

INSTRUCTIONS ON VERIFIED COMPLAINT 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.

A Verified Complaint is a required form for an eviction action. To complete this form, you should follow the steps below:

- 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.
- 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”. Leave the file number blank, the Clerk of Courts will provide this.
- Complete numbers 1 through 4 accordingly with the information you have.
- Number 5 is the date that the tenant(s) was served with the Notice to Quit and Vacate. If you are unsure, refer to the Affidavit of Service that was provided by the Sheriff’s Office or process server.
- Do not sign until you are in front of a Clerk or notary.
- File a copy of the Verified Complaint, Summons, 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 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.

INSTRUCTIONS ON VERIFIED COMPLAINT FOR EVICTION

<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;">VERIFIED COMPLAINT (FOR EVICTION)</p>
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COMES NOW, the above-named Plaintiff/Landlord and for their cause of action against the above-named Defendant/Tenant(s), states and alleges as follows:

1. The Plaintiff/Landlord is the owner of real property located at:

(Street Address)

(City, State, Zip)

and the Defendant/Tenant(s) are currently residing at the premises.

2. Plaintiff/Landlord leased the property described above to the Defendant/Tenant(s) beginning _____ for a period of _____ months/years (*circle one*).
3. Terms of the lease agreement were: (*check one*)
 - Verbally agreed upon by the Plaintiff/Landlord and Defendant/Tenant(s);
 - or**
 - Listed in a lease agreement that the Defendant/Tenant(s) signed on _____ and a copy of the lease is attached to this Complaint and incorporated herein by reference.
4. The Defendant/Tenant(s) failed to comply with the following terms of the lease: (*mark all that apply*)
 - Failure to pay rent in the amount of \$_____ per month for the following months: _____;
 - Failure to pay late fees in the amount of \$_____;

Failure to pay the following utilities and in the following amounts:

_____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____

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

WHEREFORE, Plaintiff/Landlord requests that the Court order the following relief:

1. The Defendant/Tenant(s) be ordered to remove themselves and their property and vacate the above-named premises immediately, restoring possession of the property to the Plaintiff/Landlord;
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/Tenant(s) refuse to remove their property and vacate the premises;
4. In the event Defendant/Tenant(s) fails to remove property valued at more than \$500, authorizing Plaintiff/Landlord to remove Defendant/Tenant's property and store the same in compliance with SDCL 43-32-26, with a lien thereon in favor of Plaintiff/Landlord in the amount of removal fees and storage costs;

5. Reimbursement for Plaintiff/Landlord's costs incurred in bringing this action, including but not limited to court fees, costs and disbursements;
6. Judgment in favor of the Plaintiff/Landlord and against the Defendant/Tenant(s) 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_____.

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: (____) _____

TO THE DEFENDANT/TENANT: If you wish to dispute this eviction, you (or your attorney) must file a written Answer to this complaint along with a case filing statement 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 instructions and forms to answer 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.