

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

Read these instructions carefully.

You can use this form if you are the Defendant in an eviction case. You are not required to file an answer. That means you do **not** have to use this form.

You should have received a Summons that tells you when the Court will hold a hearing (meeting) about this case. You can take part in the hearing even if you choose not to file an Answer.

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 are the Defendant in an FED (eviction) case, the Plaintiff has told the Court that you do not have a legal right to stay at the property. The Plaintiff is asking a judge to order you to leave.

The Plaintiff is the person or company who brought this case to the Court. That might be your landlord or your property manager or someone else who owns the property.

When you fill out the Optional Answer, it will be helpful to have these papers with you:

- Notice to Quit Premises (which is sometimes called a “three-day notice to quit”).
- Complaint.
- Your lease.

The top of the page on the Optional Answer to Complaint.

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). This information will be on the top of the Complaint. Write the same information on the Answer.

The next blanks are for the name of the Plaintiff and the name of the Defendant. Fill these in exactly the same way they are written on the Complaint.

The next blank is for the Case Number. Write in the same number that is on the Complaint. The Case Number might include letters.

Next you will see the title of the Optional Answer. It is written between the two long bars on the page.

After the title.

On the line that begins “I am the Defendant,” write your full name.

Section 1.

This section is about who has a legal right to “possess” the property (to occupy the property, to be in it or on it). The Plaintiff told the Court that the Plaintiff has the right to possess the property. Read the Complaint carefully to understand why the Plaintiff says you do not have a right to stay on the property. You might also need to read the statutes (laws) about renters’ responsibilities. You can read the statutes numbered 1-21-1204 and 1-21-1205 at the end of these instructions.

Read the two sentences in Section 1 carefully. Check the box for either the first sentence or the second sentence to tell the Court if you disagree with the Plaintiff or agree with the Plaintiff about who has the right to possess the property.

Section 2.

This section is about money. The Plaintiff told the Court that you owe the Plaintiff money. Read the Complaint carefully to understand how much money the Plaintiff says you owe and why. You might also need to read your lease to understand what rules you agreed to when you signed the lease.

Read the two sentences in Section 2 carefully. Check the box for either the first sentence or the second sentence to tell the Court if you disagree with the Plaintiff or agree with the Plaintiff about how much money you owe.

Section 3.

This section is about the Notice to Quit Premises. The Plaintiff was required to follow the law when they gave you the Notice to Quit. Read the Notice and the Complaint carefully. Pay attention to what the documents say about how and when you were served (given the papers). You might also need to read the statute (law) about the Notice to Quit. You can read the statute numbered 1-21-1003 at the end of these instructions.

Read the two sentences in Section 3 carefully. Check the box for either the first sentence or the second sentence to tell the Court if you disagree with the Plaintiff or agree with the Plaintiff that they followed the law for the Notice to Quit.

Section 4.

This section is one sentence with no blanks. The sentence is used to make sure you do

not accidentally admit to anything. Do not change any of the words in Section 4. Do not add anything to the sentence.

The *Wherefore* Section.

This section is one paragraph that lets the Court know you want the judge to make decisions that are good for you. Do not write or change anything in this section. It is important to remember that the judge will make the final decisions.

The Signature Section.

On the line labelled DATED, write the date you are signing the form.

Sign your name on the signature line. By signing the form, you are saying that everything you wrote on the form is true. Review your answers carefully before you sign the form.

Write in your phone number, mailing address, and email address. The Court will use this information to contact you and keep you aware of what is happening in the case.

Filing the Optional Answer

If you want the judge to read your Optional Answer, you will need to take the completed form to the courthouse and file it with the Clerk of Circuit Court.

Serving the Optional Answer

If you file your Optional Answer, you must also serve it to the Plaintiff. This means you must give a copy of the Optional Answer to the Plaintiff. You can do this in person (which is called delivering it by hand) or you can fax it or you can mail it.

If you know that the Plaintiff has an attorney (lawyer) for this eviction case, serve your Optional Answer to the attorney's office.

It is important to serve the Optional Answer soon after you file it. It is a good idea to serve it to the Plaintiff *the same day you file it*.

After you serve the Optional Answer, you will fill out the Certificate of Service. Write in:

- The name of the county where you filed the Optional Answer.
- The date when you delivered, faxed, or mailed the Optional Answer to the Plaintiff.
- The information about how and where you served the Optional Answer. (Use the checkboxes and the blank lines.)

Sign the Certificate of Service. Then print your name and the date when you signed it.

When the Certificate of Service is complete, take it to the courthouse and file it with the Clerk of Circuit Court. This is how you let the Court know that you gave the document to the Plaintiff.

Important Things You Need to Know

Do I still have to go to the hearing?

You are not required to take part in the hearing. This is true whether you file an Optional Answer or you choose not to file an Optional Answer.

If you file an Optional Answer, the judge can consider what it says when making a decision.

If you take part in the hearing, the judge can ask you for more information and can consider everything you say.

Should I go to the hearing?

You need to decide this for yourself.

If you choose to take part in the hearing, you will have a chance to tell the judge your side of the situation, and the Plaintiff will tell their side. If you do not take part in the hearing, the Plaintiff will be required to tell their side anyway. The Plaintiff will need to show the judge evidence that proves the claims in the Complaint.

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.
- Court Navigator Program. For cases in certain counties, you can get help from a trained Court Navigator. Visit the Court Navigator page on the Wyoming Judicial Branch website to learn more. wyocourts.gov/court-navigator-services/

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.)

Where can I read Wyoming laws?

You can read Wyoming laws (statutes) online by visiting the Wyoming Legislative Service

Office website (<https://wyoleg.gov/>) or by visiting your local library. Laws about Forcible Entry and Detainer (eviction) are in Title 1, Chapter 21, Article 10. Laws about Residential Rental Property (rented homes) are in Title 1, Chapter 21, Article 12.

The three statutes that are named in these instructions are printed below.

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.

Wyoming Statute 1-21-1003. Notice to quit premises required.

The party desiring to commence an action for forcible entry or detainer must notify the adverse party to leave the premises involved. The notice shall be served at least three (3) days before commencing the action, by leaving a written copy with the defendant or at his usual place of abode or business if he cannot be found.