

LIMITED ACTIONS (EVICTION) INSTRUCTIONS

1. You will need a printed copy of your Notice to Vacate, a picture of the notice is not acceptable.
2. You will need to have all forms **COMPLETLEY** filled out **BEFORE** filing your case. Examples are located outside of the Limited Actions Department on the Basement level of the Courthouse and included in this packet.
3. Your case will first be heard in **DIVISION ONE LOCATED ON THE 3RD FLOOR-NORTH END OF THE HALLWAY.**
4. If you have any questions, contact the Limited Actions Department at 913-573-2811. Please note, the clerks **CANNOT** give legal advice.

ALL BLANK LINES AND SPACES ARE TO BE FILLED OUT BEFORE PROCEEDING TO COURT

Filing Fees

\$0.00 - \$500.00 = \$54.00

\$500.01 - \$5,000.00 = \$74.00

\$5,000.01 - \$25,000.00 = \$120.00

You may pay with cash, check, money order or credit/debit cards. *Additional fees will apply when paying with a credit/debit card.* Make check/money order payable to: **CLERK OF THE DISTRICT COURT.** Remember to put your phone number on your check.

Writ Fees

\$12.50 cash (must have exact change) or check/money order made out to **CLERK OF THE DISTRICT COURT**

\$15.00 Sheriff Fee cash (must have exact change), credit card or money order made out to **WYANDOTTE COUNTY SHERIFF**

LANDLORD/TENANT-UNLAWFUL DETAINER

These cases are typically brought by landlords against tenants after repeated attempts to collect rent or make reasonable accommodations have failed and tenant refuses to relinquish the property. Although these cases are based on the unlawful inhabitation of real property, the underlying dispute involves the contractual agreement between the landlord and tenant and, therefore, these cases should be classified in the contract category.

Similar terminology: eviction

LANDLORD/TENANT DISPUTE-OTHER

Cases of unknown specificity or cases not classified as unlawful detainer cases.

KANSAS EMERGENCY RENTAL ASSISTANCE PROGRAM:

[KERA-fact-sheet-landlordsV4.pdf \(kshousingcorp.org\)](https://www.kshousingcorp.org/KERA-fact-sheet-landlordsV4.pdf)

INSTRUCCIONES DE ACCIONES LIMITADAS (DESALOJO)

1. Necesita una copia de su Aviso de Desalojo, **no se acepta una foto del aviso**.
2. Debera tener todas las formas **COMPLETAMENTE** llenas **ANTES** de iniciar su caso. Los ejemplos se encuentran fuera del departamento de acciones limitadas en el sótano de la corte e incluido en este paquete.
3. Su caso será escuchado primero en la **DIVISION UNO UBICADO EN EL 3ER PISO-FINAL DEL PASILLO.**
4. Si tiene alguna pregunta, comuníquese con el Departamento de Acciones Limitadas al 913-73-2811. Tenga en cuenta que los empleados **NO PUEDEN** brindar asesoramiento legal

TODAS LA LINEAS EN BLANCO Y LOS ESPACIOS DEBEN LLENARSE ANTES DE PROCEDER A LA CORTE

Costo de Presentación

\$0.00 - \$500.00 = \$54.00

\$500.01 - \$5,000.00 = \$74.00

\$5,000.01 - \$25,000.00 = \$120.00

Puede pagar en efectivo, chequen orden de pago o tarjetas de crédito/debito. ***Se aplicarán costos adicionales al pagar con tarjeta de crédito/debito.*** Haga el cheque/giro postal pagadero a: **CLERK OF THE DISTRICT COURT**. Recuerde poner su número de teléfono en su cheque.

Costo de Escritura

\$12.50 en efectivo (debe tener cambio exacto) o cheque/giro postal a nombre **CLERK OF THE DISTRICT COURT**

\$15.00 Costo del Sheriff (debe tener cambio exacto), tarjeta de crédito o giro postal a nombre de **WYANDOTTE COUNTY SHERIFF**

ARRENDADOR/INQUILINO - DETENIENDO ILEGAL

Estos casos suelen ser presentados por los propietarios contra los inquilinos después de que los intentos repetidos de cobrar el alquiler o realizar adaptaciones razonables hayan fallado y el inquilino se niegue a ceder la propiedad. Estos casos se basan en la ocupación ilegal de un inmueble, la disputa subyacente involucra el acuerdo contractual entre el propietario y el inquilino y, por lo tanto, estos casos deben clasificarse en la categoría de contrato.

Terminología similar: desalojo

CONTROVERSIA PROPIETARIO/ INQUILINO - OTRO

Casos de especificidad desconocida o casos no clasificados como casos de detención ilegal.

KANSAS EMERGENCY RENTAL ASSISTANCE PROGRAM:

[KERA-fact-sheet-landlordsV4.pdf \(kshousingcorp.org\)](https://www.kshousingcorp.org/KERA-fact-sheet-landlordsV4.pdf)

LINKS TO FORMS AND LEGAL ASSISTANCE:

- Kansas Judicial Council Eviction Forms:
<https://www.kansasjudicialcouncil.org/legal-forms/civil-actions/chapter-61/evictions>
- KU School of Law Wheat Library Landlord & Tenant Forms:
<https://guides.law.ku.edu/KSlegalforms/landlordtenant> · Kansas Emergency Rental Assistance Program: <https://kshousingcorp.org/emergency-rental-assistance/>
- Kansas Legal Services Tenant Handbook:
<https://www.kansaslegalservices.org/node/2044/kansas-tenant-handbook-and-guide>
- Kansas Legal Services Landlord Handbook:
<https://www.kansaslegalservices.org/node/275/landlord-handbook-and-rights-responsibilities>
- Kansas Residential Landlord and Tenant Act (K.S.A. 58-2540 through 58-2599):
https://www.ksrevisor.org/statutes/chapters/ch58/058_025_0040.html
- Access to Justice Advice Line (run by Kansas Legal Services): 1-800-675-5860
(ATJ advice line provides free brief advice to court patrons whose incomes are at or below 400% of the federal poverty level.)
- KANask-a-Lawyer: 1-800-928-3111 (KANask-a-Lawyer program connects people with an attorney who can offer immediate legal advice for a modest per minute fee.)
- Kansas Lawyer Referral Service: 1-800-928-3111 (Lawyer referral program connects people to attorneys with experience in a particular area of law.)

You will need to

COMPLETELY

fill out all of the forms

to file your case.

Debera tener todas las formas

COMPLETAMENTE

Para presentar su caso.

Self-Represented Litigant Certification Form

By signing this form, I certify that, to the best of my knowledge, information, and belief, and based on my reasonable review of the document's contents, the attached filing complies with the certification requirements in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant as follows:

(a) I have signed the attached filing and provided my name, address, email address (if available), telephone number, and fax number (if available); and

(b) The attached filing contains no personally identifiable information (PII) or meets an exception in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant because the filing (check box that applies):

contains no PII (if this box is checked, do not check any other boxes); or

requests that this document be sealed under the Temporary Rule for Filing in a District Court by a Self-Represented Litigant for the following reason (check box that applies):

a pre-existing order was entered by the court on _____ that seals this document;

this document asks the court to issue an order that seals the following document: [include general description of document contents without including PII.] _____;

or this document asks the court to seal the following document already filed in the case: [describe the document already on file so that the clerk can identify it without using PII]

_____.

Date: _____

Signature: _____

Name of Party: _____

**DECLARATION UNDER PENALTY OF PERJURY FOR THE CENTERS FOR DISEASE
CONTROL AND PREVENTION’S TEMPORARY HALT IN EVICTIONS TO PREVENT
FURTHER SPREAD OF COVID-19**

This declaration is for tenants, lessees, or residents of residential properties who are covered by the CDC’s order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19. Under the CDC’s order you must provide a copy of this declaration to your landlord, owner of the residential property where you live, or other person who has a right to have you evicted or removed from where you live. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration. Unless the CDC order is extended, changed, or ended, the order prevents you from being evicted or removed from where you are living through December 31, 2020. You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live. You may also still be evicted for reasons other than not paying rent or making a housing payment. This declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or omit important information.

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the foregoing are true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing;¹
- I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary² out-of-pocket medical expenses;
- I am using best efforts to make timely partial payments that are as close to the full payment as the individual’s circumstances may permit, taking into account other nondiscretionary expenses;

¹ “Available government assistance” means any governmental rental or housing payment benefits available to the individual or any household member.

² An “extraordinary” medical expense is any unreimbursed medical expense likely to exceed 7.5% of one’s adjusted gross income for the year.

- If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.³

- I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.

- I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to State and local laws.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

Signature of Declarant

Date

**IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
LIMITED ACTIONS**

NAME:

_____ Plaintiff

Case Number: _____
Ch. 61

vs.

NAME OF DEFENDANT:

_____ Defendant

VERIFICATION OF COMPLAINT WITH CARES ACT

NOW COMES Plaintiff and states as follows:

Plaintiff is seeking to recover possession of the following described premises, **LIST THE ADDRESS IN THE BOX:**

The undersigned has reviewed Section 4024 of Public Law 116-136, the Coronavirus Aid, Relief and Economic Act (the CARES Act), and hereby certifies that the above listed premises is not subject to the CARES Act moratorium because:

- The premises is not a covered dwelling as defined by Sec. 4024(a)(1) of the CARES Act; or
- The premises is a covered dwelling as defined by Sec. 4024(a)(1) of the CARES Act and the case was initiated prior to March 27, 2020 and Plaintiff is not seeking to charge fees, penalties, or other charges related to non-payment of rent;

or

- The premises is a covered dwelling as defined by Sec. 4024(a)(1) of the CARES Act and Plaintiff does not seek possession of the dwelling based upon the non-payment of rent or other fees.

I declare under the penalties of perjury that this verification has been examined by me and that its contents are true to the best of my information, knowledge and belief.

Date

Signed by the Plaintiff

CIVIL COVER SHEET

The civil cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. **This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time.** A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at www.kscourts.org.

NATURE OF SUIT (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)

CIVIL

If a CH. 61: \$ _____ (Judgment Demand Amount)

TORT

- Asbestos Product Liability
- Automobile Tort
- Intentional Tort
- Legal Malpractice
- Medical Malpractice
- Other Professional Malpractice
- Premises Liability
- Slander/Libel/Defamation
- Tobacco Product Liability
- Toxic/Other Product Liability
- Other Tort

CONTRACT

- Buyer Plaintiff
- Employment Dispute – Discrimination
- Employment Dispute - Other
- Fraud
- Landlord/Tenant - Unlawful Detainer
- Landlord/Tenant Dispute – Other
- Seller Plaintiff (debt collection)
- Other Contract

CIVIL APPEALS

- Administrative Agency
- Other Civil Appeal

REAL PROPERTY

- Eminent Domain
- Mortgage Foreclosure
- Other Real Property

MISCELLANEOUS

- 60-1507
- Habeas Corpus
- Other Writs

OTHER CIVIL

- SMALL CLAIMS

STATE TAX WARRANT

DOMESTIC

- MARRIAGE DISSOLUTION/DIVORCE PROTECTION FROM ABUSE PROTECTION FROM STALKING UIFSA
- OTHER DOMESTIC RELATIONS NON-DIVORCE SUPPORT, CUSTODY OR VISITATION PATERNITY

PROBATE/ESTATE

GUARDIAN/CONSERVATOR

- Conservatorship/Trusteeship
- Guardianship - Adult
- Guardianship - Minor
- Guardian/Conservator - Adult
- Guardian/Conservator – Minor

DETERMINATION OF DESCENT

SEXUALLY VIOLENT PREDATOR

DECEDENT ESTATE CARE AND TREATMENT

ELDER ABUSE

ADOPTION

OTHER PROBATE/ESTATE

JURY DEMAND

- YES (Check yes only if jury demand is included in petition or as a separate pleading)
- NO

SUMMONS ATTACHED:

- YES
- NO

SERVICE BY:

PROCESS SERVER/ATTORNEY
 SHERIFF IN STATE _____ (County)
 SHERIFF OUT OF STATE _____ (State)

SHERIFF'S PROCESS FEE ATTACHED

- YES
- NO

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____

PHONE: _____ SEX: _____
CELL PHONE: _____
E-MAIL: _____
SSN: _____ DOB: _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____

PHONE: _____ SEX: _____
CELL PHONE: _____
E-MAIL: _____
SSN: _____ DOB: _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____

PHONE: _____ SEX: _____
CELL PHONE: _____
E-MAIL: _____
SSN: _____ DOB: _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____

PHONE: _____ SEX: _____
CELL PHONE: _____
E-MAIL: _____
SSN: _____ DOB: _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____

PHONE: _____ SEX: _____
CELL PHONE: _____
E-MAIL: _____
SSN: _____ DOB: _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____

PHONE: _____ SEX: _____
CELL PHONE: _____
E-MAIL: _____
SSN: _____ DOB: _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____

PHONE: _____ SEX: _____
CELL PHONE: _____
E-MAIL: _____
SSN: _____ DOB: _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____
ADDRESS: _____

PHONE: _____ SEX: _____
CELL PHONE: _____
E-MAIL: _____
SSN: _____ DOB: _____
DL OR STATE ID NO: _____
State and Number
ALIAS NAMES USED: _____

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
LIMITED ACTIONS DEPARTMENT

Plaintiff _____ Phone Number _____

Name

Address

City State Zip

Defendant(s)

Name

Address

City State Zip

Case No. _____

PETITION & COMPLAINT-PEACEABLE ENTRY AND FORCIBLE DETAINER
PURSUANT TO K.S.A. CHAPTER 61

Comes now the plaintiff above named and for its cause of action states that the defendant(s) above named entered the premises described in the caption of this petition as tenants of the plaintiff under an agreement to pay rent for said premises.

Plaintiff further states that the defendant(s) have defaulted in the payment of such rent in the sum of \$_____, and other charges in the sum of \$_____; that, though served with a notice as required by law terminating such tenancy and that an action would be brought for possession of such premises, the defendant(s) have failed, refused and neglected to pay such rent and charges and to vacate said premises.

WHEREFORE, plaintiff prays judgment for possession of the premises described in the caption of this petition and \$_____, together with the costs of this action.

Attorney/Plaintiff Signature

I, _____ (Plaintiff), hereby swear that, to the best of my knowledge and belief, the foregoing claim asserted against the Defendant is a just and true statement, exclusive of any valid claim or defense which the Defendant may have.

Plaintiff

Subscribed and Sworn to before me on this _____ day of _____, 20____.

Clerk/Notary Public

My Commission Expires:

SUMMONS

Plaintiff

Case No: _____

Defendant(s)

Name

Address

City State Zip

TO THE ABOVE NAMED DEFENDANT(S)

You are hereby notified that an action commenced against you will be on this court's docket at _____:____ a.m., on the _____ day of _____, 20____. **REPORT TO DIVISION ONE, 3RD FLOOR.**

Should you either fail to appear before this court, personally or by counsel, at said time, or prior to said time file with this court, a pleading in response to the petition which is herewith served upon you, judgment by default will be taken against you for the relief demanded in the petition. Any pleading filed with this court must also be served on the plaintiff or their attorney, whose name and address are shown in above petition prior to the above time should you fail to appear at such time, and your responsive pleadings may state as a counterclaim any related claim which you may have against the plaintiff.

TO THE PROCESS SERVER OF WYANDOTTE COUNTY, KANSAS

This summons must be served and your return of service made promptly; in the event, your return is due no later than 3 days before the date stated in the summons for the defendant to either appear or plead to the petition.

Dated _____

By _____
Deputy Clerk of District Court

IN THE 29THJUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
LIMITED ACTIONS DEPARTMENT

Plaintiff

Name

Address

Case No:-----

VS

Defendant(s)

Name

Address

REQUEST FOR SERVICE

I request the Sheriff/Court Process Server of Wyandotte County, Kansas, serve

----- by personal/residential service.

Dated:-----

Signature

How to fill out the last three pages/Como llenar las ultimas 3 paginas

Plaintiff

Your Name/Su Nombre

Name

Your Address/Su direccion

Address

Case No.: **Your Case Number/Numero de Caso**

VS

Defendant(s)

Tenants Name/Nombre del inquilino

Name

Tenants Address/Direccion del inquilino

Address

JUDGMENT FORM

On this _____ day of _____, 20____, judgment is entered as follows:

PLEASE FILL OUT WHAT YOU ARE ASKING FOR- RENT AMOUNT DAMAGES, POSSESSION OF PROPERTY, ETC

POR FAVOR COMPLETE LO QUE ESTA SOLICITANDO POR: CANTIDAD DE RENTA, DAÑOS, POSESION DE PROPIEDAD, ETC.

PRAECIPE

TO THE CLERK:

ISSUE Writ of Restitution & Execution in the above entitled cause, returnable according to law and direct the same to the sheriff of Wyandotte County, Kansas to or for the defendant(s)

NAME AND ADDRESS OF TENANT

NOMBRE Y DIRECCION DEL INQUILINO

WRIT OF RESTITUTION AND EXECUTION

To the Sheriff or other Process Server:

WHEREAS, on the Day/Dia day of Month/Mes, 20Year/Año, in an action pending in this court, **Your Name/Su Nombre**, plaintiff, recovered judgment against, **Tenant's Name/Nombre del inquilino** defendant, for restitution Of the following described premises, to wit: **Tenant's Address/Direccion del inquilino**, for court costs, actual and estimated, in the sum of \$**Dollar Amount/Cantidad**, and for rent in the sum of \$**Dollar Amount/Cantidad**.

You are hereby commanded to cause such defendant to be forthwith removed from such premises and the plaintiff to be restored to possession of the same and that of the non-exempt personal property of such judgment debtor,

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
LIMITED ACTIONS DEPARTMENT

Plaintiff

Name

Address

Case No.: _____

VS

Defendant(s)

Name

Address

JUDGMENT FORM

On this _____ day of _____, 20____, judgment is entered as follows:

Judge

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
LIMITED ACTIONS DEPARTMENT

Plaintiff

Name

Address

Case No. _____

VS

Defendant(s)

Name

Address

PRAECIPE

TO THE CLERK:

ISSUE Writ of Restitution & Execution in the above entitled cause, returnable according to law and direct the same to the sheriff of Wyandotte County, Kansas to or for the defendant(s)

I REQUEST PERSONAL/RESIDENTIAL SERVICE

Attorney/Plaintiff Signature

Date issued: _____

By: _____, Deputy

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
LIMITED ACTIONS DEPARTMENT

Plaintiff

Name

Phone Number

VS

Case No. _____

Defendant(s)

Name

Address

Pursuant to Chapter 61 of Kansas Statutes Annotated

WRIT OF RESTITUTION AND EXECUTION

To the Sheriff or other Process Server:

WHEREAS, on the ____ day of _____, 20____, in an action pending in this court,
_____, plaintiff, recovered judgment against, _____ defendant, for restitution
Of the following described premises, to wit: _____, for court costs, actual and estimated, in the
sum of \$ _____, and for rent in the sum of \$ _____.

You are hereby commanded to cause such defendant to be forthwith removed from such premises and the plaintiff to
be restored to possession of the same and that of the non-exempt personal property of such judgment debtor,
_____, you cause judgment and costs, together with your fees for execution of this writ, to
be satisfied as provided by law.

You shall execute that portion of this writ requiring you to restore the plaintiff to the possession of such premises
within 14 days, and make return of this execution, showing the manner in which you have executed the same, within
60 days from the date hereof.

By _____
Judge of the District Court

Dated _____