

## II FILING THE COMPLAINT

Before a complaint in forcible entry and detainer can be filed, the plaintiff” (the property owner or landlord) must serve an eviction notice on the defendant” (the tenant(s) or occupant(s) or real estate premises). Different forms of notice and different notice times apply, depending upon the nature of the tenancy and upon the reason for seeking eviction. It is the responsibility of the party seeking eviction to prepare the correct notice (*scroll to page 4 to view 5-day notice form; pages 5&6 to see 10-day notice form; and pages 7&8 for 30-day notice forms*) and to have the notice properly delivered to the tenant.

If the defendant does not pay the rent or move out within the period of time designated on the eviction notice, the plaintiff may proceed with filing the forcible entry and detainer complaint (*scroll to page 10 to see complaint form*). A filing fee of \$266.00 for claims up to \$15,000, or \$316.00 for those over \$15,000 but less than \$50,000. Possession only \$99.00.

The complaint should state whether the suit seeks only possession or both possession and rent. If a claim for rent is sought, the amount of rent alleged to be due must be carefully stated. If the tenant fails to answer the suit and is held in default, the judge cannot award more in rent than is requested in the complaint without requiring additional notice of the increased amount to be served upon the tenant.