

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 \$15.00 fee to the sheriff's office to serve the papers.**

NOTICE TO LEAVE PREMISES
IN-PERSON DELIVERY

TO: _____ (name)

ADDRESS OF PREMISES: _____

Notice Served: _____ at _____
(Date) (Time)

Within 3 days, _____ at _____, you must:
(Date) (Time)

Vacate and surrender possession of the premises.

OR

Pay rent in the amount of \$_____. If you do not pay this amount, your tenancy is terminated for nonpayment of rent AND if you have not vacated and surrendered the premises, a lawsuit will be filed against you to remove you from the premises.

I provided this Notice in the following manner:

by personally handing a copy of this Notice to _____, who is either the tenant or a person over the age of 12 residing on the premises.

OR, because no such person was found at the premises, I provided this Notice:

by posting a copy of this Notice in a clearly visible place on the premises.

Signature of Person Serving Notice

Printed Name of Person Serving Notice

NOTICE TO LEAVE PREMISES
MAIL DELIVERY

TO: _____ (name)

ADDRESS OF PREMISES: _____

Notice Served: _____ at _____
(Date) (Time)

Within 5 days, _____ at _____, you must:
(Date) (Time)

Vacate and surrender possession of the premises.

OR

Pay rent in the amount of \$ _____. If you do not pay this amount, your tenancy is terminated for nonpayment of rent AND if you have not vacated and surrendered the premises, a lawsuit will be filed against you to remove you from the premises.

I provided this Notice in the following manner:

by mailing a copy of this Notice to the tenant, _____, at the address of the premises.

If mailed, 5 days from the date of mailing is allowed for the person to leave the premises before a lawsuit can be filed.

Signature of Person Serving Notice

Printed Name of Person Serving Notice

CIVIL COVER SHEET

The civil cover 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 (Mark only one - 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)

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

DOMESTIC

- MARRIAGE DISSOLUTION/DIVORCE PROTECTION FROM ABUSE PROTECTION FROM STALKING UIFSA
- OTHER DOMESTIC RELATIONS NON-DIVORCE SUPPORT, CUSTODY OR VISITATION PATERNITY

PROBATE/ESTATE

- | | | | |
|--|--|---|--|
| <p>GUARDIAN/CONSERVATOR</p> <p><input type="checkbox"/> Conservatorship/Trusteeship</p> <p><input type="checkbox"/> Guardianship - Adult</p> <p><input type="checkbox"/> Guardianship - Minor</p> <p><input type="checkbox"/> Guardian/Conservator - Adult</p> <p><input type="checkbox"/> Guardian/Conservator - Minor</p> | <p><input type="checkbox"/> DETERMINATION OF DESCENT</p> <p><input type="checkbox"/> SEXUALLY VIOLENT PREDATOR</p> <p><input type="checkbox"/> DECEDENT ESTATE</p> | <p><input type="checkbox"/> ELDER ABUSE</p> <p><input type="checkbox"/> OTHER PROBATE/ESTATE</p> <p><input type="checkbox"/> CARE AND TREATMENT</p> | <p><input type="checkbox"/> ADOPTION</p> |
|--|--|---|--|

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: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

ATTORNEYS

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

DEFENDANT/OTHER PARTY INFORMATION

(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

ATTORNEYS

(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: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

ATTORNEYS

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

PLTF/SUB/DEF/OTHER PTY INFORMATION

(CIRCLE ONE) (ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

ATTORNEYS

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

IN THE 5th JUDICIAL DISTRICT
DISTRICT COURT OF LYON COUNTY, KANSAS

_____, Plaintiff

Address

CASE NO. _____

v.

_____, Defendant

Address

Pursuant to Chapter 61 of Kansas Statutes Annotated

PETITION FOR EVICTION

Plaintiff states:

1. Plaintiff is the owner, or an agent for the owner, of these premises:

_____.

2. These premises are currently in the possession of Defendant under a rental agreement dated _____.

3. Defendant breached the rental agreement as follows (check all that apply):

Failed to pay rent due in the total amount of \$_____, on the following dates:

_____.

Caused damage to the premises in the amount of \$_____; (describe damages): _____

_____.

Other: _____.

4. Pursuant to K.S.A. 61-3803, on _____ (date) Plaintiff delivered to Defendant a notice to leave the premises. Plaintiff delivered notice at least three days prior to the filing of this Petition.

Plaintiff demands judgment against Defendant for court costs and for (check all that apply):

- Possession of the premises, and if granted judgment for possession, Plaintiff requests issuance of a Writ of Restitution to place Plaintiff in possession of the premises.
- Rent owed in the amount of \$ _____ and prejudgment interest.
- Damage to the premises in the amount of \$ _____.
- Other—describe, including amount if applicable: _____

Signature of Plaintiff or Plaintiff's Attorney

Printed Name: _____

Attorney Registration #: _____

Address: _____

City, State, Zip: _____

Phone #: _____

Fax # (if you have one): _____

Email address: _____

IN THE 5 th JUDICIAL DISTRICT
DISTRICT COURT OF LYON COUNTY, KANSAS

_____, Plaintiff

Address

CASE NO. _____

v.

_____, Defendant

Address

Pursuant to Chapter 61 of Kansas Statutes Annotated

EVICTION SUMMONS

To the above-named Defendant:

You are notified that a lawsuit for eviction has been filed against you. This Summons is your notice that you must file a written answer or appear in Court in response to the attached Petition.

A hearing will be held at _____ o'clock am on _____
(date), at the Lyon County Courthouse, 430 Commercial Street, Emporia KS 66801; courtroom 5.

If you wish to contest this lawsuit, you must:

1. File a written answer before the scheduled hearing. If you file a written answer before the scheduled hearing, you are not required to appear at the hearing.

OR

2. Appear in person or by counsel at the scheduled hearing.

If you fail to answer or appear as described in paragraphs 1 or 2, then the judge may enter a judgment by default against you that grants the eviction and the relief demanded in the Petition.

Your written answer:

- a. **must** describe the information in the Petition that you dispute;
- b. **must** list any affirmative defenses you have to the claims in the Petition;
- c. **may** explain any claim you have against Plaintiff which is part of the same transaction or occurrence (which means the same event or circumstance) that is listed in the Petition and **must** explain this claim when required by K.S.A. 61-2905; and
- d. **must** include your current address, phone number, fax number (if you have one), and email address.

If you are not represented by an attorney, you must:

- A. sign the written answer;
- B. file the written answer with the Clerk of the District Court; and
- C. promptly send a copy of the written answer to Plaintiff's attorney, or to Plaintiff if the Plaintiff does not have an attorney.

To the Sheriff or Process Server:

This Summons must be served and your return of service made promptly; in any event, your return is due no later than _____ (date).

Dated: _____

Clerk or Deputy

Clerk's Seal

Name and address of Plaintiff or Plaintiff's attorney: _____

IN THE 5th JUDICIAL DISTRICT
DISTRICT COURT OF LYON COUNTY, KANSAS

_____, Plaintiff

Address

CASE NO. _____

v.

_____, Defendant

Address

Pursuant to Chapter 61 of Kansas Statutes Annotated

RETURN ON SERVICE OF SUMMONS

I certify that I served this Summons and Petition in the following manner:

(1) Personal service. By delivering a copy of the Summons and a copy of the Petition on the dates indicated to each of the following Defendants:

_____ (Date) _____
(Name of Defendant)

_____ (Date) _____
(Name of Defendant)

(2) Residence service. By leaving a copy of the Summons and a copy of the Petition on the dates indicated at the usual place of residence of each of the following Defendants with some person of suitable age and discretion residing there:

_____ (Date) _____
(Name of Defendant)

_____ (Date) _____
(Name of Defendant)

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

_____ (Date) _____
(Name of Defendant)

_____ (Date) _____
(Name of Defendant)

(4) Residence Service and Mailing. By leaving a copy of the Summons and a copy of the Petition on the dates indicated at the usual place of residence of each of the following Defendants and mailing by first-class mail a notice that the copies had been left:

_____(Date)_____
(Name of Defendant)

_____(Date)_____
(Name of Defendant)

(5) Service by Return Receipt Delivery. By causing a copy of the Summons and a copy of the Petition to be delivered on the date indicated by return receipt delivery to each of the following Defendants at the following address:

_____(Date)_____
(Name of Defendant) (Address)

_____(Date)_____
(Name of Defendant) (Address)

Attached is a copy of the return receipt showing delivery.

(6) Return Receipt Delivery Refused. By mailing a copy of the Summons and a copy of the Petition on the date indicated by first-class mail, postage prepaid, to each of the following Defendants at the following address:

_____(Date)_____
(Name of Defendant) (Address)

_____(Date)_____
(Name of Defendant) (Address)

Attached is a copy of a return receipt showing refusal of delivery of the Summons and complaint by return receipt delivery.

(7) No service. The following Defendants were not served:

_____(Date)_____
(Name of Defendant)

_____(Date)_____
(Name of Defendant)

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

Dated: _____

(Signature)

(Printed Name)

(Title if applicable)

IN THE 5th JUDICIAL DISTRICT
DISTRICT COURT OF LYON COUNTY, KANSAS

_____, Plaintiff

Address

CASE NO. _____

v.

_____, Defendant

Address

Pursuant to Chapter 61 of Kansas Statutes Annotated

ANSWER TO PETITION FOR EVICTION

Defendant states the following in answer to Plaintiff's claim(s):

1. Defendant ADMITS / DENIES (circle one) that Plaintiff is the owner of or the agent of the owner of the premises described in the Petition.
2. Defendant ADMITS / DENIES (circle one) the Defendant is in possession of the premises under a rental agreement with Plaintiff dated _____.
3. Defendant:
 - a. ADMITS / DENIES (circle one) failing to pay rent due under the rental agreement;
 - b. ADMITS / DENIES (circle one) causing damage to the premises;
 - c. ADMITS / DENIES (circle one) other allegations in the Petition (describe if applicable): _____
_____.
4. Defendant ADMITS / DENIES (circle one) that Plaintiff gave Defendant proper notice pursuant to K.S.A. 61-3803 to leave the premises.
5. Defendant asserts the following affirmative defenses, facts, or arguments which could prove Plaintiff's claim is not correct: _____
_____.

6. Defendant's claim for money or other relief against Plaintiff, if any: _____

Defendant requests (check all that apply):

- Plaintiff's Petition be denied and judgment be granted in favor of Defendant for possession of the premises and costs of the action.
- Judgment be granted for any claim Defendant has against Plaintiff.

Signature of Defendant or Defendant's Attorney

Printed Name: _____

Attorney Registration #: _____

Address: _____

City, State, Zip: _____

Phone #: _____

Fax # (if you have one): _____

Email address: _____

CERTIFICATE OF SERVICE

On _____ (date), I filed the original with the Clerk of the District Court and mailed a true and correct copy of the above Answer by first-class United States mail, postage prepaid, to the person(s) listed below, at the address shown:

Name: _____

Address: _____

City, State Zip: _____

Signature

IN THE 5 th JUDICIAL DISTRICT
DISTRICT COURT OF LYON COUNTY, KANSAS

_____, Plaintiff

Address

CASE NO. _____

v.

_____, Defendant

Address

Pursuant to Chapter 61 of Kansas Statutes Annotated

JOURNAL ENTRY

EVICITION

(To be filled in by the Court)

On _____ (date), this case comes on for trial.

Plaintiff appears:

- as a self-represented party.
 through counsel _____.

Defendant(s) _____, _____ appears:

- as a self-represented party.
 through counsel _____.

Defendant(s) _____, _____ did not appear.

The Court finds that Plaintiff should have judgment against Defendant(s) for:

Immediate restitution and possession of the premises located at:
_____, and that a Writ of Restitution be issued to
remove Defendant(s) from the premises.

Monetary damages, which include:

Rent owed \$_____.

Damage to the premises \$_____.

Other monetary damages \$_____.

(describe): _____.

Prejudgment interest \$_____.

Other Findings: _____.

The Court finds that Plaintiff should not have judgment for any remedy demanded in the petition.

IT IS THEREFORE ORDERED BY THE COURT that:

Plaintiff is granted judgment against Defendant(s) for—

Immediate restitution and possession of the premises listed above, a Writ of Restitution to remove Defendant(s) from the premises, and the costs of this action.

Total monetary damages \$_____, plus interest at ___% per annum from the file stamp date until paid in full.

Other Orders (describe): _____
_____.

Judgment is granted in favor of Defendant(s).

Judge

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 5th JUDICIAL DISTRICT
DISTRICT COURT OF LYON COUNTY, KANSAS

_____, Plaintiff

Address

CASE NO. _____

v.

_____, Defendant

Address

Pursuant to Chapter 61 of Kansas Statutes Annotated

WRIT OF RESTITUTION
FOR IMMEDIATE POSSESSION

To the Sheriff, Deputy Sheriff, or other Process Server:

On _____ (date), in an action pending in this Court,
_____, Plaintiff, recovered judgment against _____,
Defendant, for restitution of the following premises: _____

You are commanded to remove Defendant from the premises and place Plaintiff in possession of the premises. Pursuant to K.S.A 61-3808(b), you may use such reasonable force as is necessary to execute this Writ.

No later than 14 days after you receive this Writ, you must execute it.

No later than 60 days after the date this Writ was signed, you must file a Return with the Clerk of the District Court, showing the manner of execution of the Writ.

Dated: _____

Judge

IN THE 5th JUDICIAL DISTRICT
DISTRICT COURT OF LYON COUNTY, KANSAS

_____, Plaintiff

Address

CASE NO. _____

v.

_____, Defendant

Address

Pursuant to Chapter 61 of Kansas Statutes Annotated

RETURN

On _____ (date) at __ o'clock __ m., I received the attached Writ.

On _____ (date) at __ o'clock __ m., I removed Defendant(s) from the premises described in the attached Writ and placed Plaintiff(s) in possession.

(Signature)

(Printed Name)

(Title if applicable)