are hereby notified that within three (3) days you must either:

_____ vacate and surrender possession of _____

or

_____ pay rent in the amount of \$_____.

Should you fail to pay the rent in full, your tenancy of the premises is terminated for non-payment of rent,

and

If you have fail to vacate and surrender the premises, an action will be commenced to remove you from the premises.

Said premises are situated in the County of Lyon, State of Kansas.

I hereby certify that I served a copy of the above notice by:

_____ personal service to tenant in possession _____ tacking to door of residence

I declare under penalty of perjury that the foregoing is true and correct. Dated _____

Signature of Server



For Office Use Only

CIVIL INFORMATION SHEET

The civil information sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time. A new case will not be accepted without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at www.kscourts.org.

NATURE OF SUIT (Click or mark in one circle only - If the case involves more than one of the following categories, indicate the category having the highest dollar value)

CIVIL If a CH. 61: \$ _____ (Judgment Demand Amount)			
TORT	CONTRACT	REAL PROPERTY	STATE TAX WARRANT
Asbestos Product Liability	Buyer Plaintiff	Eminent Domain	
Automobile Tort	Employment Dispute - Discrimination	Mortgage Foreclosure	
Intentional Tort	Employment Dispute - Other	Other Real Property	
Legal Malpractice	Fraud		
Medical Malpractice	<input checked="" type="checkbox"/> Landlord/Tenant - Unlawful Detainer	MISCELLANEOUS	
Other Professional Malpractice	Landlord/Tenant Dispute - Other	60-1507	
Premises Liability	Seller Plaintiff (debt collection)	Habeas Corpus	
Slander/Libel/Defamation	Other Contract	Other Writs	
Tobacco Product Liability			
Toxic/Other Product Liability	CIVIL APPEALS	OTHER CIVIL	
Other Tort	Administrative Agency		
	Other Civil Appeal	SMALL CLAIMS	

JURY DEMAND YES (Check yes only if jury demand is included in petition or as a separate pleading) NO

SUMMONS ATTACHED: YES NO

SERVICE BY: PROCESS SERVER/ATTORNEY SHERIFF IN STATE _____ County SHERIFF OUT OF STATE _____ State

SHERIFF'S PROCESS FEE ATTACHED YES NO

PLAINTIFF / SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____
PHONE: _____ **SEX:** _____
SSN: _____ **DOB:** _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

DEFENDANT / OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____
PHONE: _____ **SEX:** _____
SSN: _____ **DOB:** _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

ATTORNEYS
(Firm Name, Address, Telephone Number and Supreme Court ID Number)

ATTORNEYS (if known)
(Firm Name, Address, Telephone Number and Supreme Court ID Number)

ADDITIONAL CIVIL PARTY INFORMATION

PLTF/SUB/DEF/OTHER PTY INFORMATION (CIRCLE ONE)
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____
PHONE: _____ **SEX:** _____
SSN: _____ **DOB:** _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

PLTF/SUB/DEF/OTHER PTY INFORMATION (CIRCLE ONE)
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____
PHONE: _____ **SEX:** _____
SSN: _____ **DOB:** _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

ATTORNEYS
(Firm Name, Address, Telephone Number and Supreme Court ID Number)

ATTORNEYS
(Firm Name, Address, Telephone Number and Supreme Court ID Number)

On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

IN THE DISTRICT COURT OF LYON COUNTY, KANSAS
Pursuant to K.S.A. Chapter 61

_____, Plaintiff,

Case No. _____

_____, Defendant(s)

PETITION FOR EVICTION AND IMMEDIATE POSSESSION

The Plaintiff states the following claim(s):

1. The plaintiff is the owner or the agent of the owner of the following described premises: _____.
2. The defendant(s) is/are in possession of the premises pursuant to a rental agreement dated: _____.
3. The defendant(s) has/have failed to pay rent due under the agreement described above and is indebted to the plaintiff for rent in the amount of \$_____.
4. The plaintiff gave the defendant(s) a notice to leave the premises described above on _____, as required by law.

WHEREFORE, the plaintiff demands judgment against the defendant(s) (and all other occupants) for immediate possession of the premises; for rent: \$_____; late fees \$_____; interest before judgment \$_____; interest after judgment at 12% per year; for costs; writ of restitution and damages; and for such other and further relief as the court may deem just and proper in the premises.

Plaintiff

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

IN THE DISTRICT COURT OF LYON COUNTY, KANSAS
PURSUANT TO CHAPTER 61 OF KANSAS STATUTES ANNOTATED

_____, Plaintiff(s),

vs.

Case No. _____

_____, Defendant(s)

Emporia, KS 66801

SS#: ***-**-_____

Type of Service Requested: Personal or Residential Service by Sheriff of Lyon County

(above captioned county if blank)

SUMMONS FOR EVICTION

To _____ the above named defendant(s):

You are hereby notified that an action commenced against you will be on this Court's docket at _____ a.m. on _____, 2010 to be held at the LYON County Courthouse, 430 Commercial Street, Emporia, Kansas 66801, if you do not appear before this court or file an answer at such time, judgment by default will be taken against you for the relief demanded in the petition. If you intend to appear at such time and dispute the petition, you must file an answer with the Clerk of this court within fourteen (14) days thereafter.

If you are not represented by an attorney, the answer shall be signed by you. The answer shall state the following: (1) what the dispute is; (2) any affirmative defenses you have to the claim; (3) any claim you have against the plaintiff which arises out of the transaction or occurrence which is the subject of the plaintiff's claim; and (4) your (or your attorney's) current address, phone number, (fax phone number, and e-mail address).

This summons must be served and your return made promptly, in any event, your return is due no later than _____ days before the court date stated above.

Dated _____

Clerk of the District Court, Deputy

REASONABLE ACCOMODATIONS WILL BE PROVIDED IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.

RETURN OF SERVICE OF SUMMONS

I hereby certify that I have served this summons:

(1) Personal Service. By delivering a copy of such summons and petition to each of the following defendants on the dates indicated:

_____, _____, 2010.

(2) Residence Service. By leaving a copy of such summons and petition at the usual place of residence of each of the following defendants with some person of suitable age and discretion residing therein on the dates indicated:

_____, _____, 2010.

(3) Agent Service. By delivering a copy of such summons and petition to each of the following agents authorized by appointment or by law to receive service of process on the dates indicated: _____,

_____, 2010.

(4) Residence Service and Mailing. By leaving a copy of such summons and petition at the usual place of residence of each of the following defendants and mailing by first-class mail on the dates indicated a notice that such copy has been so left:

_____, _____, 2010.

(5) Certified Mail Service. I hereby certify that I have served the within summons (1) By mailing on _____, 2010, a copy of the summons and petition in the above action as certified mail return receipt requested to each of the within-named defendants. (2) the name and address on the envelope containing the process mailed as certified mail return receipt requested were as follows:

By _____

(6) Certified Mail Service Refused. I hereby certify that on the ____ day of _____, 2010, I mailed a copy of the summons and petition in the above action by first-class mail, postage prepaid, addressed to _____

By _____

(7) No Service. The following defendants were not found in the county:

_____, _____, 2010.

Pursuant to K.S.A. 53-601 as amended, I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____, 2010.

Sheriff

By _____ Deputy

IN THE DISTRICT COURT OF LYON COUNTY, KANSAS
Pursuant to K.S.A., Chapter 61

_____, Plaintiff,

vs

Case No. _____

_____, Defendant(s)

JOURNAL ENTRY OF JUDGMENT

NOW, on this _____ day of _____, _____, the above captioned matter comes on before the Court. The plaintiff appears in person pro se. The defendant appears/appears not nor by counsel.

THEREUPON, plaintiff moves the Court for a judgment by default in the above captioned cause of action for the failure of the defendant(s) to either appear or answer plaintiff's petition.

THEREUPON, the Court, after hearing plaintiff's statements and being duly advised in the premises herein, finds that the defendant(s) is/are in default and plaintiff herein should be granted judgment against the defendant(s) herein as prayed for in the petition and that a Writ of Restitution shall be forthwith issued. That plaintiff has sixty (60) days to request additional damages.

IT IS SO ORDERED.

Judge of the District Court

Plaintiff

IN THE DISTRICT COURT OF LYON COUNTY, KANSAS
Pursuant to K.S.A., Chapter 61

_____, Plaintiff,

Case No. _____

_____, Defendant(s)

CERTIFICATE OF SERVICE

I, _____, hereby certify that a copy of the **Journal Entry of Judgment** filed in the above captioned case was deposited in the United States Mail, postage prepaid, at Emporia, Kansas, on _____ addressed to the following:

Plaintiff

IN THE DISTRICT COURT OF LYON COUNTY KANSAS
Pursuant to K.S.A., Chapter 61

_____, Plaintiff

vs

Case No. _____

_____, Defendant(s)

WRIT OF RESTITUTION

The State of Kansas to the Sheriff of _____ County:

WHEREAS, on _____, in an action pending in this Court, plaintiff recovered judgment against defendant(s) for restitution of the above described premises, and for money damages.

You are hereby commanded to cause said defendant(s) to be forthwith removed from said premises and the plaintiff to be restored to possession of the same.

You are further commanded for you yourself to remove or to have the plaintiff remove from said premises the property of the defendant and to have the same stored in a suitable place until further order or action of this court.

You shall execute this writ requiring you to restore the plaintiff to the possession of said premises within ten (10) days, and make return of this execution, showing the manner in which you executed the same, within thirty (30) days of the time of your receipt thereof.

Dated: _____

Judge of the District Court

SHERIFF'S RETURN

On this _____ day of _____, _____, at _____ o'clock _____.m., I received this Writ.

On _____, the above described premises vacated and plaintiff restored to possession and defendant's property removed and stored pending further order of this court.

SHERIFF OF LYON COUNTY

IN THE DISTRICT COURT OF LYON COUNTY, KANSAS
Pursuant to K.S.A., Chapter 61

_____, Plaintiff,

Case No. _____

_____, Defendant(s)

MOTION FOR ADDITIONAL DAMAGES

COMES NOW the plaintiff and moves the Court for an Order granting additional damages permitted by the Kansas Landlord/Tenant Act and in support of said motion shows to the Court the following:

1. That this matter was last before the Court on _____ and the Court, by its order, permitted the plaintiff to have the Court determine damages which might be permitted by the Landlord/Tenant Act of the State of Kansas at a later date.

2. That the defendant(s) has/have moved from the apartment after being evicted, and additional damages have been incurred for a total of \$_____.

3. That the defendant(s) has/have a security deposit with the plaintiff in the amount of \$_____ and the plaintiff should be permitted to apply the security deposit against the costs and damages so incurred .

WHEREFORE, plaintiff respectfully requests the Court to enter judgment and order as above requested and for such other and further relief as the Court may deem just and proper in the premises.

Plaintiff

NOTICE OF HEARING

TO: _____

Your are hereby notified that the above captioned Motion for Additional Damages will be heard in the District Court of Lyon County, Kansas, at Emporia, Kansas on _____ at _____ o'clock a.m., or as soon thereafter as the court is available.

Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing Motion for Additional Damages and Notice of Hearing was served by placing a copy in the United States Mail, postage prepaid, on _____, addressed to the following:

Plaintiff