

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

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@uj.s.state.sd.us](mailto:ujssrhelp@uj.s.state.sd.us) for specific questions on the forms.

**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><b>SUMMONS (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