
(Name)

(Mailing Address)

(City, State, Zip Code)

(Phone Number)

(Email Address)

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY, MONTANA

<p>_____ Plaintiff(s), -VS- _____ Defendant(s).</p>	<p>Case No.: _____ Hon. _____ COMPLAINT FOR POSSESSION AND DAMAGES</p>
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I am the Plaintiff in this case. I am the landlord/owner of the property located at the following address: _____. I am asking for possession of the premises. *

1. Defendant(s), the Tenant(s), currently reside in the premises for which I am seeking possession, and has/have a **(Check one)**:

☐ written rental agreement, a copy of which is attached as an Exhibit

OR

☐ an oral month-to-month rental agreement

POSSESSION:

I am entitled to take back the Property for the following reason(s) **(Check all that apply)**:

2. ☐ LANDLORD TERMINATED TENANCY

I terminated the tenancy by providing a 30-day written notice on the following date: _____. * A copy of the notice is attached as an Exhibit.

☐ FAILURE TO PAY RENT

- a. Per the lease/rental agreement, rent is due and owing on the _____ day of each month.
- b. Tenant(s) has/have failed to pay rent for the month(s) of: _____. Rent continues to be due and owing.
- c. I sent a 3-Day Notice of Nonpayment to the Tenant(s) on the following date: _____. * No rent was paid, and the rental agreement was terminated. **A copy of the notice is attached as an Exhibit.**

OTHER VIOLATIONS OF THE LEASE:

3. The Tenant(s) has/ have violated the terms of the lease for the following reasons other than non-payment of rent:

☐ The Tenant(s) has/have unauthorized pet(s). I provided at least 3 days' notice to remove the pet. The tenant(s) did not remove the pet(s).

☐ The Tenant(s) has/have allowed unauthorized people to reside at the premises, and I provided at least 3 days' notice to remove the unauthorized person. The tenant(s) did not fix the violation.

☐ The Tenant(s) has/have violated in a different way. I provided at least 14 days' notice. The tenant(s) did not fix the violation. The Tenant's violation was:

A written Notice of the violation was sent to the Tenant(s) on the following date:

_____. * The Tenant(s) did not correct the violation of the lease, and the rental agreement was terminated. **A copy of the notice is attached as an Exhibit.**

Despite proper notice, the Tenant(s) continue to hold over and reside on the premises after the expiration of the notice.

DAMAGES (*Select all that apply*):

- ☐ Defendant(s) continue to owe rent in the amount of \$ _____ per month from the date of (*date since rent has not been paid*) _____ until Defendant(s) vacate the property.
- ☐ Damages to the premises in an amount to be determined by the court.

REQUEST FOR RELIEF

I respectfully ask the court to (***Select all that apply***):

1. Award me possession of the premises and remove the Tenant(s).
2. Award me damages and/ or rent in an amount to be determined by the court; and
3. Award other proper relief, including court costs and interest.

Date this _____ day of _____, 20____.

Signature

Print Name: _____

Is Your Complaint for Possession Ready to File?

1. ☐ Complete your name and contact information in the top left corner of page 1.
2. ☐ Enter your name (and any other co-filers) on the "Plaintiff" line in the caption.
3. ☐ Enter the person(s) name(s) who you are suing on the "Defendant" line in the caption
4. ☐ Leave the Case Number and Judge lines blank in the caption for the Clerk to complete.
5. ☐ Complete the address of the property for which you are requesting Possession and specify the type of lease you have.
6. ☐ Under the "Possession" section, select all boxes that apply and fill in the blank information requested regarding Notices and dates.
7. ☐ Attach copies of all Notices referenced to this Complaint when you file with the Clerk.
8. ☐ Under the "Damages" section enter the amount of money you are asking the court to award you for back due rent.
9. ☐ Enter the date that you are signing this complaint.
10. ☐ Sign on the "Signature" line
11. ☐ Print your name on the "Print Name" line.
12. ☐ Make copies of the complaint and any notices included. You must provide the clerk with the original and at least two additional copies of the complaint. (Original for court file, one copy for each defendant and one copy for your records.
13. ☐ Take your originals and copies of the Complaint and Summons to the Justice Court Civil Clerk with your \$50.00 filing fee. The clerk will file-stamp and separate your paperwork into "sets" for you to provide to a Process Server for Service on the Defendant.

MCA Statutory References for Landlords*:

§ 70-24-427, MCA provides Landlords remedies after termination of a lease agreement in an action for possession

§70-24-441, MCA outlines the specific timeframes of which notice must be provided by Landlord or Tenant for termination of specific leases (tenancies).

§70-24-422, MCA provides Landlord's Rights of Termination and required notifications when regarding noncompliance of a lease agreement by Tenant.

Instructions for Completing, Filing and Serving a Civil Action for Possession of Property

The Complaint:

- Step 1. Complete your name and contact information in the top left corner of page 1.
- Step 2. Enter your name (and any other co-filers) on the "Plaintiff" line in the caption.
- Step 3. Enter the person(s) name(s) who you are suing on the "Defendant" line in the caption
- Step 4. Leave the Case Number and Judge lines blank in the caption for the Clerk to complete.
- Step 5. Complete the address of the property for which you are requesting Possession and specify the type of lease you have.
- Step 6. Under the "Possession" section, select all boxes that apply and fill in the blank information requested regarding Notices and dates.
- Step 7. Attach copies of all Notices referenced to this Complaint when you file with the Clerk.
- Step 8. Under the "Damages" section enter the amount of money you are asking the court to award you for back due rent.
- Step 9. Enter the date that you are signing this complaint.
- Step 10. Sign on the "Signature" line
- Step 11. Print your name on the "Print Name" line.
- Step 12. Make copies of the complaint and any notices included. You must provide the clerk with the original and at least two additional copies of the complaint. (Original for court file, one copy for each defendant and one copy for your records.
- Step 13. Take your originals and copies of the Complaint and Summons to the Justice Court Civil Clerk with your \$50.00 filing fee. The clerk will file-stamp and separate your paperwork into "sets" for you to provide to a Process Server for Service on the Defendant.

Service of Process:

Service of Process: It is best to know who you will utilize for service of process before you file your paperwork. Click the link in Step 1 for a list of licensed process-servers. Depending on who you use, you may need to bring a check for service with you. The Civil Office has a mailbox that you may drop your filed paperwork into for the process-server to pick up.

Step 1. Take the appropriate set of papers to the Civil Sheriff's Office, a licensed process-server or a disinterested third party for service. The Civil Sheriff's Office is located on the first floor of the original section of the courthouse at the west entrance. A list of private process servers is available [here](#). Whoever you choose to serve your paperwork, you are responsible for making sure the original summons and affidavit of service are returned and filed with the court.

Step 2. Depending on the type of case you've filed, the defendant(s) will have either five (5) business days OR twenty (20) calendar days to file an answer with the court and serve you with a copy of their answer via United States Postal Service. Check your copy of the summons to see which time limit applies. "Day one" is the first day after service.

An answer to your complaint must be filed by the close of business on the 5th business day for Landlord Tenant Possession cases or 20th calendar day for all other Civil Cases (check your summons to see which time limit applies to your case) after service. If an answer is not filed, you may file a motion for default judgment. If an answer is filed and you are not satisfied, you may motion the court for further hearings. If an answer is filed and you feel you can settle your case without further litigation, you may file a motion to dismiss the case. If you have questions on how to proceed with your case you should consult with an attorney. **The Clerks CANNOT offer or give you legal advice.**

ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION, OR A MODIFICATION OF POLICIES OR PROCEDURES TO PARTICIPATE IN A COUNTY PROGRAM, SERVICE OR ACTIVITY, SHOULD CONTACT JUSTICE COURT AT 406-258-3470, AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT.