

## CHECK LIST FOR EVICTION ACTION

These forms reference certain South Dakota Codified Laws (SDCL) on eviction matters and all of which can be found here: <https://sdlegislature.gov/Statutes>. Should you have questions on the law, you are highly encouraged to speak with an attorney. Court staff cannot help you interpret the law.

Court employees cannot help you fill out forms or give you legal advice. If you have legal questions, please consult an attorney. You can also call the Legal Form Help Line at 855-784-0004, or email UJS staff at [ujssrlhelp@ujs.state.sd.us](mailto:ujssrlhelp@ujs.state.sd.us) for specific questions on the forms.

### FOR THE LANDLORD/PLAINTIFF:

\_\_\_\_\_ Complete the Notice to Quit and Vacate – (UJS-110)

\_\_\_\_\_ Serve the tenant(s) by way of Sheriff/process server.

**\*If the tenant(s) vacate within 3 days of service, no further action is required.\***

#### **INITIATE A COURT ACTION**

\_\_\_\_\_ Complete the Case Filing Statement (UJS-232).

\_\_\_\_\_ Complete the Summons (UJS-111).

\_\_\_\_\_ Complete the Verified Complaint (UJS-112) (Attach copies of the lease, Notice of Quit and Vacate and Affidavit of Service).

\_\_\_\_\_ File the above completed forms with the Clerk of Court and pay the \$70 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 4 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 Defendant/Tenant(s) vacate the premises, if you chose, a judgment on those damages can be sought by filing a small claims action.**

**FOR THE TENANT(S)/DEFENDANT(S):**

**\*If you vacate the premises within 3 days after you have been served with the Notice to Quit and Vacate no further action is required.**

**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 3 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.

## **INSTRUCTIONS FOR NOTICE TO QUIT AND VACATE (FOR EVICTION)**

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### **IMPORTANT NOTICE:**

The Notice to Quit and Vacate is the informal process for evicting a current tenant. The landlord must notify all parties who signed the lease, in writing, that they have three (3) days to vacate the premises. This step must be completed before a formal court action may be initiated.

### **To complete this process, follow the steps below as follows:**

- Provide this completed form to the sheriff's office or process server to serve on the tenant(s).
- Subject to a fee, the sheriff's office or process server will serve the Notice to Quit and Vacate on the tenant(s) and provide you with an Affidavit of Service.
- The tenant(s) will have 3 days after service to vacate the premises.
- If the tenant(s) comply with the Notice to Quit and Vacate, no further action is needed.
- Should they fail to comply, a formal action will then need to be initiated to remove the tenants. Refer to the checklist on how to proceed with initiating a court action.

**NOTICE TO QUIT AND VACATE  
(FOR EVICTION)**

**TO THE FOLLOWING PERSON(S):**

**Tenant(s) Name(s):** \_\_\_\_\_

**Tenant(s) Address:** \_\_\_\_\_  
*(Street Address, Apt., Suite, Unit, Bldg. No.)*

\_\_\_\_\_  
*(City, State, Zip Code)*

**FROM THE LANDLORD/OWNER:** \_\_\_\_\_  
*(Landlord Name)*

**YOU ARE HEREBY NOTIFIED** pursuant to SDCL 21-16-2 to vacate the leased property located at the following address: \_\_\_\_\_, \_\_\_\_\_, SD, \_\_\_\_\_, within three (3) days of receipt of this Notice.  
Zip code

**YOU ARE FURTHER NOTIFIED** that your right to possession of the property identified above has been terminated due to your failure to comply with the lease as follows:  
*(Check all that apply)*

- Failure to pay rent in the amount of \$ \_\_\_\_\_ per month since \_\_\_\_\_
- Failure to pay late fees in the amount of \$ \_\_\_\_\_
- Failure to pay the following utilities and in the following amounts:
  - \_\_\_\_\_ \$ \_\_\_\_\_
  - \_\_\_\_\_ \$ \_\_\_\_\_
  - \_\_\_\_\_ \$ \_\_\_\_\_
  - \_\_\_\_\_ \$ \_\_\_\_\_
- Failure to pay the deposit in the amount of \$ \_\_\_\_\_
- Failure to pay the pet deposit in the amount of \$ \_\_\_\_\_
- Keeping an unauthorized pet on the premises
- Allowing an unauthorized person to live in the leased property
- Failing to vacate the premises when the lease expired on \_\_\_\_\_
- Causing or allowing substantial damage to be caused to the property
- Engaging in or allowing criminal activity to occur on the property
- Other: \_\_\_\_\_

**YOU ARE REQUIRED** to remove yourself and all your personal possessions from said property and return possession of the property to the landlord within THREE (3) days after service of the notice upon you, exclusive of the day of such service. **If you fail to do so, legal proceedings will be instituted against you to recover possession of the property described above and for the damages resulting, including court costs.**

**You are strongly encouraged to consult with an attorney of your choosing immediately upon receipt of this Notice to discuss your options.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Landlord's Signature

\_\_\_\_\_  
Landlord's Printed Name

\_\_\_\_\_  
Landlord's Mailing Address

\_\_\_\_\_  
City, State, & Zip Code

\_\_\_\_\_  
Landlord's Phone Number

## **INSTRUCTIONS AND FORM FOR SUMMONS FOR EVICTIONS**

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**A summons is required as part of initiating a court action. Follow the steps below to complete this form:**

- 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](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(s)”.
- Leave the file number blank, the Clerk of Courts will provide this.
- Date and sign the form.
- File a copy of the Summons, Verified Complaint, Notice to Quit and Vacate, Affidavit of Service, and lease agreement, if there was one, with the Clerk of Court.
- Serve the Defendant/Tenant(s) by providing a copy of the Summons, Verified Complaint, Notice to Quit and Vacate, Affidavit of Service, and lease agreement to the Sheriff’s Office or a process server. Once they have served the Defendant/Tenant(s), they will provide you with proof of service which you will need to file with the Clerk of Court.
- The Defendant/Tenant(s) will have four (4) days, not counting the day served, to file an Answer.

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

|  |  |
|--|--|
| <p>_____</p> <p style="text-align: center;">Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p style="text-align: center;">Defendant/Tenant(s)</p> | <p>FILE NO: _____</p> <p style="text-align: center;"><b>SUMMONS<br/>(FOR EVICTION)</b></p> |
|--|--|

**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 **FOUR (4)** 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 forms reference certain South Dakota Codified Laws (SDCL) on eviction matters and all of which can be found here: <https://sdlegislature.gov/Statutes>. Should you have questions on the law, you are highly encouraged to speak with an attorney. Court staff cannot help you interpret the law.

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**A Verified Complaint is a required form for an eviction action. To complete this form, you should follow the steps below:**

- 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](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 accordingly with the information you have.
- Number 5 is the date that the tenant(s) was served with the Notice to Quit and Vacate. If you are unsure, refer to the Affidavit of Service that was provided by the Sheriff’s Office or process server.
- Do not sign until you are in front of a Clerk or notary.
- File a copy of the Verified Complaint, Summons, Notice to Quit and Vacate, Affidavit of Service, and lease agreement, if there was one, with the Clerk of Court.
- Serve the Defendant/Tenant(s) by providing a copy of the Summons, Verified Complaint, Notice to Quit and Vacate, Affidavit of Service, and lease agreement to the Sheriff’s Office or process server. Once they have served the Defendant/Tenant(s), they will provide you with proof of service which you will need to file with the Clerk of Court.
- The Defendant/Tenant(s) will have four (4) days, not counting the day served, to file an Answer.



STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

|  |   |
|--|---|
| <p>_____</p> <p style="text-align: center;">Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p style="text-align: center;">Defendant/Tenant(s)</p> | <p>FILE NO: _____</p> <p style="text-align: center;"><b>VERIFIED COMPLAINT<br/>(FOR EVICTION)</b></p> |
|--|---|

**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: \_\_\_\_\_

5. The Plaintiff/Landlord caused the Defendant/Tenant(s) to be served with a Notice to Vacate and Quit on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, more than three (3) days prior to the commencement of this action. Copies of the Notice to Vacate and Quit as well as the Affidavit of Service from the Sheriff's office or other process server are attached to this Complaint. The Defendant/Tenants(s) has failed to cure the lease violation(s) and/or continues to wrongfully possess and occupy the property.

**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\_\_\_\_\_.

Sworn/affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk of Court

If Notary, my commission expires:  
\_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Signature

Name (Print): \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

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 FOUR (4) 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 MOTION FOR DEFAULT JUDGMENT FOR EVICTION**

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**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.
- File with the Clerk of Court.
- Mail a copy to the Defendant/Tenant(s).
- Complete an Affidavit of Mailing (UJS-115).

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

|  |  |
|--|--|
| <p>_____ Plaintiff/Landlord</p> <p>v.</p> <p>_____ Defendant/Tenant(s)</p> | <p>FILE NO: _____</p> <p><b>MOTION FOR DEFAULT JUDGMENT<br/>(FOR EVICTION)</b></p> |
|--|--|

**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 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**

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**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 enter the date the tenant(s) was served with the Notice to Quit and Vacate. This can be found on the Affidavit of Service that was provided to you from the Sheriff or process server.
- Number 4 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 4 days of service. Service does not include weekends or holidays.**

|  |  |
|--|--|
| <p>_____</p> <p style="text-align: center;">Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p style="text-align: center;">Defendant/Tenant(s)</p> | <p>FILE NO: _____</p> <p style="text-align: center;"><b>AFFIDAVIT IN SUPPORT OF MOTION<br/>FOR DEFAULT JUDGMENT<br/>(FOR EVICTION)</b></p> |
|--|--|

**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. A Notice to Quit and Vacate was served on the above-named Defendant/Tenant(s) on this date:  
\_\_\_\_\_.
3. The Defendant/Tenant(s) failed to vacate the premises.
4. A Summons and Complaint in this action were served on the Defendant/Tenant(s) by the Sheriff's Office on this date:\_\_\_\_\_.
5. 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.
6. 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.
7. 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\_\_\_\_\_.

Sworn/affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk of Court

If Notary, my commission expires:  
\_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Signature

Name (Print): \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_

## **INSTRUCTIONS ON MOTION AFFIDAVIT OF MAILING FOR EVICTION**

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- 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 or notary.
- File with the Clerk of Court.
- Mail a copy to the Defendant/Tenant(s).



|  |   |
|--|---|
| <p>_____</p> <p style="text-align: center;">Plaintiff/Landlord</p> <p>v.</p> <p>_____</p> <p style="text-align: center;">Defendant/Tenant(s)</p> | <p>FILE NO: _____</p> <p style="text-align: center;"><b>AFFIDAVIT OF MAILING<br/>(FOR EVICTION)</b></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\_\_.

Sworn/affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public/Clerk of Court

If Notary, my commission expires:

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
Signature

Name (Print): \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_

## **INSTRUCTIONS ON NOTICE OF HEARING FOR EVICTION**

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- 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 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).

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

|  |  |
|--|--|
| <p>_____<br/>Plaintiff/Landlord</p> <p>v.</p> <p>_____<br/>Defendant/Tenant(s)</p> | <p>FILE NO: _____</p> <p><b>NOTICE OF HEARING<br/>(FOR EVICTION)</b></p> |
|--|--|

**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 DEFAULT JUDGMENT FOR EVICTION**

These forms reference certain South Dakota Codified Laws (SDCL) on eviction matters and all of which can be found here: <https://sdlegislature.gov/Statutes>. Should you have questions on the law, you are highly encouraged to speak with an attorney. Court staff cannot help you interpret the law.

Court employees cannot help you fill out forms or give you legal advice. If you have legal questions, please consult an attorney. You can also call the Legal Form Help Line at 855-784-0004, or email UJS staff at [ujssrlhelp@ujs.state.sd.us](mailto:ujssrlhelp@ujs.state.sd.us) for specific questions on the forms.

- Complete the caption.
- Fill in the address of the property you are evicting the Defendant/Tenant from.
- Leave the remainder of the form blank.
- If the Judge signs the Default Judgment, file the signed copy with the Clerk of Court.
- Follow instructions and complete the Notice of Entry of Default Judgment for Eviction UJS-118.
- Mail a copy to the Defendant/Tenant.

|   |  |
|---|--|
| <p style="text-align: center;">_____<br/>Plaintiff/Landlord</p> <p>v.</p> <p style="text-align: center;">_____<br/>Defendant/Tenant</p> | <p>FILE NO: _____</p> <p style="text-align: center;"><b>DEFAULT JUDGMENT<br/>(FOR EVICTION)</b></p> <p><input type="checkbox"/> <b>Granted</b>      <input type="checkbox"/> <b>Denied</b></p> |
|---|--|

**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 three (3) day Notice to Vacate and Quit and 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 12:00 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\_\_.

ATTEST:

BY THE COURT:

By: \_\_\_\_\_  
Clerk/Deputy Clerk

\_\_\_\_\_  
MAGISTRATE/CIRCUIT JUDGE

## **INSTRUCTIONS ON NOTICE OF ENTRY OF DEFAULT JUDGMENT FOR EVICTION**

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Court employees cannot help you fill out forms or give you legal advice. If you have legal questions, please consult an attorney. You can also call the Legal Form Help Line at 855-784-0004, or email UJS staff at [ujssrhelp@ajs.state.sd.us](mailto:ujssrhelp@ajs.state.sd.us) for specific questions on the forms.

**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.**

- 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>FILE NO: _____</p> <p><b>NOTICE OF ENTRY OF<br/>DEFAULT JUDGMENT<br/>(FOR EVICTION)</b></p> |
|--|--|

**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 \_\_\_\_\_, and a copy of the judgment is hereby attached to this notice. *(date)*

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 JUDGMENT FOR EVICTION**

These forms reference certain South Dakota Codified Laws (SDCL) on eviction matters and all of which can be found here: <https://sdlegislature.gov/Statutes>. Should you have questions on the law, you are highly encouraged to speak with an attorney. Court staff cannot help you interpret the law.

Court employees cannot help you fill out forms or give you legal advice. If you have legal questions, please consult an attorney. You can also call the Legal Form Help Line at 855-784-0004, or email UJS staff at [ujssrlhelp@ujs.state.sd.us](mailto:ujssrlhelp@ujs.state.sd.us) for specific questions on the forms.

- 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 Notice of Entry of Judgment for Eviction – UJS 139 will also need to be completed and a copy of will need to be mailed to the Defendant/Tenant(s).

|  |  |
|--|--|
| <p>_____ Plaintiff/Landlord</p> <p>v.</p> <p>_____ Defendant/Tenant(s)</p> | <p>FILE NO: _____</p> <p style="text-align: center;"><b>JUDGMENT FOR<br/>EVICTION AND DAMAGES</b></p> <p><input type="checkbox"/> <b>Granted</b>      <input type="checkbox"/> <b>Denied</b></p> |
|--|--|

**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 three (3) day Notice to Vacate and Quit, the Summons, Complaint, and the 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 12:00 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\_\_\_\_.

ATTEST:

BY THE COURT:

By: \_\_\_\_\_  
Clerk/Deputy Clerk

\_\_\_\_\_  
MAGISTRATE/CIRCUIT JUDGE

## **INSTRUCTION ON NOTICE OF ENTRY OF JUDGMENT FOR EVICTION**

These forms reference certain South Dakota Codified Laws (SDCL) on eviction matters and all of which can be found here: <https://sdlegislature.gov/Statutes>. Should you have questions on the law, you are highly encouraged to speak with an attorney. Court staff cannot help you interpret the law.

Court employees cannot help you fill out forms or give you legal advice. If you have legal questions, please consult an attorney. You can also call the Legal Form Help Line at 855-784-0004, or email UJS staff at [ujssrhelp@ujs.state.sd.us](mailto:ujssrhelp@ujs.state.sd.us) for specific questions on the forms.

- 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 Judgement 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>_____ Plaintiff/Landlord</p> <p>v.</p> <p>_____ Defendant/Tenant</p> | <p>FILE NO: _____</p> <p><b>NOTICE OF ENTRY OF<br/>JUDGMENT FOR<br/>EVICTON AND DAMAGES</b></p> |
|---|---|

**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 having been signed by the Honorable \_\_\_\_\_ *(County the Judgment is filed in)* on \_\_\_\_\_, 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