

INSTRUCTIONS FOR NOTICE TO QUIT AND VACATE (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@uj.s.state.sd.us for specific questions on the forms.

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