

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 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.
- _____ Mail the above forms to the Defendant/Tenant(s).
- _____ Complete an Affidavit of Mailing (UJS-115) and file 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.