

## **TENANT(S)/DEFENDANT(S) CHECKLIST, INSTRUCTIONS AND FORMS FOR EVICTION:**

**\*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 ON ANSWER 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.

**If you are served with a Summons and Complaint for Eviction, you can file and serve an Answer to have the matter heard before a judge. Follow the steps below to complete the form.**

- Complete the caption.
- Paragraph 1 you will state what, if anything, you agree with in the complaint.
- Paragraph 2 you will state what, if anything, you disagree with in the complaint.
- Paragraph 3 you will state what, if anything, you partially agree or disagree with.
- Paragraph 4 you will state if there is anything you don't have enough information on in the complaint to respond to.
- Sign and date.

### **IMPORTANT NOTICES**

Once you have completed the form, you will have 4 days, not counting the day served, to file and serve a copy of your Answer. Should you choose to mail a copy of the Answer to the Landlord, an additional 3 days are allowed for delivery.

A filing fee of \$25 will be required at the time you file the Answer with the Clerk of Court. You may be eligible to waive the filing fee if approved by the court. A waiver of filing fee can be found here: <https://ujslawhelp.sd.gov/WaiverofFees.aspx>

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)
<b>Attorney:</b>			
_____	_____	_____	
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)
<b>Attorney:</b>			
_____	_____	_____	
Last Name	First Name	State Bar ID No.	
_____	_____	_____	_____
Mailing Address	City	State	Zip
_____			
Phone			

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

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

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

<p style="text-align: center;">_____ Plaintiff/Landlord</p> <p>v.</p> <p style="text-align: center;">_____ Defendant/Tenant(s)</p>	<p>FILE NO: _____</p> <p style="text-align: center;"><b>ANSWER (FOR EVICTION)</b></p>
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**COMES NOW**, the above-named Defendant/Tenant(s) and answers the Verified Complaint (For Eviction) as follows:

1. I **AGREE** with the following statements in the complaint:

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2. I **DISAGREE** with the following statements in the complaint:

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3. I either **PARTIALLY** Agree or Disagree with the following statements in the complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. **I DO NOT HAVE ENOUGH INFORMATION** to either agree or disagree with the following statements in the complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Defendant/Tenant’s signature

\_\_\_\_\_  
Print of type name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number

## **INSTRUCTIONS ON AFFIDAVIT OF MAILING ANSWER 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 [ujssrlhelp@ujs.state.sd.us](mailto:ujssrlhelp@ujs.state.sd.us) for specific questions on the forms.

- Complete the caption.
- Fill in the remainder of the form on the lines provided.
- Sign and date once in front of a Clerk or notary.
- File with the Clerk of Court.
- Mail a copy to the Plaintiff/Landlord.

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

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

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

<p style="text-align: center;">_____ Plaintiff/Landlord</p> <p>v.</p> <p style="text-align: center;">_____ Defendant/Tenant(s)</p>	<p>FILE NO: _____</p> <p style="text-align: center;"><b>AFFIDAVIT OF MAILING ANSWER (FOR EVICTION)</b></p>
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I, \_\_\_\_\_, the above-named Defendant/Tenant(s), being sworn,  
*(your name)*  
state that on \_\_\_\_\_, I served the Answer on the Plaintiff/Landlord by placing a true and correct  
*(date)*  
copy of the document in an envelope addressed to the above-named Plaintiff/Landlord at this address:

\_\_\_\_\_  
*(Street Address)*

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

and depositing the envelope, with sufficient postage, in the United States Mail in:

\_\_\_\_\_, \_\_\_\_\_.  
*(City)* *(State)*

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: (\_\_\_\_) \_\_\_\_\_