

INSTRUCTIONS FOR COMPLAINT FOR FORCIBLE ENTRY AND DETAINER (EVICTION) IN WYOMING

Read these instructions carefully.

You can use this form to file an eviction case in the Court. You must prepare and serve a Notice to Quit Premises (sometimes called a “three-day notice to quit”) **before** you file a Complaint. If you did not do this yet, you can find the forms and instructions on the Wyoming Judicial Branch website.

Before You Get Started

In Wyoming, the legal process of evicting someone from a property is called Forcible Entry and Detainer or FED. This name is complicated, but it means that the person who owns the property believes the person who is occupying (staying in) the property does not have a legal right to be there.

If you file an FED (eviction) case, you are telling the Court “this person does not have a legal right to stay at the property, and I want a judge to order this person to leave.”

You can use this Complaint for Forcible Entry and Detainer **only if**

- ✓ You have previously prepared and served a Notice to Quit Premises **and**
- ✓ At least three days have passed since you served the Notice **and**
- ✓ The people you served have not moved out of your property.

It will be helpful to have a copy of the Notice to Quit Premises (“three-day notice to quit”) and the Affidavit of Service with you when you will out this form.

The top of the page on the Complaint for Forcible Entry and Detainer.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). When you file the Complaint, the Clerk of Circuit Court can give you this information.

The next blanks are for the name of the Plaintiff and the name of the Defendant. The Plaintiff is the person or company that has a legal right to the property. Usually, this will be the owner, but it might not be. (These instructions will use “you” to mean the Plaintiff.)

The Defendant is the person or company who is occupying the property. This is the person you want to evict. If there is more than one Plaintiff or more than one Defendant, write all of the names.

The next blank is for the Case Number. When you file the Complaint, the Clerk of Court will give you the case number.

Next you will see the title of the Complaint. It is written between the two long bars on the page. The title tells the Court that you are starting an eviction (FED) action.

Section 1.

This case is about a property that you believe you have a right to, and you want the Court to order people to leave that property. On the blanks in this section, write the full address of the property. Include apartment numbers or letters if there are any.

If the property does not have an address, write a description. If you know the “legal description,” include that.

Section 2.

Write the full legal name of the property owner here. It will probably be the same name as the Plaintiff, but it might not. If the property is owned by a company, write the full name of the company – including letters such as L.L.C. or P.C. or Inc. – on the blank line.

Section 3.

In this section, check one box to tell the Court who the Plaintiff is.

If you check the box for “other”, write a specific explanation on the blank line. The Court will need to see enough information to figure out if the law allows you to bring an eviction case for this property.

Section 4.

This section is about your reasons for trying to evict the Defendant from the property. This will be the same information you wrote on the Notice to Quit Premises. If you used a Wyoming Judicial Branch form for the Notice to Quit Premises, you can copy the information onto the Complaint just the way you marked it on the Notice.

If you used your own Notice to Quit, you will need to make sure you include the same information on the Complaint.

Read through this section carefully. Use the checkboxes to mark the reasons you believe the Defendant does not have a legal right to stay at the property. You can mark as many boxes as you need to explain the reasons, but the information must be accurate.

If you check a box that has blank lines after it, you must write an explanation on the blank lines. To figure out which statutes the person violated (that means, which laws they failed to follow) you can read the statutes (laws) at the end of these instructions.

Section 5.

In this section, you will give information about when and how the Notice to Quit Premises was served on the Defendant. Look at the Affidavit of Service for this information.

Fill in the date the Notice was served, and check the box to explain how (or where) the Defendant was given the Notice.

Section 6.

If you have copies of the Notice to Quit Premises and the Affidavit of Service, check this box and include those documents with the Complaint.

Section 7.

Check this box to let the Court know the Defendant did not leave the property yet.

If the Defendant already left the property, you will not file this Complaint. See the Important Things You Need to Know section below.

Section 8.

If you have a written lease that was signed by the Defendant, check this box and attach a copy of that document to the Complaint.

Section 9.

Read the sentence in this section carefully. If it is true, check the box.

Not all rental situations have a written lease, and not all leases say the renter will have to pay attorneys' fees. So this might not be true for your situation.

Section 10.

If the Defendant owes you rent, check this box and write in the amount.

Section 11.

Check this box if the Defendant's obligation to pay rent has not ended. If this is true, it will probably be because there is a lease or other agreement that has not ended yet.

Section 12.

Check this box and fill in the chart if the Defendant owes you money that is not rent and attorneys' fees. There are many reasons this might be the case. One example is if you paid a utility bill that the Defendant was supposed to pay.

Section 13.

Check this box and fill in the chart if you expect the Defendant will soon owe money (other than rent or attorneys' fees). One example might be bills for utilities that the Defendant is using now.

The *Prayer for Relief* Section.

"Prayer for relief" is a legal term. It is how someone asks a Court for help, and it is usually very specific.

This Prayer for Relief section begins with you asking the Court for restitution of the premises (which means you can occupy the property) and asking the Court to order the Defendant to leave the property (which means the Defendant will be evicted). Do not write anything or change any words on sentence 1.

On sentences 2, 3, and 4, check the box if the sentence is describing money the Defendant owes you. Write in the dollar amounts that you believe the Defendant owes you. Use a calculator and double-check that you are writing in accurate amounts.

Sentence 5 is telling the Court that you would like other help too, if the Court thinks you have a legal right to it. Do not write anything or change any words on sentence 5.

Signature Section – Important!

You must sign this section and write in the date and your contact information. Do not sign this form until you are in front of the Clerk of Court or a Notary. The Clerk or Notary must witness you signing the form.

By signing the form, you are telling the Court that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Complaint for Forcible Entry and Detainer.

The Clerk or Notary will fill out the bottom of the page, beginning with the name of the county.

Important Note: If the Plaintiff in this case is a business, every owner, shareholder, member, or partner must sign a notice about the representation of the business. See Wyoming Statute 1-21-1017(a)(iv).

Filing the Complaint and Providing Other Forms

You must file the Complaint with the Clerk of Circuit Court in the judicial district where the property is. **Important Note:** Some judicial districts contain more than one county. If you

file the Complaint at the courthouse in the same county where the property is, you will know you are at the right place.

It is a good idea to take two extra copies of the Complaint with you. One will be a copy that you keep, and one will be a copy that the Defendant gets. If you do not take copies with you, the Clerk can make copies. Important Note: The Clerk's Office will charge you for copies. Expect to pay at least \$1.00 per page.

When you go to the courthouse to file the Complaint, you will also take with you a few other forms. These are forms called Forcible Entry and Detainer (Eviction) Summons and Affidavit and Return. You can find these forms and the instructions for them on the Wyoming Judicial Branch website.

Checklist

Before you go to the courthouse to file the Complaint, review this checklist to make sure you have all the papers you need.

You are not required to include these, but it will be very helpful if you do:

- ☐ A copy of the Notice to Quit Premises.
- ☐ A copy of the Affidavit of Service from when you served the Notice.
- ☐ A copy of the lease the Defendant signed.

You must also take with you:

- ☐ A Summons.
 - ☐ An Affidavit of Service or a Return of Service.
- ❖ You can find these forms and the instructions for them on the Wyoming Judicial Branch website.

Important Things You Need to Know

What if I didn't do a Notice to Quit Premises?

You cannot file a Complaint for Forcible Entry and Detainer (Eviction) if you did not already create a Notice to Quit Premises **and** serve it on the Defendant **and** wait for the three days to pass.

If you did not do this yet, you can find the forms and instructions on the Wyoming Judicial Branch website.

How do I use the laws to explain my reasons?

The laws about Forcible Entry and Detainer (eviction) list many reasons that people could be ordered to leave your property. You are expected to clearly explain which reasons you think apply in this situation. The Notice to Quit Premises, which you already served on the Defendant, needed to include your explanations so the person you are evicting will know *which* laws they failed to follow and *how* they failed to follow them. The Complaint for Forcible Entry and Detainer should include exactly the same reasons you listed on the Notice to Quit Premises. Do not add any new reasons.

What will happen after I file the Complaint?

The Court will schedule a hearing (meeting) to give you and the Defendant an opportunity to tell a judge about the situation.

When you file your Complaint, you will also give the Clerk a *Forcible Entry and Detainer (Eviction) Summons* and an *Affidavit and Return*. The Clerk (or someone else at the Court) will fill in most of the information on these documents. You will then need to make sure that a copy of the Complaint and the Summons are given to the Defendant. That is how the Defendant will know that the hearing is going to happen. You can find the Summons, the Affidavit and Return, and the instructions for them on the Wyoming Judicial Branch website.

Before the hearing, the Defendant might file an Answer to your Complaint, but the Defendant is not required to file anything.

What if the Defendant is not at the property anymore but they left their stuff?

You can use a form called Notice of Abandoned Property to help you follow the law when dealing with the stuff that was left behind. You can find that form and instructions on the Wyoming Judicial Branch website.

What if the Defendant is not at the property anymore but they owe me money?

If the Defendant is not occupying your property anymore, you will not file a Complaint for Forcible Entry and Detainer because you do not need the Defendant to be evicted. Instead, you can file a different kind of case to ask the Court for a judgment ordering the Defendant to pay you money.

What is a Notary and where can I find one?

A Notary Public (usually just called “a notary”) is a person who has a license to witness people signing legal papers and to confirm that the signatures are authentic (which means the signatures are real and were done on purpose). **A notary will probably require you to show your driver’s license or some kind of photo ID to prove that you are really you.**

Some notaries charge for their services, but it is usually easy to find a notary who will witness your signature and sign your paper for free. If you have an account at a local bank, you can probably get free notary services at that bank. Most libraries also offer free notary services.

Who can help me with these forms?

It is important for you to know that Court Clerks are not allowed to help you fill out these forms. Here are some free resources that can help:

- Legal Aid of Wyoming Hotline. This Hotline gives you an opportunity to talk with a lawyer. 1-877-432-9955. This service is for people who have limited income and limited assets.

- Wyoming Free Legal Answers. This website gives you a chance to privately ask questions about your situation and then receive answers from a lawyer. <https://wyoming.freelegalanswers.org/> This service is for people who have limited income and limited assets. The volunteer lawyers on the website cannot assist with business matters, which includes owning or managing rental properties.
- Volunteer Reference Attorney Program. This program lets you have a short informational meeting with a lawyer. You can learn about the locations and dates by checking the calendar on the Equal Justice Wyoming website. This service is for people who have limited income and limited assets. Volunteer Reference Attorneys cannot assist with business matters, which includes owning or managing rental properties.
- Natrona County Court Navigator Program. If your case is in Natrona County, you can get help from a trained Court Navigator. Visit the Court Navigator page on the Wyoming Judicial Branch website to learn more.

If you do not qualify for the free services above, you can contact the Wyoming State Bar at 307-632-9061 for referral to Wyoming lawyers. (Those lawyers charge for their services.)

What does Wyoming law say about renters' responsibilities?

These two statutes have information you might need while you are filing out the Complaint.

Wyoming Statute 1-21-1204. Renter's duties.

(a) Each renter shall:

- (i) Maintain the residential rental unit occupied in a clean and safe condition and not unreasonably burden any common area;
- (ii) Dispose of all garbage and other waste in a clean and safe manner;
- (iii) Maintain all plumbing fixtures in a condition as sanitary as the fixtures permit;
- (iv) Use all electrical, plumbing, sanitary, heating and other facilities and appliances in a reasonable manner;
- (v) Occupy the residential rental unit in the manner for which it was designed and shall not increase the number of occupants above that specified in the rental agreement without written permission of the owner;
- (vi) Be current on all payments required by the rental agreement;
- (vii) Comply with all lawful requirements of the rental agreement between the owner and the renter; and
- (viii) Remove all property and garbage either owned or placed within the residential rental unit by the renter or his guests prior to termination of the rental agreement and clean the rental unit to the condition at the beginning of the rental agreement.

Wyoming Statute 1-21-1205. Prohibited acts by renter.

(a) No renter shall:

- (i) Intentionally or negligently destroy, deface, damage, impair or remove any part of the residential rental unit or knowingly permit any person to do so;
- (ii) Interfere with another person's peaceful enjoyment of the residential property; or
- (iii) Unreasonably deny access to, refuse entry to or withhold consent to enter the residential rental unit to the owner, agent or manager for the purpose of making repairs to or inspecting the unit, and showing the unit for rent or sale.