



## CAO Online Form Review Checklist

# COMPLAINT FOR EVICTION

Filing Fee \$166

### USE FOR EVICTION IF:

1. There is a Landlord/Tenant Relationship
2. You have a Written **OR** Verbal Lease
3. You are Evicting for Non-Payment of

## 1 Complete ALL of these forms:

- Three Day Notice to Pay Rent or Vacate
  - Civil Case Information Sheet
  - Summons for Eviction
  - Complaint for Eviction
- ATTACH TO THE COMPLAINT:**
- Copy of Rental Agreement- *Exhibit A*
  - Copy of Three Day Notice- *Exhibit B*
  - Proof of Service (3-day not.) *Exhibit C*

### NOTICE! YOU ARE REQUIRED TO:

Scan your completed forms into PDF form and email them to the CAO Officer for for a form review.

If you do not have a scanner, you can use your smart phone by downloading a Free Scanning App.

A Scanning App will PDF forms. The court needs PDF forms, you are not able to submit photos.

## 2 Complete this ONE form:

- Affidavit of Service, Summons & Complaint



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](mailto:cao@bannockcounty.us)

## 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.)*

The Court Assistance Office  
assigned to your form review is:

208-236-7067

[cao@bannockcounty.us](mailto:cao@bannockcounty.us)

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](mailto:cao@bannockcounty.us)

**OR** you may purchase them pre-printed at the courthouse for a fee of \$20-\$30.

# CAO Online Form Review

## COVER SHEET



Please select the type of form review you are submitting:

- |  |  |
|--|--|
| <input type="checkbox"/> Divorce <b>NO</b> Minor Children        | <input type="checkbox"/> Mandatory Child Support Disclosures |
| <input type="checkbox"/> Divorce <b>WITH</b> 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- <b>ADULT</b>           |
| <input type="checkbox"/> Family Case Response                    | <input type="checkbox"/> Name Change- <b>MINOR</b>           |
| <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.

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NAME

INITIAL

DATE

---

EMAIL

PHONE

**UD INSTRUCTION 1  
EXPEDITED PROCEEDINGS FOR EVICTION (Unlawful Detainer)**

**Talk to An Attorney, If Possible.**

**Warning:** When you represent yourself in a court case you are held to the same standard as an attorney. This applies to your preparation of paperwork and your conduct at all hearings and/or trial. Your lack of legal knowledge may cause you to make serious errors in handling your case. These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee that your rights are protected or that you will be satisfied with the result. You should always talk to a lawyer about your legal problems before filing any legal paperwork. Even if you do not hire a lawyer to appear in your case, a lawyer can give you more information about your rights. Call the Idaho State Bar (208-334-4500) to provide you with the name of an attorney who handles this landlord/tenant cases.

**Important:**

1. These forms are to be used only if the eviction is for non-payment of rent.
2. These forms cannot be used to evict a tenant for any other violation of the rental agreement.
3. These forms cannot be used to sue for unpaid rent or damages to the rental property.
4. These forms cannot be used to remove a mobile home from a rented space.
5. The Plaintiff of the action must be the owner of the rental property and must sign the Complaint. As the property owner you can represent yourself or you must be represented by an attorney. A property manager or other agent cannot represent a property owner unless the manager/agent is an attorney licensed to practice law in Idaho.

You will be preparing the following forms:

- |  |         |
|--|---------|
| <input type="checkbox"/> Three Day Notice to Pay Rent or Vacate      | UD 1    |
| <input type="checkbox"/> Affidavit of Service of 3 Day Notice        | UD 2    |
| <input type="checkbox"/> General Civil Case Information Sheet        |         |
| <input type="checkbox"/> Eviction Complaint                          | UD 1-1  |
| <input type="checkbox"/> Summons for Eviction                        | UD 1-2  |
| <input type="checkbox"/> Affidavit of Service of Summons & Complaint | UD 2-1  |
| <input type="checkbox"/> Judgment for Eviction                       | UD 8-1  |
| <input type="checkbox"/> Writ of Restitution of Premises             | UD 10-1 |

Fill in the forms by typing or by printing neatly and legibly in black ink. Always keep a copy of each completed form for your records.

**Step 1. Complete these forms:**

- UD 1 THREE-DAY EVICTION NOTICE FOR NON-PAYMENT OF RENT. **Note:** The Three-Day Eviction Notice must allow the tenant to pay rent in three days or vacate. It cannot require them to both pay and to vacate in three days.
  - Fill in the name and mailing address of the tenant(s)
  - Write in the complete residential address of the rental property (street, house/apartment number, city, state)
  - Enter the total amount of rent now due and owing. Do not include any other fees or costs such as damage to property.
  - Date and sign. This document must be signed by the owner of the property.
  - Make two copies
- UD 2 AFFIDAVIT OF SERVICE (Three-Day Eviction Notice)
  - In the first two blanks fill in the name of the county where the property is located
  - Leave the date blank
  - Fill in the name of the tenant

- Skip down to the blank for “mailing address” and fill in the mailing address for the tenant in two places
- Leave the signature lines and date blank
- Prepare a postage paid envelope, addressed to the tenant.
- Put a copy of the Three-Day Eviction Notice in the envelope.

**Step 2. Serve the Notice on the Tenant.**

- Serve the Three-day Notice on the Tenant using one of the following ways:
  1. Deliver the Three- Day Eviction Notice to the tenant personally; **or**
  2. If the tenant cannot be found, either leave the three-day notice with a person of suitable age at the premises and mail it to the tenant, **or**, if a personal of suitable age cannot be found there, post the Three-day Notice in a conspicuous place on the premises and mail it to the tenant.
- Once the Three-day Notice has been served indicate on the Affidavit of Service how you served the Three-day notice, sign the Affidavit of Service certifying that the information is true and accurate, subject to the penalty of perjury if it is not.
- Make a copy of the Affidavit of Service for your records.
- Wait three (3) days after service. **Note:** When counting the 3 days do NOT count the day the tenant received the notice.

**Step 3. If the tenant has not vacated the rental property after the waiting period, prepare:**

- UD 1-1 COMPLAINT FOR EVICTION (Expedited Proceedings)
  - On the first page in the upper left corner, fill in your full legal name, mailing address, telephone number, and email address (if you have one)
  - The Court Heading. Fill in the county and judicial district (for example, “In the District Court of the Sixth Judicial District, in and for the County of Bannock”)
  - The Caption. Fill in your full legal name (as the landlord/owner of the property) on the line above “Plaintiff” and the tenant’s full legal name on the line above “Defendant”
  - The Case No. The case number will be assigned by court personnel when you file the Complaint; thereafter you will fill in the case number.

**Note:** The Court Heading, Caption and Case Number will be the same on all other documents you prepare for this case.

  1. Write in the complete residential address of the rental property (street, house/apartment number, city, state)
  2. Write in the amount agreed to be paid for rent
  3. Enter the total amount of rent now due and owing. Do not include any other fees or costs such as damages to property. If there is a written rental agreement, make a copy and write “**Exhibit A**” on the bottom of the first page. Check the box and staple the copy of the rental agreement to the Complaint.
  4. Write “**Exhibit B**” on the bottom of the first page of the Three-Day Eviction Notice and the Affidavit of Service of Three-Day Eviction Notice or other proof of service and staple them to the Complaint
  5. Check the box to indicate the tenant’s status as a member of the armed forces
  6. Date and sign. This document must be signed by you (the landlord/owner of the property)
  7. Verification – Write your name on the line. You must sign and date certifying that the information is true and accurate, subject to the penalty of perjury if it is not.
  8. Make additional copies, one for yourself and one for each tenant named as a defendant
- UD 1-2 SUMMONS FOR EVICTION
  - On the first page in the upper left corner, fill in your full legal name, mailing address, telephone number, and email address (if you have one). Fill in the Court Heading and Caption exactly like you did in the Complaint

- Leave the date and time blank for now
- Fill in the county and the street address of the courthouse where you are filing the action
- Make additional copies, one for yourself and one for each tenant named as a defendant

**Step 4. File the Complaint and get the Summons issued.**

Go to the window in the Clerk's Office. Ask the Clerk to file the Complaint, issue the Summons and set a hearing date. Give the Clerk the following:

- Filing fee payable in cash or money order, not by personal check. (visit <http://www.courtselfhelp.idaho.gov/filingfees> for current filing fees)
- General Civil Case Information Sheet
- Complaint and copies
- Summons and copies. **Note:** After the court clerk gives you the date and time for hearing, be sure each copy of the Summons has the date and time of the hearing filled in

**Step 5. Have the Defendant(s) Served With Complaint and Summons.**

- Prepare UD 2-1 AFFIDAVIT OF SERVICE (Complaint & Summons)
  - On the first page in the upper left corner, fill in your full legal name, mailing address, telephone number, and email address (if you have one).
  - Fill in the Court Heading, Caption and Case Number

**Important:** Each Defendant must be served personally with a copy of the Complaint and Summons at least five days before the trial date shown on the Summons. Service must be done by a professional process server or other competent person over 18 years old who is not a party to the case. **You cannot serve the Complaint and Summons** on the Defendant. The person who serves the Defendant will complete and sign the Affidavit of Service of the Complaint and Summons. The original Affidavit of Service should be returned to you after service is completed. Make a copy for your records. File the original Affidavit of Service and the original Summons with the Court. (This can be done at the trial if you don't have time before the trial.)

**Note:** If service is not done at least five days prior to the trial date, you must have another Summons issued with another trial date and serve that Summons. Notify the Court Clerk the trial date must be changed.

**Step 6. Prepare for Trial.**

- Prepare UD 8-1, JUDGMENT FOR EVICTION
  - On the first page in the upper left corner, fill in your full legal name, mailing address, telephone number and email address (if you have one).
  - Fill in the Court Heading, Caption and Case Number
  - Leave the date blank
  - Do not check either box regarding who appeared at trial (the judge's clerk or the judge will do this)
  - Write in the complete address for the rental property
  - Write in the total costs you have paid for service fees and filing fees
  - Write in the name of the county
  - Leave the date and signature line blank
  - Write in your name and mailing address
  - Write in Defendant's name and mailing address
  - Leave the date and signature line blank
- Address postage paid envelopes for yourself and the Defendant

**NOTE:** If a trial becomes unnecessary, notify the Court Clerk so the trial can be removed from the judge's calendar.

**Step 7. The Trial.**

You, as the owner of the rental property, must attend the court trial. If you have not already filed them, you will have to hand the judge the Affidavit of Service of the Complaint and Summons and the original Summons. You will also need to hand the judge the Judgment for Eviction. You will need at least two copies of the Judgment for Eviction, one for you and one for each Defendant. You should also bring a postage paid envelope addressed to each Defendant.

At the trial you must establish:

- A Complaint and Summons were served on the Defendant.
- You, the Plaintiff, are the owner of the rental property described in the Complaint.
- There was an agreement with the Defendant for the rental of that property.
- The Defendant failed to pay rent in accordance with the agreement.
- A three-day notice to pay rent or vacate the premises was served on the Defendant at least 4 days before you filed your Complaint.
- The Defendant did not either paid the rent or vacate the premises in the allotted time.

If the judge rules in your favor, he/she will sign the Judgment for Eviction. You can then take the copies to the Court Clerk's office. The Court Clerk will conform your copy of the signed Judgment for Eviction. The Defendant's copy will be mailed in the envelope you provided if the Defendant did not show up. If the Defendant is present, the Court Clerk will give the Defendant a conformed copy of the Judgment for Eviction.

#### **Step 8. Have the Sheriff Evict the Tenant.**

If you want/need the Sheriff to evict the Defendant, after the judge has signed the Judgment for Eviction, take the completed Writ of Restitution and two copies to the Court Clerk's office. There will be a \$2.00 fee for issuance of the Writ.

- Complete UD 10-1, WRIT OF RESTITUTION OF PREMISES
  - In the upper left corner, fill in your full legal name, mailing address, telephone number, and email address if you have one.
  - Fill in the Court Heading, Caption and Case Number
  - Write in the name of the county
  - Write in the complete address for the rental property
  - Fill in the day, month and year the judge signed the Judgment for Eviction
  - Fill in the total amount of costs in the signed Judgment for Eviction
  - Leave the date and signature line blank
  - Make two more copies
- Take the original and two copies of the completed Writ of Restitution of Premises to the Clerk with the \$2.00 filing fee and ask the deputy clerk to issue it.
- Take the original and a copy of the Writ of Restitution of Premises to the Sheriff for delivery to the tenant. Discuss with the Sheriff the options and fees to forcibly move the tenant.

\_\_\_\_\_  
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. \_\_\_\_\_

STATEMENT OF LANDLORD  
REGARDING CARES ACT EVICTION  
MORATORIUM  
FOR EVICTIONS FILED BETWEEN  
MARCH 27, 2020 AND JULY 25, 2020

I, \_\_\_\_\_ (your name), state the following:

1. I am the Plaintiff in the above title action.
2. I am the landlord, property manager, and/or owner of the following rental property \_\_\_\_\_  
\_\_\_\_\_ (address of the rental unit).
3. I have a landlord/tenant relationship with tenant(s) \_\_\_\_\_  
\_\_\_\_\_
4. I submit this Statement with regard to the provisions in Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), which imposes a 120 day nationwide moratorium on new eviction filings for certain properties covered by the Act.
5. The rental property listed above is characterized by or subject to the following (mark all that apply):
  - Section 8 Housing Choice Voucher program (42 U.S.C. § 1437f)
  - Section 8 project-based housing (42 U.S.C. § 1437f)

- Section 202 housing for the elderly (12 U.S.C. § 1701q)
  - Section 811 housing for people with disabilities (42 U.S.C. § 8013)
  - Section 236 multifamily rental housing (12 U.S.C. § 1715z-1)
  - Section 221(d)(3) Below Market Interest Rate (BMIR) housing (12 U.S.C. § 17151(d))
  - HOME (42 U.S.C. § 12741 et seq.);
  - Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. § 12901, et seq.)
  - McKinney-Vento Act homelessness programs (42 U.S.C. § 11360, et seq.)
  - Public housing (42 U.S.C. § 1437d)
  - Section 515 Rural Rental Housing (42 U.S.C. § 1485)
  - Sections 514 and 516 Farm Labor Housing (42 U.S.C. §§ 1484, 1486)
  - Section 533 Housing Preservation Grants (42 U.S.C. § 1490m)
  - Section 538 Multifamily rental housing (42 U.S.C. § 1490p-2)
  - Rural housing voucher program (42 U.S.C. 1490r)
  - Low-Income Housing Tax Credit (LIHTC) (26 U.S.C. § 42)
  - None of the above
6. The rental property listed above is characterized by or subject to the following (mark one):
- A federally backed mortgage loan
  - A federally back multifamily mortgage loan
  - None of the above
7. The rental property listed above is subject to a “federally backed mortgage loan” owned, insured or guaranteed by (mark all that apply):
- Department of Housing and Urban Development (HUD)
  - Department of Veteran Affairs
  - Department of Agriculture
  - Fannie Mae or Freddie Mac
  - None of the above
8. The rental property listed above is subject to a “federally backed mortgage loan” and has not received a loan forbearance.



**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

**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 or printed name

\_\_\_\_\_  
Signature

**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**

**THREE-DAY NOTICE TO PAY RENT OR VACATE**

To: \_\_\_\_\_  
Name(s) of Tenant(s)/Sub-tenant(s)

**NOTICE:** you are in default in payment of rent for the property at \_\_\_\_\_  
\_\_\_\_\_. You must either pay the rent due in the amount of \$\_\_\_\_\_, or  
move out within three (3) days after the date you were served this notice.

If you fail to either pay the rent in full or move out within three (3) days, you can be sued for  
eviction and forced to move. You will be required to pay attorney fees, and may also be  
required to pay all fees and court costs.

**RESIDENTIAL TENANTS NOTICE:** If a court enters judgment against you, then you will  
have seventy-two (72) hours to remove your belongings from the premises before the landlord  
may remove and dispose of such property pursuant to section 6-316, Idaho Code.

**COMMERCIAL TENANTS OR LAND FIVE (5) ACRES OR MORE NOTICE:** If a court  
enters judgment against you, then you will have seven (7) days, or longer if granted by the  
court, if you are a commercial tenant or a tenant with a tract of land five (5) acres or more, to  
remove your belongings from the premises before the landlord may remove and dispose of such  
property pursuant to section 6-316, Idaho Code.

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner/Agent

\_\_\_\_\_  
Typed/printed name

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AFFIDAVIT OF SERVICE  
(Three-Day Eviction Notice)

I swear under oath:

On (date) \_\_\_\_\_, I delivered a copy of the  
Three-Day Eviction Notice for Nonpayment of Rent by one of the following ways:

1.  in person to the tenant named \_\_\_\_\_ at  
(street address, city, state) \_\_\_\_\_.

**Or, because the tenant was not at the residence and not at his/her usual place of  
business,**

2.  by leaving it with (name of person) \_\_\_\_\_, who is  
of suitable age and discretion at (street address, city, state) \_\_\_\_\_

\_\_\_\_\_,  
(select one)  tenant's residence  tenant's usual place of business, and also sending a  
copy through the mail addressed to the tenant at (tenant's residence address) \_\_\_\_\_

**Or, because I am not able to find out where the tenant lives and/or works, or because  
no person of suitable age and discretion was present there,**

3.  by posting it in a conspicuous place on the property located at (tenant's residence street  
address, city, state) \_\_\_\_\_

\_\_\_\_\_ and also sending a  
copy through the mail, addressed to the tenant at (property mailing address) \_\_\_\_\_

\_\_\_\_\_ ; and  delivering to  
(name of person) \_\_\_\_\_, a person residing there. **or**

a person who resides there could not be found.

\_\_\_\_\_  
Typed/printed name

\_\_\_\_\_  
Signature

STATE OF IDAHO                    )  
  ) ss.  
County of \_\_\_\_\_)

SUBSCRIBED AND SWORN before me on this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
Commission expires \_\_\_\_\_

\_\_\_\_\_  
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 EVICTION  
(EXPEDITED PROCEEDINGS)

Fee Category:

Filing Fee: \$ \_\_\_\_\_

The Plaintiff(s) say(s):

1. I/we am/are the owner(s) of the premises, comprising five acres or less, located at (street address) \_\_\_\_\_ city of \_\_\_\_\_, county of \_\_\_\_\_, Idaho.
2. For a rental fee of \$ \_\_\_\_\_ per month, the Defendant(s) entered, hold(s), and occupies(y) the premises pursuant to an oral or written rental agreement.  A copy of the written rental agreement is attached as "Exhibit A".
3. The Defendant(s) is/are currently in possession of the premises.
4. The Defendant(s) is/are in default in the payment of rent in the amount of \$ \_\_\_\_\_.
5. I/we served my/our tenant(s) a written demand for payment of the past due rent more than three (3) days before filing this complaint.  A copy of the three-day demand is attached as Exhibit B.  Proof of service is attached as Exhibit C.

6. Defendant(s) has/have failed to pay the past due rent and has/have failed to move from the premises within the three days notice given, and continue(s) to refuse to vacate the leased premises.

7. Pursuant to Chapter 3 of Title 6 of the Idaho Code, 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) in this case 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 Service members Civil Relief Act of 2003; I know this because \_\_\_\_\_

\_\_\_\_\_.

**or**

I am unable to determine whether Defendant(s) is/are in the uniformed services as defined by the Service members Civil Relief Act of 2003. **or**

Defendant(s) is/are in the uniformed services as defined by the Service members Civil Relief Act of 2003, and has/have waived in writing Defendant's rights under the Act.

**VERIFICATION:** I certify I 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 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. \_\_\_\_\_  
SUMMONS FOR EVICTION  
PURSUANT TO IDAHO CODE § 6-310  
(Expedited Proceedings)

**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.**

A trial will be held on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ m. at the \_\_\_\_\_ County courthouse, (address) \_\_\_\_\_ to determine if you should be evicted from the premises described in the Complaint which is served with this Summons. If the court grants the request to evict 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 five (5) days prior to the date 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](mailto: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,  
vs.  
\_\_\_\_\_  
Defendant.

Case No. \_\_\_\_\_

AFFIDAVIT OF SERVICE  
(SUMMONS & COMPLAINT)

I certify:

1. I am a resident of \_\_\_\_\_ County, State of \_\_\_\_\_,  
over the age of eighteen (18) years, and not a party to the above-entitled action.

2. On the \_\_\_\_\_ day of \_\_\_\_\_ I personally served copies of  
the Summons for Eviction and Complaint 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. \_\_\_\_\_

JUDGMENT FOR EVICTION

JUDGMENT IS ENTERED AS FOLLOWS:

The possession of the premises described as \_\_\_\_\_

\_\_\_\_\_ shall be restored to the Plaintiff(s), and the Defendant(s) is/are hereby 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,  
  
vs.  
  
\_\_\_\_\_  
Defendant.

Case No. \_\_\_\_\_

MOTION AND AFFIDAVIT  
FOR ENTRY OF DEFAULT

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

I certify:

1. I am Plaintiff in this action.
2. Proof of service upon Defendant is on file in this case.
3. Defendant has 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. I certify 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)

\_\_\_\_\_  
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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:**

An action for the possession of premises located at (complete physical address or parcel number) \_\_\_\_\_

\_\_\_\_\_ was tried before the  
above entitled court and judgment was entered on the \_\_\_\_\_ day of  
\_\_\_\_\_; that the Plaintiff(s) have restitution of the premises and also 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) to  
be immediately removed from the premises, and the Plaintiff(s) is/are to have restitution of  
the same.

The Defendant is entitled to remove their belongings from the premises within the  
following time frame (Please indicate the type of property):



Residential. A residential tenant shall have three days (72 hours) to remove their belongings.

Commercial. A commercial tenant shall have no less than seven days to remove their belongings.

Large parcel. A residential tenant with 5 acres or more shall have seven days to remove their belongings.

In the event that the Defendant does not timely remove their belongings, the Plaintiff is authorized to remove the belongings as permitted by Section 6-316(2), Idaho Code.

Upon returning the premises to the Plaintiff, the sheriff will serve and return this writ.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_.

CLERK OF THE DISTRICT COURT

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Typed/printed name