

CHECKLIST FOR AN EVICTION ACTION

This form references specific South Dakota Codified Laws (SDCL), and you can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide you with legal advice or assist you in completing this form. For specific questions related to the forms, you can contact the Legal Form Helpline at 1-855-784-0004 or email UJS staff at ujssrlhelp@ujs.state.sd.us.

FOR THE LANDLORD/PLAINTIFF

INITIATE A COURT ACTION - *(These forms are for individual use. If you are the Plaintiff filing on behalf of a corporation or LLC, you will need to obtain an attorney. You can refer to SDCL 15-39-47 for Persons Authorized to Act as an Attorney)*

- Complete the Case Filing Statement (UJS-232).
- Complete the Summons (UJS-111).
- Complete the Verified Complaint (UJS-112).
- File the Case Filing Statement (UJS-232), Summons (UJS-111), Verified Complaint (UJS-112) with the Clerk of Court and pay the \$72 filing fee.
- Serve the above forms on the Defendant/Tenant(s) by way of Sheriff/process server subject to a fee.
- File Proof of Service with the Clerk of Court.

If the tenant(s) filed and served an Answer proceed with the Trial process

TRIAL

- Inquire with the Clerk of Court for a hearing date.
- Complete a Notice of Hearing (UJS-116) and file with clerk of court.
- Mail the Notice of Hearing (UJS-116) to the tenant(s).
- Complete an Affidavit of Mailing (UJS-115) and File with clerk of court.
- Complete only the Caption of the Judgment of Eviction and Damages (UJS-138)
- Attend your hearing on the date and time scheduled.
- Complete the Notice of Entry of Judgment of Eviction and Damages (UJS-139) if you receive a signed Judgment of Eviction and Damages (UJS-138).
- Complete an Affidavit of Mailing (UJS-115).
- File the Notice of Entry (UJS-118) and Affidavit of Mailing (UJS-115) with the Clerk of Court.
- Mail the Notice of Entry of Judgment of Eviction and Damages (UJS-139) and Judgment of Eviction and Damages (UJS-138) to the tenant(s).

***If the tenant(s) did not file an Answer proceed with the Default Judgment process.**

DEFAULT JUDGMENT – (This can only be requested if the tenant(s) has been served and has failed to answer or appear within 5 days of service. Service does not include date of service or weekends and holidays.)

- Complete the Motion for Default Judgment (UJS-113).
- Complete the Affidavit in Support of Default Judgment (UJS-114).
- Complete the Affidavit of Military Status (UJS-306).
- Complete only the caption of the Default Judgment for Eviction (UJS-117).
- File the above forms with the Clerk of Court.
- If the Judge signs the Default Judgment for Eviction, complete the Notice of Entry of Default Judgment for Eviction (UJS-118).
- Mail a copy of the Notice of Entry of Default Judgment for Eviction (UJS-118) and Default Judgment for Eviction (UJS-117) to the Defendant/Tenant(s).
- Complete an Affidavit of Mailing (UJS-115).
- File the Notice of Entry of Default Judgment (UJS-117) and Affidavit of Mailing (UJS-115) with the Clerk of Court.

***If the Judge does not grant the Default Judgment and requires a hearing, proceed with the TRIAL process listed above.**

***If Judge denies your default Judgment, your case is concluded.**

***If you are granted a Judgement or Default Judgment for Eviction and discover additional damages once the Tenant/Defendant(s) vacate the premises, if you chose, a judgment on those damages can be sought by filing a small claims action.**

FOR THE DEFENDANT/TENANT(S)

***An Answer to a Summons and Complaint for Eviction must be filed with the Clerk of Court and provided to the Plaintiff/Landlord within 5 days of being served.**

ANSWERING THE SUMMONS AND COMPLAINT

- Complete a Case Filing Statement (UJS-232).
- Complete the Answer for Eviction (UJS-119).
- File the Answer (UJS-119) and Case Filing Statement (UJS-232) with the Clerk of Court and pay the \$25 filing fee.
- Serve the landlord with a copy of the Answer for Eviction (UJS-119) within 5 days of being served. (Service does not include weekends or holidays)
- Complete an Affidavit of Mailing (UJS-115) and file with the Clerk of Court.
- Attend the hearing on the date and time scheduled by the court.