

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

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

<p>_____ Plaintiff/Landlord</p> <p>vs</p> <p>_____ Defendant/Tenant</p>	<p>FILE NO: _____</p> <p style="text-align: center;"><b>VERIFIED COMPLAINT (FOR EVICTION)</b></p>
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**COMES NOW**, the above-named Plaintiff and for their cause of action against the above-named Defendant, states and alleges as follows:

1. The Plaintiff is the owner of real property located at the following address in the above-named county: \_\_\_\_\_

2. The Defendant is currently residing in the above-named county at the following address: \_\_\_\_\_

3. Plaintiff leased the property described above to the Defendant beginning \_\_\_\_\_ for a period of \_\_\_\_\_ months/years (*circle one*). A copy of the lease is attached to this Complaint and incorporated herein by reference.

4. The Defendant failed to comply with the following terms of the lease: (*mark all that apply*)

Pay rent in the amount of \$ \_\_\_\_\_ per month for the following months: \_\_\_\_\_;

Pay late fees in the amount of \$ \_\_\_\_\_;

Pay the following utilities and in the following amounts:

- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_

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 caused the Defendant 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 has failed to cure the lease violation(s) and/or continues to wrongfully possess and occupy the property.

**WHEREFORE**, Plaintiff requests that the Court order the following relief:

1. The Defendant be ordered to remove themselves and their property and vacate the above-named premises immediately, restoring possession of the property to the Plaintiff;
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 refuse to remove their property and vacate the premises;
4. In the event Defendant fails to remove property valued at more than \$500, authorizing Plaintiff to remove Defendant's property and store the same in compliance with SDCL 43-32-26, with a lien thereon in favor of Plaintiff in the amount of removal fees and storage costs;
5. Reimbursement for Plaintiff's costs incurred in bringing this action, including but not limited to court fees, costs and disbursements;
6. Judgment in favor of the Plaintiff and against the Defendant 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\_\_\_\_\_.

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Plaintiff's Printed Name

\_\_\_\_\_  
Plaintiff's Mailing Address

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

\_\_\_\_\_  
Plaintiff's Phone Number

**VERIFICATION**

STATE OF SOUTH DAKOTA )  
 : SS  
COUNTY OF \_\_\_\_\_ )

Plaintiff, being first duly sworn, deposes and states that they verify the facts expressed within the Verified Complaint for Eviction are true.

Date: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Plaintiff's Signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public/Clerk of Courts  
If Notary, my commission expires: \_\_\_\_\_

**TO THE DEFENDANT/TENANT:** If you wish to dispute this eviction, you (or your attorney) must file a written Answer to this complaint 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 Answer form 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.