

CHECKLIST FOR AN EVICTION ACTION

These 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 weekends or 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) 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.

CASE FILING STATEMENT – Information Only; Not Retained in Case Records

Provide the Case File No. for the record you are filing into or the Case Type if initiating a new action: _____

*A list of case types and party roles can be found here: <https://ujc.sd.gov/Attorneys/FormsDocumentation.aspx>

Social Security Numbers (not Driver’s License Numbers) must be provided for divorce, child support, & paternity cases, 42 USC 666(a)(13)(B). All filers are **required** to provide the SSN **or** DL# for each of **their** participants regardless of the case type. Business entities must provide the EIN number in lieu of SSN or DL#.

INFORMATION FOR PLAINTIFF/PETITIONER/APPLICANT:

_____	_____	_____	_____
Last/Business Name	First Name	Middle	Suffix
_____	_____	_____	_____
Physical Address <input type="checkbox"/> Check if Same as Mailing	City	State	Zip
_____	_____	_____	_____
Mailing Address	City	State	Zip
_____	_____	_____	_____
Home	Work	Cell	
_____	_____	_____	_____
Social Security No.	Date of Birth	Driver’s License No.	State Employer ID (Business)
Attorney:			
_____	_____	_____	
Last Name	First Name	State Bar ID No.	
_____	_____	_____	_____
Mailing Address	City	State	Zip

Phone			

INFORMATION FOR DEFENDANT/RESPONDENT/MINOR/DECEDENT/PERSON IN NEED OF PROTECTION:

_____	_____	_____	_____
Last/Business Name	First Name	Middle	Suffix
_____	_____	_____	_____
Physical Address <input type="checkbox"/> Check if Same as Mailing	City	State	Zip
_____	_____	_____	_____
Mailing Address	City	State	Zip
_____	_____	_____	_____
Home	Work	Cell	
_____	_____	_____	_____
Social Security No.	Date of Birth	Date of Death	Driver’s License No. State Employer ID (Business)
Attorney:			
_____	_____	_____	
Last Name	First Name	State Bar ID No.	
_____	_____	_____	_____
Mailing Address	City	State	Zip

Phone			

INSTRUCTIONS ON SUMMONS FOR EVICTIONS

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IMPORTANT NOTICE

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.

To complete this form, you will need to:

- Fill in the top part of the form called "the caption". Start by filling in the name of the county where you are filing the civil action and the circuit number where the county is located. That information can be found here:
https://ujs.sd.gov/Circuit_Court/Default.aspx
- Fill in your name on the line provide for "Plaintiff/Landlord" and fill in the Tenant(s) name on the line provided for "Defendant/Tenant(s)".
- Leave the file number blank, the Clerk of Courts will provide this.
- Date and sign the form.
- File the Summons, Verified Complaint, and lease agreement, if there was one, with the Clerk of Court.
- Serve the Summons, Verified Complaint, and lease agreement, if there was one, on the Defendant/Tenant(s) by way of Sheriff or process server, subject to a fee.
- The Defendant/Tenant(s) will have 5 days, not counting the day served, to file an Answer.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p>Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;">SUMMONS (FOR EVICTION)</p>
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TO THE ABOVE-NAMED DEFENDANT/TENANT(S):

YOU ARE HEREBY SUMMONED and required to answer the Verified Complaint of the Plaintiff, a copy of which is herewith served upon you, and to serve the Plaintiff with a copy of your Answer or other proper response within **FIVE (5)** days from the date of the service of the Summons upon you, exclusive of the day of service. You must file the original Answer with the above Clerk of Courts office.

IF YOU FAIL TO FILE AND SERVE AN ANSWER, judgment by default may be taken against you for the relief demanded in the Complaint and the Court will issue an order to evict.

Dated this ___ day of _____, 20___.

Plaintiff/Landlord's Signature

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

City, State & Zip Code

Plaintiff/Landlord's Phone Number

INSTRUCTIONS ON VERIFIED COMPLAINT FOR EVICTION

These 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@uj.s.state.sd.us.

IMPORTANT NOTICE

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.

To complete this form, you will need to:

- Fill in the top part of the form called “the caption”. Start by filling in the name of the county where you are filing the civil action and the circuit number where the county is located. That information can be found here:
https://uj.s.sd.gov/Circuit_Court/Default.aspx.
- Fill in your name on the line provide for “Plaintiff/Landlord” and fill in the tenant(s) name on the line provided for “Defendant/Tenant”. Leave the file number blank, the Clerk of Courts will provide this.
- Complete numbers 1 through 4 with the information you have.
- Do not sign until you are in front of a Clerk or notary.
- File the Verified Complaint, Summons, and lease agreement, if there was one, with the Clerk of Court.
- Serve the Summons, Verified Complaint, and lease agreement, if there was one, on the Tenant/Defendant(s) by way of Sheriff or process server, subject to a fee.

<p>_____ Plaintiff/Landlord</p> <p style="text-align: center;">v.</p> <p>_____ Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;">VERIFIED COMPLAINT (FOR EVICTION)</p>
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COMES NOW, the above-named Plaintiff/Landlord and for their cause of action against the above-named Defendant/Tenant(s), states and alleges as follows:

1. The Plaintiff/Landlord is the owner of real property located at:

(Street Address)

(City, State, Zip)

and the Defendant/Tenant(s) are currently residing at the premises.

2. Plaintiff/Landlord leased the property described above to the Defendant/Tenant(s) beginning _____ for a period of _____ months/years (*circle one*).

3. Terms of the lease agreement were: (*check one*)

Verbally agreed upon by the Plaintiff/Landlord and Defendant/Tenant(s);

or

Listed in a lease agreement that the Defendant/Tenant(s) signed on _____ and a copy of the lease is attached to this Complaint and incorporated herein by reference.

4. The Defendant/Tenant(s) failed to comply with the following terms of the lease: (*mark all that apply*)

Failure to pay rent in the amount of \$_____ per month for the following months:

_____;

Failure to pay late fees in the amount of \$_____;

Failure to pay the following utilities and in the following amounts:

_____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____

Failure to pay deposit in the amount of \$ _____;

Failure to pay pet deposit in the amount of \$ _____;

Refrain from keeping an unauthorized pet on the premises;

Refrain from allowing an unauthorized person to live in the leased property;

Vacate the premises when the lease expired on _____;

Refrain from causing or allowing substantial damage to the property;

Refrain from engaging or allowing criminal activity to occur on the property; and/or

Other: _____

WHEREFORE, Plaintiff/Landlord requests that the Court order the following relief:

1. The Defendant/Tenant(s) be ordered to remove themselves and their property and vacate the above-named premises immediately, restoring possession of the property to the Plaintiff/Landlord;
2. An expedited hearing pursuant to SDCL 21-16-7 and 8;
3. A Writ of Execution of Possession allowing for immediate execution by the local Sheriff's Department should the Defendant/Tenant(s) refuse to remove their property and vacate the premises;
4. In the event Defendant/Tenant(s) fails to remove property valued at more than \$500, authorizing Plaintiff/Landlord to remove Defendant/Tenant's property and store the same in compliance with SDCL 43-32-26, with a lien thereon in favor of Plaintiff/Landlord in the amount of removal fees and storage costs;
5. Reimbursement for Plaintiff/Landlord's costs incurred in bringing this action, including but not limited to court fees, costs and disbursements;
6. Judgment in favor of the Plaintiff/Landlord and against the Defendant/Tenant(s) in the total amount of \$ _____, together with interest, costs and disbursements;

7. For such other and further relief as may be equitable and just.

Dated this ____ day of _____, 20____.

Plaintiff/Landlord's Signature

Sworn/affirmed before me this _____ day of _____, 20____.

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

Notary/Deputy Clerk/Clerk of Court

City, State & Zip Code

My Commission Expires: _____

Plaintiff/Landlord's Phone Number

TO THE DEFENDANT/TENANT: If you wish to dispute this eviction, you (or your attorney) must file a written Answer to this complaint along with a case filing statement and appear at any hearing that may be scheduled in this matter. You must file the original Answer with the Clerk of Courts office and serve a copy on the landlord (or landlord's attorney) at the address shown above. The answer must be served on the landlord no later than FIVE (5) days after receiving the Summons and Complaint. The instructions and forms to answer can be found at: <https://ujslawhelp.sd.gov/onlineforms.aspx>.

IF YOU DO NOT FILE AND SERVE AN ANSWER, OR IF YOU FAIL TO APPEAR AT A HEARING, JUDGMENT MAY BE ENTERED AGAINST YOU FOR POSSESSION OF THE LEASED PROPERTY AND FOR THE RELIEF REQUESTED IN THIS COMPLAINT.

INSTRUCTIONS ON NOTICE OF HEARING FOR EVICTION

These 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@ujss.state.sd.us.

To complete this form, you will need to:

- Inquire with the Clerk of Court to obtain a date and time for a hearing.
- Complete the caption.
- Enter the day and time of the hearing the clerk provided to you.
- List the judge who will be presiding.
- Enter the courtroom where the hearing will be held in.
- Enter the county name and the city or town of that county.
- Sign and date.
- File with the Clerk of Court.
- Mail a copy to the Defendant/Tenant(s).

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____ Plaintiff/Landlord</p> <p>v.</p> <p>_____ Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;">NOTICE OF HEARING (FOR EVICTION)</p>
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TO THE ABOVE-NAMED DEFENDANT/TENANT(S):

PLEASE TAKE NOTICE and be advised that a hearing on the Eviction filings in the above-captioned matter, is to be heard on the _____ day of _____, 20____ at _____ : _____ a.m./p.m., or as soon thereafter as is convenient for the Court before the Honorable _____, in courtroom _____ of the County Courthouse in _____, South Dakota. Both parties shall personally appear and bring any witnesses and evidence with them that they plan to present to the Court. The Defendant/Tenant(s) may appear at the time and date set to show reason, if any, why the Court should not grant the above action as requested.

Dated this ___ day of _____, 20_____.

Plaintiff/Landlord's Signature

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

City, State & Zip Code

Plaintiff/Landlord's Phone Number

This Notice of Hearing must be mailed to the defendant at least seven (7) days before the hearing date.

INSTRUCTIONS ON AFFIDAVIT OF MAILING FOR EVICTION

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To complete this form, you will need to:

- Fill in the caption.
- Enter the date you mailed the form.
- Check the box of the form that you mailed (multiple boxes can be marked).
- Enter the street address you mailed to. Include the apartment, suite, or building number if there is one.
- Date and sign once in front of a Clerk of Court or notary.
- File with the Clerk of Court.
- Mail a copy to the Defendant/Tenant(s).

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p>Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;">AFFIDAVIT OF MAILING (FOR EVICTION)</p>
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THE UNDERSIGNED, being sworn, hereby states that on this date: _____,

I did personally mail, postage prepaid, a true and correct copy of the foregoing: *(Check all documents mailed)*

- Motion for Default Judgment, (UJS Form-113)
- Affidavit in Support of Default Judgment, (UJS Form-114)
- Notice of Hearing, (UJS Form-116)
- Default Judgment (UJS Form-117)
- Notice of Entry of Default Judgment for Eviction and Damages, (UJS Form-118)
- Judgment of Eviction and Damages (UJS Form-138)
- Notice of Entry of Judgment of Eviction and Damages, (UJS Form-139)

to the above-named Defendant/Tenant(s) in this action, at the following address:

(Street Address)

(City, State, Zip Code)

Dated this _____ day of _____, 20__.

Plaintiff/Landlord's Signature

Sworn/affirmed before me this _____ day of _____, 20__.

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

Notary/Deputy Clerk/Clerk of Court

City, State & Zip Code

My Commission Expires: _____

Plaintiff/Landlord's Phone Number

INSTRUCTIONS ON JUDGMENT FOR EVICTION

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To complete this form, you will need to:

- Complete the caption.
- Fill in the address of the property you are evicting the Defendant/Tenant(s) from.
- Leave the remainder of the form blank.
- If the Judgment for Eviction is signed it will need to be filed with the Clerk of Court.
- Once filed, a copy will need to be mailed to the Defendant/Tenant(s).

<p>_____</p> <p>Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p>Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;">JUDGMENT FOR EVICTON AND DAMAGES</p> <p style="text-align: center;"><input type="checkbox"/> Granted <input type="checkbox"/> Denied</p>
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THIS MATTER having come before the Court and finds from the files and pleadings herein, that the Defendant/Tenant(s) was duly served with the Summons, Complaint, and Notice of Trial, and the Defendant/Tenant(s) having filed an Answer now, therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That the Defendant/Tenant(s) is in unlawful possession of the property located at

(Street Address)

(City, State, Zip Code)

which is owned by the Plaintiff/Landlord and shall restore possession of said premises immediately and without delay.

2. That execution shall issue herein at the time and in the manner provided by law and the local Sheriff's Department is hereby directed to forcibly remove the Defendant/Tenant(s), and all others in possession, from the above-described premises on or after 8:00 AM on _____, 20_____.
3. The Court grants monetary judgment to the Plaintiff/Landlord against the Defendant/Tenant(s) for past-due rent, late fees and deposits in the amount of \$_____.

- 4. The Plaintiff/Landlord be awarded their costs in the amount of \$_____ for the filing fee for this action and \$_____ for additional costs and fees for a total of \$_____

- 5. Any of the Defendant/Tenant's property left at said premises described above, if valued more than \$500, shall be stored for thirty (30) days, and if unclaimed after thirty (30) days, the property shall be deemed abandoned.

Dated this ___ day of _____, 20__.

BY THE COURT:

MAGISTRATE/CIRCUIT JUDGE

ATTEST:

Clerk of Court
By: _____
Deputy Clerk of Court

INSTRUCTION ON NOTICE OF ENTRY OF JUDGMENT FOR EVICTION

These 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@ajs.state.sd.us.

To complete this form, you will need to:

- Complete the caption.
- Enter the information on the lines provided.
- Sign and date.
- File with the Clerk of Court along with a copy of the Judgment for Eviction.
- Mail a copy of the Notice of Entry of Judgment and Judgment for Eviction to the Defendant/Tenant(s).
- Complete the Affidavit of Mailing for Eviction (UJS-115) and file with the Clerk of Court.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p>Defendant/Tenant</p>	<p>Case. No.: _____</p> <p style="text-align: center;">NOTICE OF ENTRY OF JUDGMENT FOR EVICITION AND DAMAGES</p>
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TO THE ABOVE-NAMED DEFENDANT/TENANT(S):

NOTICE IS HEREBY GIVEN that a Judgment of Eviction and Damages was filed in the office of the Clerk of Courts of _____
(County the Judgment is filed in)
 County having been signed by the Honorable _____
(Name of Judge who signed the Judgment)
 on _____ and a copy of the Judgment is hereby attached to this
(Date the Judgment was signed)
 notice.

Dated this ____ day of _____, 20____.

Plaintiff/Landlord's Signature

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

City, State, Zip Code

Plaintiff/Landlord's Phone Number

INSTRUCTIONS ON AFFIDAVIT OF MAILING FOR EVICTION

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To complete this form, you will need to:

- Fill in the caption.
- Enter the date you mailed the form.
- Check the box of the form that you mailed (multiple boxes can be marked).
- Enter the street address you mailed to. Include the apartment, suite, or building number if there is one.
- Date and sign once in front of a Clerk of Court or notary.
- File with the Clerk of Court.
- Mail a copy to the Defendant/Tenant(s).

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p>Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;">AFFIDAVIT OF MAILING (FOR EVICTION)</p>
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THE UNDERSIGNED, being sworn, hereby states that on this date: _____,

I did personally mail, postage prepaid, a true and correct copy of the foregoing: *(Check all documents mailed)*

- Motion for Default Judgment, (UJS Form-113)
- Affidavit in Support of Default Judgment, (UJS Form-114)
- Notice of Hearing, (UJS Form-116)
- Default Judgment (UJS Form-117)
- Notice of Entry of Default Judgment for Eviction and Damages, (UJS Form-118)
- Judgment of Eviction and Damages (UJS Form-138)
- Notice of Entry of Judgment of Eviction and Damages, (UJS Form-139)

to the above-named Defendant/Tenant(s) in this action, at the following address:

_____ *(Street Address)*

_____ *(City, State, Zip Code)*

Dated this _____ day of _____, 20__.

Plaintiff/Landlord's Signature

Sworn/affirmed before me this _____ day of _____, 20__.

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

Notary/Deputy Clerk/Clerk of Court

City, State & Zip Code

My Commission Expires: _____

Plaintiff/Landlord's Phone Number

INSTRUCTIONS ON MOTION FOR DEFAULT JUDGMENT FOR EVICTION

These 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@ajs.state.sd.us.

If the tenant(s) has failed to file an Answer to the Summons and Complaint, you may be entitled to a default judgment. The steps below are the process to complete the application for Motion for Default Judgment.

- Complete the caption.
- Sign and date it.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____ Plaintiff/Landlord</p> <p>v.</p> <p>_____ Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p>MOTION FOR DEFAULT JUDGMENT (FOR EVICTION)</p>
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COMES NOW the above-named Plaintiff/Landlord, and pursuant to SDCL§ 15-6-55, moves this Court to enter a default judgment in favor of Plaintiff and against the above-named Defendant/Tenant(s) for the relief requested in the complaint on file herein on the ground that the Defendant/Tenant(s) has failed to file an Answer to the complaint, or otherwise plead or appear within the time required by law. This motion is supported by the attached Affidavit in Support of Default and the pleadings and documents filed herein.

Dated this ____ day of _____, 20____.

Plaintiff/Landlord's Signature

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

City, State & Zip Code

Plaintiff/Landlord's Phone Number

INSTRUCTIONS ON AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT FOR EVICTION

These 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@uj.s.state.sd.us.

When filing a Motion for Default Judgment, an Affidavit in Support will need to be filed as well. Follow the steps below to complete this form:

- Fill in the caption.
- Number 2 is the date the tenant(s) was served with the Summons and Complaint. This can be found on the Affidavit of Service that was provided to you from the Sheriff or process server.
- Sign and date once in front of a Clerk or notary.

***Default Judgment 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 weekends or holidays.**

<p>_____ Plaintiff/Landlord</p> <p>v.</p> <p>_____ Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p>AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT (FOR EVICTION)</p>
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COMES NOW the above-named Plaintiff/Landlord, being first duly sworn upon his oath, and deposes and states:

1. I am the Plaintiff/Landlord in the above-entitled action.
2. The Defendant/Tenant(s) failed to vacate the premises.
3. A Summons and Complaint in this action were served on the Defendant/Tenant(s) by the Sheriff's Office on this date:_____.
4. The Defendant/Tenant(s) has not made, served, or filed any answer to said Summons and Complaint, nor has any such answer been made, served, or filed on behalf of said Defendant/Tenant(s) by any attorney.
5. The Defendant/Tenant(s) was not at the time of the commencement of this action and is not now engaged in the military service of the United States of America.
6. The Defendant/Tenant(s) has made no appearance in person, and the Defendant/Tenant(s) is therefore in default, for want of answer or other appearance in the above-entitled matter.

Dated this ___ day of _____, 20___.

Plaintiff/Landlord's Signature

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

City, State & Zip Code

Plaintiff/Landlord's Phone Number

Sworn/affirmed before me this _____ day of _____, 20___.

Notary/Deputy Clerk/Clerk of Court

My Commission Expires:_____

INSTRUCTIONS AND FORM ON AFFIDAVIT OF DEFENDANT'S MILITARY STATUS

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 also contact the Legal Form Helpline at 1-855-784-0004 email UJS staff at ujssrlhelp@ajs.state.sd.us.

Important Notice:

Before a default judgment may be entered by the Court the Plaintiff is required to file an affidavit stating whether the Defendant is in the military service and show necessary facts to support the affidavit.

To Complete this form, you will need to:

- Verify that Paragraphs 1 through 3 are correct.
- In completing paragraph 4, the military status of a Defendant may be determined by conducting an on-line search through the Department of Defense Manpower Data Center (DMDC) search engine at <https://scra.dmdc.osd.mil/scra/#/login>. A Plaintiff using the DMDC must attach a printed copy of the certificate generated by the search.
 - The military status of a Defendant may be determined by contacting each branch of the military. A plaintiff using this method must attach a response from each branch.
 - The military status of a Defendant may also be determined by the Plaintiff, or their agent, personally asking the Defendant or another individual that has sufficient reason to know the defendant's military status.
 - The Plaintiff is not limited to the options discussed above and may have other reasons to know the Defendant's military status. Any additional reasons should be explained for review by the court.
- Date and sign in front of a notary or Clerk of Court.
- File original with the Clerk of Court and retain a copy for your records.

<p>_____</p> <p>Plaintiff</p> <p>v.</p> <p>_____</p> <p>Defendant</p>	<p>Case No.: _____</p> <p style="text-align: center;">AFFIDAVIT OF DEFENDANT'S MILITARY STATUS</p>
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I, the undersigned litigant, being first duly sworn on my oath, depose and state:

1. I am over the age of eighteen years and am competent to make this Affidavit.
2. I am the Plaintiff in the above-entitled matter.
3. That I have either made a personal investigation or personally reviewed the business records of the defendant.
4. As a result of my investigation or review: *(check one)*
 - It is my belief that the above-named defendant is not in the military on active duty;
 - It is my belief that the above-named defendant is in the military on active duty;
 - I have been unable to determine whether the defendant is in the military on active duty.

My information and belief are based on the following, and I have attached the necessary documentation: _____

I understand that any false statements in this document are made under perjury, and that making a false statement is a violation of Federal Law and is subject to both fine and imprisonment.

Dated this _____ day of _____, 20_____.

Plaintiff Signature

Plaintiff Name

Sworn/affirmed before me this _____ day
of _____, 20_____.

Address

Notary/Deputy Clerk/Clerk of Court

City, State, Zip Code

My Commission Expires:_____

Phone Number

INSTRUCTIONS ON AFFIDAVIT OF MAILING FOR EVICTION

These 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@uds.state.sd.us.

To complete this form, you will need to:

- Fill in the caption.
- Enter the date you mailed the form.
- Check the box of the form that you mailed (multiple boxes can be marked).
- Enter the street address you mailed to. Include the apartment, suite, or building number if there is one.
- Date and sign once in front of a Clerk of Court or notary.
- File with the Clerk of Court.
- Mail a copy to the Defendant/Tenant(s).

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p>Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;">AFFIDAVIT OF MAILING (FOR EVICTION)</p>
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THE UNDERSIGNED, being sworn, hereby states that on this date: _____,

I did personally mail, postage prepaid, a true and correct copy of the foregoing: *(Check all documents mailed)*

- Motion for Default Judgment, (UJS Form-113)
- Affidavit in Support of Default Judgment, (UJS Form-114)
- Notice of Hearing, (UJS Form-116)
- Default Judgment (UJS Form-117)
- Notice of Entry of Default Judgment for Eviction and Damages, (UJS Form-118)
- Judgment of Eviction and Damages (UJS Form-138)
- Notice of Entry of Judgment of Eviction and Damages, (UJS Form-139)

to the above-named Defendant/Tenant(s) in this action, at the following address:

_____ *(Street Address)*

_____ *(City, State, Zip Code)*

Dated this _____ day of _____, 20__.

Plaintiff/Landlord's Signature

Sworn/affirmed before me this _____ day of _____, 20__.

Plaintiff/Landlord's Printed Name

Notary/Deputy Clerk/Clerk of Court

Plaintiff/Landlord's Mailing Address

My Commission Expires: _____

City, State & Zip Code

Plaintiff/Landlord's Phone Number

INSTRUCTIONS ON DEFAULT JUDGMENT FOR EVICTION

These 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@uj.s.sd.us.

To complete this form, you will need to:

- Complete the caption.
- Fill in the address of the property you are evicting the Defendant/Tenant(s) from.
- Leave the remainder of the form blank.
- If the Judge signs the Default Judgment, file the signed copy with the Clerk of Court.
- Mail a copy to the Defendant/Tenant(s).

<p>_____</p> <p>Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p>Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;">DEFAULT JUDGMENT (FOR EVICTION)</p> <p><input type="checkbox"/> Granted <input type="checkbox"/> Denied</p>
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THIS MATTER having come before the Court on the Plaintiff/Landlord's Motion for Default Judgment for Eviction and Affidavit in Support of, the Court finds, from the files and pleadings herein, that the Defendant/Tenant(s) was duly served with the Summons and Complaint; and the Defendant/Tenant(s) having made no answer, appearance, or pleading and upon motion of the Plaintiff/Landlord, the Court finds that the Defendant/Tenant(s) is in default, now, therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That the Defendant/Tenant(s) is in unlawful possession of the property located at:

(Street Address)

(City, State, Zip Code)

which is owned by Plaintiff/Landlord. Plaintiff/Landlord shall be restored possession of said premises immediately and without delay.

2. That execution shall issue herein at the time and in the manner provided by law and the local Sheriff's Department is hereby directed to forcibly remove the Defendant/Tenant(s), and all others in possession, from the above-described premises on or after 8:00 AM on _____.
3. The Court grants monetary judgment to the Plaintiff/Landlord against the Defendant/Tenant(s) for past-due rent, late fees and deposits in the amount of \$_____.

4. The Plaintiff/Landlord be awarded their costs in the amount of \$_____ for the filing fee for this action and \$_____ for additional costs and fees for a total of \$_____.
5. Any of the Defendant/Tenant(s) property left at said premises described above, if valued in excess of \$500, shall be stored for thirty (30) days, and if unclaimed after thirty (30) days, the property shall be deemed abandoned.

Dated this ___ day of _____, 20_____.

BY THE COURT:

MAGISTRATE/CIRCUIT JUDGE

ATTEST:

Clerk of Court

By: _____
Deputy Clerk of Court

INSTRUCTIONS ON NOTICE OF ENTRY OF DEFAULT JUDGMENT FOR EVICTION

These 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.

If the Judge grants the Default Judgment, a signed copy will be provided to you. Once you receive the signed copy of the Default Judgment a notice of entry will need to be completed and filed with the Clerk of Court.

- Complete the caption.
- For the remainder of the form, enter the county name where the Judgment was entered, the name of the Judge who presided over the case, and the date the Judgment was signed.
- Sign and date.
- Mail a copy of the Notice of Entry of Default Judgment and a copy of the Default Judgment to the Defendant/Tenant(s).
- Complete the Affidavit of Mailing for Eviction (UJS-115) and file with the Clerk of Court.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____ Plaintiff/Landlord</p> <p>v.</p> <p>_____ Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p>NOTICE OF ENTRY OF DEFAULT JUDGMENT (FOR EVICTION)</p>
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TO THE ABOVE-NAMED DEFENDANT/TENANT(S):

NOTICE IS HEREBY GIVEN that a Default Judgment for Eviction was filed in the office of the Clerk of Courts of _____ County and having been signed by the Honorable _____ on _____, *(date)* and a copy of the judgment is hereby attached to this notice.

Dated this ____ day of _____, 20____.

Plaintiff/Landlord's Signature

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

City, State & Zip Code

Plaintiff/Landlord's Phone Number

INSTRUCTIONS ON AFFIDAVIT OF MAILING FOR EVICTION

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To complete this form, you will need to:

- Fill in the caption.
- Enter the date you mailed the form.
- Check the box of the form that you mailed (multiple boxes can be marked).
- Enter the street address you mailed to. Include the apartment, suite, or building number if there is one.
- Date and sign once in front of a Clerk of Court or notary.
- File with the Clerk of Court.
- Mail a copy to the Defendant/Tenant(s).

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF _____

_____ JUDICIAL CIRCUIT

<p>_____</p> <p>Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p>Defendant/Tenant(s)</p>	<p>Case No.: _____</p> <p style="text-align: center;">AFFIDAVIT OF MAILING (FOR EVICTION)</p>
--	--

THE UNDERSIGNED, being sworn, hereby states that on this date: _____,

I did personally mail, postage prepaid, a true and correct copy of the foregoing: *(Check all documents mailed)*

- Motion for Default Judgment, (UJS Form-113)
- Affidavit in Support of Default Judgment, (UJS Form-114)
- Notice of Hearing, (UJS Form-116)
- Default Judgment (UJS Form-117)
- Notice of Entry of Default Judgment for Eviction and Damages, (UJS Form-118)
- Judgment of Eviction and Damages (UJS Form-138)
- Notice of Entry of Judgment of Eviction and Damages, (UJS Form-139)

to the above-named Defendant/Tenant(s) in this action, at the following address:

_____ *(Street Address)*

_____ *(City, State, Zip Code)*

Dated this _____ day of _____, 20__.

Plaintiff/Landlord's Signature

Sworn/affirmed before me this _____ day of _____, 20__.

Plaintiff/Landlord's Printed Name

Plaintiff/Landlord's Mailing Address

Notary/Deputy Clerk/Clerk of Court

City, State & Zip Code

My Commission Expires: _____

Plaintiff/Landlord's Phone Number