



CAO Online Form Review Checklist

FORCIBLE DETAINER

Filing Fee \$166

USE FOR EVICTION IF:

1. There is **NO** Landlord/Tenant Relationship
2. You have **NO** Written **OR** Verbal Lease
3. You are Evicting a Squatter

1 Complete **ALL** of these forms:

- Civil Case Information Sheet
- Summons for Eviction
(*FORCIBLE DETAINER*)
- Complaint for Possession of Property
(*FORCIBLE DETAINER*)

2 Complete this **ONE** form:

- Affidavit of Service,
Summons & Complaint

3 Complete **ALL** of these forms:

- Judgment and Order for Eviction.
- Motion and Affidavit for Default
- Memorandum of Costs
- Writ of Execution
- One envelope and stamp for each defendant.
(*These are used to mail a copy of the Judgment to each party not present at the hearing after being signed by the Judge.*)

All CAO forms are available online for FREE at:
<https://courtsselfhelp.idaho.gov>
OR you may request them FREE by email at:
cao@bannockcounty.us
OR you may purchase them pre-printed at the courthouse for a fee of \$20-\$30.



As the forms for each step are complete you must **REQUEST AN ONLINE FORM REVIEW.**
(*A total of three online form reviews are needed*)

Please **SCAN** and **EMAIL** the forms for each of the three steps as you complete them to:

cao@bannockcounty.us

If you require assistance to scan your documents, please visit Court Records, Bannock County Courthouse, Rm. 108.

*The Court Assistance Office
assigned to your form review is:*

208-236-7067

cao@bannockcounty.us

CAO Online Form Review

COVER SHEET



Please select the type of form review you are submitting:

- | | |
|--|--|
| <input type="checkbox"/> Divorce NO Minor Children | <input type="checkbox"/> Mandatory Child Support Disclosures |
| <input type="checkbox"/> Divorce WITH Minor Children | <input type="checkbox"/> Eviction |
| <input type="checkbox"/> Custody, Paternity, & Child Support | <input type="checkbox"/> Forcible Detainer |
| <input type="checkbox"/> Modification of Custody & Child Support | <input type="checkbox"/> Name Change- ADULT |
| <input type="checkbox"/> Family Case Response | <input type="checkbox"/> Name Change- MINOR |
| <input type="checkbox"/> Family Case Response & Counterclaim | <input type="checkbox"/> Civil Case Answer |
| | <input type="checkbox"/> _____ |
| | <input type="checkbox"/> _____ |

I understand these forms will be scanned into electronic format and emailed to the Bannock County Court Assistance Officer who will perform a form review and respond to me directly within 48 hours.

The Court Assistance Office assigned to my form review is: **208-236-7067**
cao@bannockcounty.us

The Court Assistance Officer does not represent parties or any of their interests. While confidentiality practices concerning anything discussed are utilized, it is not guaranteed. The Court Assistance Officer may provide services to the opposing party/ies (other person/s involved in the same case). The Court Assistance Officer can only give information; not interpretations of laws or strategies for any case. If seeking representation, a confidential consultation, or legal advice, you will have to consult with a private attorney.

NAME

INITIAL

DATE

EMAIL

PHONE



Instructions: Forcible Detainer Eviction - No Landlord/Tenant Relationship

DEFINITION: Forcible Detainer Eviction

These forms can only be used to remove someone from your property if:

1. You are the owner of the property.
2. A landlord-tenant relationship never existed between you and the person(s) occupying the property (Defendant(s)).
3. a. The person “by force, or by menaces and threats of violence, unlawfully holds and keeps possession of the property.”
or
b. The person unlawfully entered the property, “during the absence of the occupant or property owner... and who, after demand [was] made for the surrender...refuses to surrender the [property].” Idaho Code § 6-310.

Note: You could be responsible for three times the actual damages suffered by the Defendant if you use these forms when a landlord-tenant relationship did exist. A lawyer can help you decide if these forms are right for you.

STEP 1 Demand that the property be returned to you

You (Plaintiff) must communicate to the person(s) occupying the property that they must leave the property and surrender the property to you. Each Defendant must be notified individually.

If the Defendant(s) refuse(s) to leave, you can file a lawsuit with the court to evict the Defendant(s).

STEP 2 Complete the forms.

Complete the following three forms in black ink:

- Form 1. *General Civil Case Information Sheet*
Fill out the form as completely as possible.

- Form 2. *Summons for Eviction (Forcible Detainer) CAO FD 1-2*
See example to the right for guidance on completing the court heading. Include your full legal name and the full legal name (to the extent known) of the person(s) you are suing. The court clerk will fill in the Case Number.

Leave the hearing date and time blank for now; the court clerk will provide that information. Fill in the county and street address of the courthouse where you will file.

- Form 3. *Complaint for Eviction (Forcible Detainer) CAO FD 1-1*

Write the complete property address, and the details of how you demanded that the person vacate the property. Check the box to indicate the Defendant’s armed forces status. By signing you are swearing under penalty of perjury that the document is true.

John Doe	
Full Name of Party Filing Document	
123 Street	
Mailing Address (Street or Post Office Box)	
Boise, ID 11111	
City, State and Zip Code	
(111) 111-1111	
Telephone	
myemail@address.com	
Email Address (if any)	
IN THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT	
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI	
John Doe	Case No. _____
Plaintiff(s),	COMPLAINT FOR POSSIBLE PROPERTY HELD BY FORCIBLE DETAINER
vs.	Fee Category: Filing Fee: \$ _____
John Doe II	

STEP 3 Make copies.

Make at least 2 copies of the *Complaint* and *Summons*:

- original for the court,
- 1 copy for yourself, and
- 1 copy for each Defendant.

Only the original copy of the *Civil Case Information Sheet* is needed.

STEP 4 File the forms with the court.

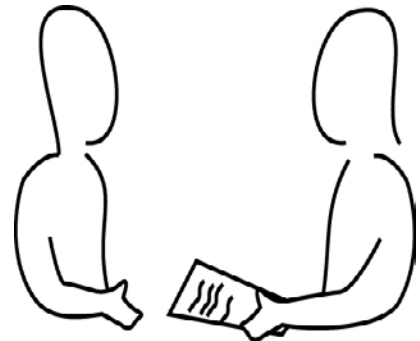
Take the forms, all copies, and the filing fee to the court to file the case. The clerk will file stamp your paperwork, open a new case file, and return the copies to you. The clerk will set a court date for you, and fill it in on each copy of the *Summons*.

STEP 5 Have someone deliver (serve) a copy to the Defendant(s).

You must notify the Defendant(s) of the court case and upcoming trial date by having an adult deliver the *Summons* and *Complaint* to the Defendant(s); this is called “personal service.” The Defendant(s) must receive the forms at least twenty-four (24) hours before the scheduled hearing time.

➤ For **personal service**, choose **1** of these options:

- a. Pay the **Sheriff’s office** to serve the papers. You must tell them exactly where to find each Defendant. The Sheriff will either give you the *Return of Service* or file it directly with the court clerk.
- b. Pay a professional **process server** to deliver the forms to each Defendant. Or
- c. **Ask someone 18 or older** – not **you** or anyone else involved in the case – to personally give each Defendant a copy of the forms.



Ask the server to complete the Affidavit of Service

Once the server completes and signs *Form 4. Affidavit of Service (CAO FD 2-1)*, it will be returned to you to file with the court at the time of your trial.

If you are unable to have the documents delivered to Defendant in time you can go back to the court clerk, with another *Summons* and copies and ask for another trial date.

STEP 6 Prepare for Trial.

Complete the heading on the following forms and fill in the case number:

- Form 5. *Judgment for Eviction CAO FD 8-1*

Fill in the complete property address, and the total costs you paid for service fees and filing fees. Leave the date and signature line blank; the judge will sign it.

On the last page, Clerk’s Certificate of Service, fill in yours and Defendant(s)’ name and mailing address. Leave the date and signature line blank; the clerk will date and sign it.

- Form 6. *Memorandum of Costs CAO FD 7-2*

You can request that the Defendant pay your costs and fees; this includes the filing fee and the fee to have the Defendant(s) served. You CANNOT ask for other money damages in this court case. You can sue to recover any other damages in a separate lawsuit.

Form 7. *Writ of Restitution of Premises CAO FD 10-1*

If Defendant(s) does/do not leave the property following the trial, you will need this form to request that the Sheriff remove the Defendant(s) from the property.

Make copies of all forms:

- original for the court,
- 1 copy for yourself, and
- 1 copy for each Defendant.

Prepare an envelope with an address and stamps for each Defendant, or pay the court a mailing fee.

STEP 7 Go to trial.

Arrive at least 15 minutes early and bring your forms and copies with you. At the trial you must establish the facts stated in your *Complaint*, and that a *Complaint* and *Summons* were served on the Defendant(s).

If the judge rules in your favor, he/she will sign the *Judgment for Eviction*. The court clerk can certify your copy. If the Defendant did not show up, the clerk will mail a copy of the *Judgment* to the Defendant.

STEP 8 Have the Sheriff remove the Defendant(s) from the property.

If the Defendant(s) still refuse(s) to move, you may need the sheriff's help. Prepare form *CAO FD 10-1 Writ of Restitution of Premises*:

1. Complete the court heading and include the case number.
2. Fill in the complete property address.
3. Fill in the date the judge signed the *Judgment for Eviction*.
4. Copy the total amount of costs from the signed *Judgment for Eviction*.
5. Leave the date and signature line blank.
6. Make two copies.

Take the original and copies to the court clerk. There is a two dollar (\$2.00) fee for the clerk to issue your *Writ*. Then take the issued *Writ* to the sheriff's department. The sheriff's department can then explain the plan to remove the Defendant(s) from your property. There will be additional fees charged by the sheriff.

QUESTIONS? Contact your local Court Assistance Office if you have questions:

<https://courtsselfhelp.idaho.gov/find-office>.

Talk to an Attorney, if possible. These instructions are legal information only, and are not legal advice. Even if you follow all instructions you are not guaranteed a favorable result. You should always talk to a lawyer for legal advice before filing any legal paperwork. Call the Idaho State Bar (208-334-4500) to provide you with the name of an attorney who handles real property cases.

CONFIDENTIAL Case Information Sheet

Fill out this form to start a **General Civil Law** case.

The information you give us is **private**.

Case Number (Clerk fills in case #):

Exempt from Public Disclosure

DO NOT SERVE THIS DOCUMENT ON OTHER PARTIES

Complete this form for each of the parties for whom you are submitting this initial pleading. It is not necessary to provide information about other parties.

The personal identifiers collected by the Court below are collected for the purpose of ensuring that the Court's party records are accurate and to better differentiate individuals or businesses with common names. It will be used for this purpose alone and will not be disclosed to the public including the parties in the subject lawsuit.

Information about Party

Name:
First Middle Last

Legal name of business entity:

Any other names used:

Address:
Street City State Zip

Mailing Address (if different):

Phone numbers: Home Work Cell

Email:

Driver's License: State Number Date of Birth:

If the accompanying pleading is filed on behalf of more than one party, provide information regarding those additional parties below.

Information about Party

Name:
First Middle Last

Legal name of business entity:

Any other names used:

Address:
Street City State Zip

Mailing address (if different):

Phone numbers: Home Work Cell

Email:

Driver's License: State Number Date of Birth:

COMPLETE INFORMATION FOR ADDITIONAL PARTIES ON ADDITIONAL PAGE(S) IF NECESSARY

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
Plaintiff(s),

vs.

_____,
Defendant(s).

Case No. _____

COMPLAINT FOR POSSESSION OF
PROPERTY HELD BY FORCIBLE
DETAINER

Fee Category:

Filing Fee: \$ _____

The Plaintiff(s) say(s):

1. I/we am/are the owner(s) of the real property located at: (street address) _____
_____, city of _____
_____, county of _____, Idaho.

2. The Defendant(s) is/are currently in possession of the premises.

3. The Defendant(s) entered, hold(s), and occupies(y) the real property by forcible
detainer (by force, or by menaces and threats of violence).

4. Neither I/we nor my/our agent has/have ever entered into a lease or any other similar
agreement with the Defendant(s).

5. Before filing this complaint, I/we demanded that the Defendant(s) surrender the property
by: (Explain how and when demand for surrender was made) _____

- 6. Defendant(s) continue(s) to refuse to vacate the real property.
- 7. Plaintiff(s) is/are entitled to possession of the premises and costs and disbursements as allowed by Idaho Code Section 6-311A.
- 8. The Defendant(s) is/are mentally competent and over the age of eighteen (18) years.
- 9. Defendant(s) is/are not in the uniformed services as defined by the Servicemembers Civil Relief Act; I know this because _____

_____. **or**

I/we am/are unable to determine whether Defendant(s) is/are in the uniformed services as defined by the Servicemembers Civil Relief Act. **or**

Defendant(s) is/are in the uniformed services as defined by the Servicemembers Civil Relief Act, and has/have waived in writing Defendant's rights under the Act.

VERIFICATION: I/we certify I/we have read this Complaint and state that all facts included are true.

WHEREFORE, Plaintiff(s) pray(s) for judgment for immediate restitution of the premises and for costs and disbursements.

CERTIFICATION UNDER PENALTY OF PERJURY

I/we certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

Typed/printed name

Plaintiff's Signature

Date: _____

Typed/printed name

2nd Plaintiff's Signature

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
Plaintiff(s),

vs.

_____,
Defendant(s).

Case No. _____

SUMMONS FOR POSSESSION OF
PROPERTY HELD BY FORCIBLE
DETAINER, AS PERMITTED BY IDAHO
CODE § 6-310

Notice to the above-named defendant(s): you have been sued by the above-named plaintiff(s). The court may enter judgment against you without further notice unless you respond before the date set for trial or appear at the trial set in this matter.

TRIAL DATE	
Date: _____	Time: _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Before Judge: _____	
at the _____ County Courthouse,	
(Address): _____	

A trial will be held to determine if you should be removed from the premises described in the Complaint for Possession of Property Held by Forcible Detainer which is served with this Summons. If the court grants the request to remove you, the court may also order you to pay the costs of this proceeding. If you wish to seek the advice of or representation by

an attorney in this matter, you should promptly do so to allow adequate time for trial preparation.

This Summons and the Complaint shall be served upon the Defendant(s) not less than twenty-four (24) hours prior to the time of trial.

Date: _____

CLERK OF THE DISTRICT COURT

(Mailing address, physical address [if different] and telephone number of the clerk) _____

Typed/printed name

By: _____
Deputy Clerk

STOP

**FORMS MUST BE
APPROVED BY CAO PRIOR
TO FILING.**

Email

cao@bannockcounty.us

OR Call 208-236-7067

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Plaintiff(s),
vs.

Defendant(s).

Case No. _____

AFFIDAVIT OF SERVICE
(SUMMONS & COMPLAINT -
FORCIBLE DETAINER)

I certify:

1. I am a resident of _____ County, State of _____,
over the age of eighteen (18) years, and not a party to this action.

2. On the _____ day of _____ I personally served copies of
the Summons and Complaint for Possession of Property Held by Forcible Detainer
on _____, the above-named Defendant, in the
County of _____, State of _____
at (address) _____.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is
true and correct.

Date: _____

Typed/printed name

Signature

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Plaintiff(s),
vs.

Defendant(s).

Case No. _____

MOTION AND AFFIDAVIT
FOR ENTRY OF DEFAULT

Plaintiff moves this Court for Entry of Default on the grounds that Defendant,
(Defendant's name) _____, having been
personally served with the Summons and Complaint for Eviction, has failed to appear at
the expedited hearing for eviction in this matter. This motion is based on Rule 55(a)(1) of
the Idaho Rules of Civil Procedure and the pleadings filed in this case.

I certify:

1. I am Plaintiff in this action.
2. Proof of service upon Defendant is on file in this case.
3. Defendant failed to appear at the expedited hearing for eviction.
4. Defendant is mentally competent and over the age of eighteen (18) years.
5. Defendant is not in the uniformed services as defined by the Servicemembers
Civil Relief Act of 2003; I know this because _____

or I am unable to determine whether Defendant is in the uniformed services as defined by the Servicemembers Civil Relief Act of 2003

6. The name of Defendant is _____, and the address most likely to give Defendant notice of entry of judgment of default is (address):

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

Typed/printed name

Signature

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
Plaintiff(s),

vs.

_____,
Defendant(s).

Case No. _____

MEMORANDUM OF COSTS

I certify:

That I am the above named Plaintiff and the prevailing party in this action. I am requesting an award of the following costs I have incurred in this case, as a matter of right under Rule 54(d)(1) of the Idaho Rules of Civil Procedure:

FILING FEE \$ _____

SERVICE OF PROCESS \$ _____

OTHER \$ _____

TOTAL \$ _____

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

Typed/printed name

Signature

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____,
Plaintiff(s),

vs.

_____,
Defendant(s).

Case No. _____

JUDGMENT FOR EVICTION

JUDGMENT IS ENTERED AS FOLLOWS:

The possession of the premises described as _____

_____ shall be restored to the Plaintiff(s). The Defendant(s) is/are ordered to immediately remove himself/herself/themselves, family and possessions from the premises.

Plaintiff(s) is/are awarded costs and disbursements as allowed by Idaho Code in the amount of \$ _____, to be paid by Defendant(s).

A Writ of Restitution of Premises may issue to the Sheriff of this County to remove the Defendant(s) from the premises.

Date: _____

JUDGE

CLERK'S CERTIFICATE OF SERVICE

I certify that on (date) _____ I served a copy to: (name all parties in the case other than yourself)

(Name)

(Street or Post Office Address)

(City, State, and Zip Code)

- By mail
- By fax (number) _____
- By personal delivery
- Overnight delivery/Fed Ex

(Name)

(Street or Post Office Address)

(City, State, and Zip Code)

- By mail
- By fax (number) _____
- By personal delivery
- Overnight delivery/Fed Ex

Typed/printed name

Deputy Clerk

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

Plaintiff(s),
vs.

Defendant(s).

Case No. _____

WRIT OF RESTITUTION OF
PREMISES

TO THE SHERIFF OF THE COUNTY:

A certain action for the possession of premises located at (complete physical address) _____

_____ was tried before the above entitled
court, Judgment was rendered on the _____ day of _____;
which provided the Plaintiff(s) restitution of the premises and that Plaintiff(s) recover costs
and disbursements in the sum of \$_____.

In the name of the State of Idaho, you are commanded to cause the Defendant(s) and
his/her/their goods and chattels to be removed from the premises, and the Plaintiff(s)
is/are to have restitution of the same. In the event the goods and chattels are not promptly
removed thereafter by the Defendant(s), you are authorized and empowered to cause the
goods and chattels to be removed to a safe place for storage. You are also commanded
to levy on the goods and chattels of the Defendant(s) and pay the costs and

disbursements aforesaid and all accruing costs and to make legal service and due return of this writ.

WITNESS my hand and official seal this day:_____.

CLERK OF THE DISTRICT COURT

By: _____
Deputy Clerk

Typed/printed name