

EVICTIION PROCESS

FORCIBLE ENTRY AND DETAINER FED

**Landlords of Linn County
October 2014**

DISCLAIMER:

THE FOLLOWING IS NOT A LEGAL INTERPRETATION OF THE LAW. ANYONE NEEDING LEGAL ADVICE SHOULD CONTACT THEIR PERSONAL ATTORNEY. THIS IS AN ATTEMPT TO EXPLAIN THE PROCESS OF EVICTION. IT MAY VARY FROM COUNTY TO COUNTY. AUTHORIZED FOR EDUCATIONAL USE ONLY.

RESIDENTIAL LANDLORD/TENANT FORCIBLE ENTRY AND DETAINER (FED)- EVICTIONS (IOWA CODE 648)

TABLE OF CONTENTS

	<u>Page</u>
I. EVICTION PROCESS	1
II. TERMINATION OF TENANCY & FLOW CHART	2 & 3
A. NON-PAYMENT OF RENT	4
B. CLEAR & PRESENT DANGER	4
C. 3 DAY NOTICES TIME LINE	5
D. LEASE VIOLATION	6
E. NONCOMPLIANCE TIME LINE	7
F. RECURRING NONCOMPLIANCE TIME LINE	8
G. NON RENEWAL OF LEASE	9
H. NON-RENEWAL OF LEASE TIME LINE	10
III. SERVING OF NOTICES	
A. TO ALL RESIDENTS	11
B. TERMINATION OF TENANCY NOTICES	11 & 12
C. MAILING NOTICES	12
IV. PREPARATION FOR SMALL CLAIMS COURT ACTION	13
V. YOUR DAY IN COURT. (TRIAL PROCEEDINGS)	14
VI. POST COURT ACTION	14
VII. FORMS	
A. TERMINATION OF TENANCY FORMS	
1. 3-DAY NOTICE TO PAY RENT	15
2. 3-DAY NOTICES TO QUIT	16
3. 7-DAY NOTICE OF NONCOMPLIANCE WITH RENTAL AGREEMENT	17
4. 7- DAY NOTICE OF RECURRING NONCOMPLIANCE	18
5. 3-DAY NOTICE TO QUIT & NOTICE OF TERMINATION FOR CLEAR AND PRESENT DANGERS.	19
*ON THE BACK SIDE OF THE ABOVE NOTICE YOU NEED TO PRINT A COPY OF 562A.27A. TERMINATION FOR CLEAR AND PRESENT DANGERS TO OTHERS.	20
6. 30-DAY NOTICE TO TENANT NON-RENEWAL OF LEASE	21
B. FORCIBLE ENTRY AND DETAINER or (FED) E-FORMS AND INSTRUCTIONS	22-25
1. ORIGINAL NOTICE AND PETITION FOR FORCIBLE ENTRY AND DETAINER	26
2. CONFIDENTIAL INFORMATION	27-28

	<u>Page</u>
3. VERIFICATION OF ACCOUNT, IDENTIFICATION OF JUDGMENT DEBTOR AND CERTIFICATION RE MILITARY SERVICES	29
4. ORIGINAL NOTICE AND PETITION FOR A MONEY JUDGMENT	30 & 31
C. FORCIBLE POSSESSION FORMS	
1. REQUEST FOR GENERAL EXECUTION (Precipe)	32
2. WRIT OF POSSESSION	33
D. CERTIFIED MAIL	
1. CERTIFIED MAIL RECEIPT (PS FORM 3800)	34
2. DOMESTIC RETURN RECEIPT(PE FORM 3811)	35
VIII. LINN COUNTY SHERIFF'S OFFICE EVICTION PROCEDURES AFTER THE CLERK OF COURT HAS ISSUES A WRIT OF POSSESSION. (PLAINTIFF MUST GO TO THE CLERK TO HAVE THE WRIT ISSUED.)	36
A. DIRECTIONS TO SHERIFF	37

The Eviction Process

1. The Eviction Process consist of three steps.

A. Serving of Notices for Termination of Tenancy

B. Court action for a Forcible, Enter and Detainer (FED)

C. Forcible Possession if the tenant does not move

2. Terminate the tenants Tenancy. The following are the reasons you can Termination a Tenancy: (See page 3 flow chart).

A. Non-payment of rent

B. Tenant or tenants guest creates a Clear & Present Danger

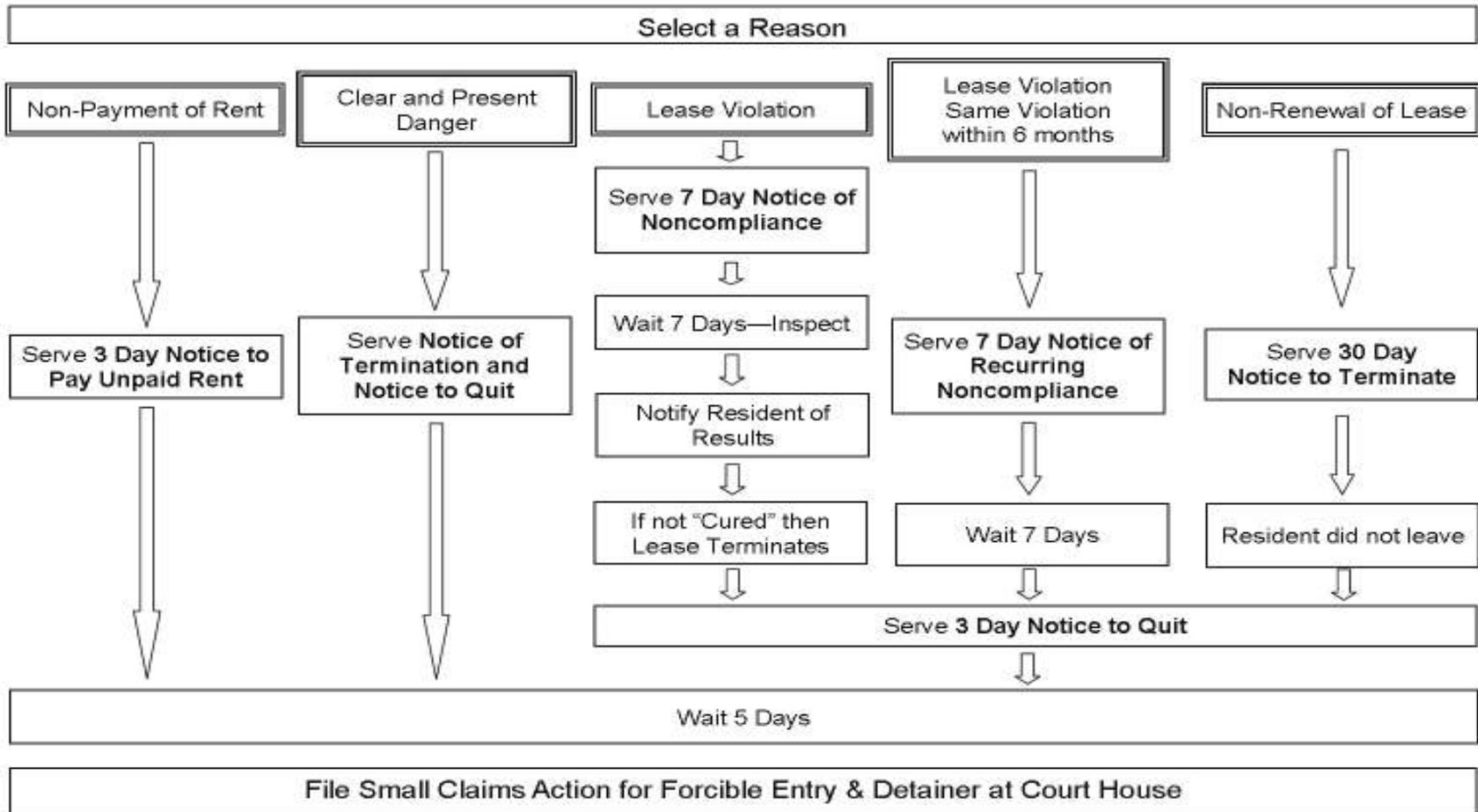
C. Tenant commits serious violations of the rental agreement and/or rules and regulations or a noncompliance with section 562A.17 of the Code of Iowa materially affecting health and safety.
1st time and for the 2nd time

D. Non-renewal of lease or rental agreement



Eviction Process

Landlords of Iowa, Inc



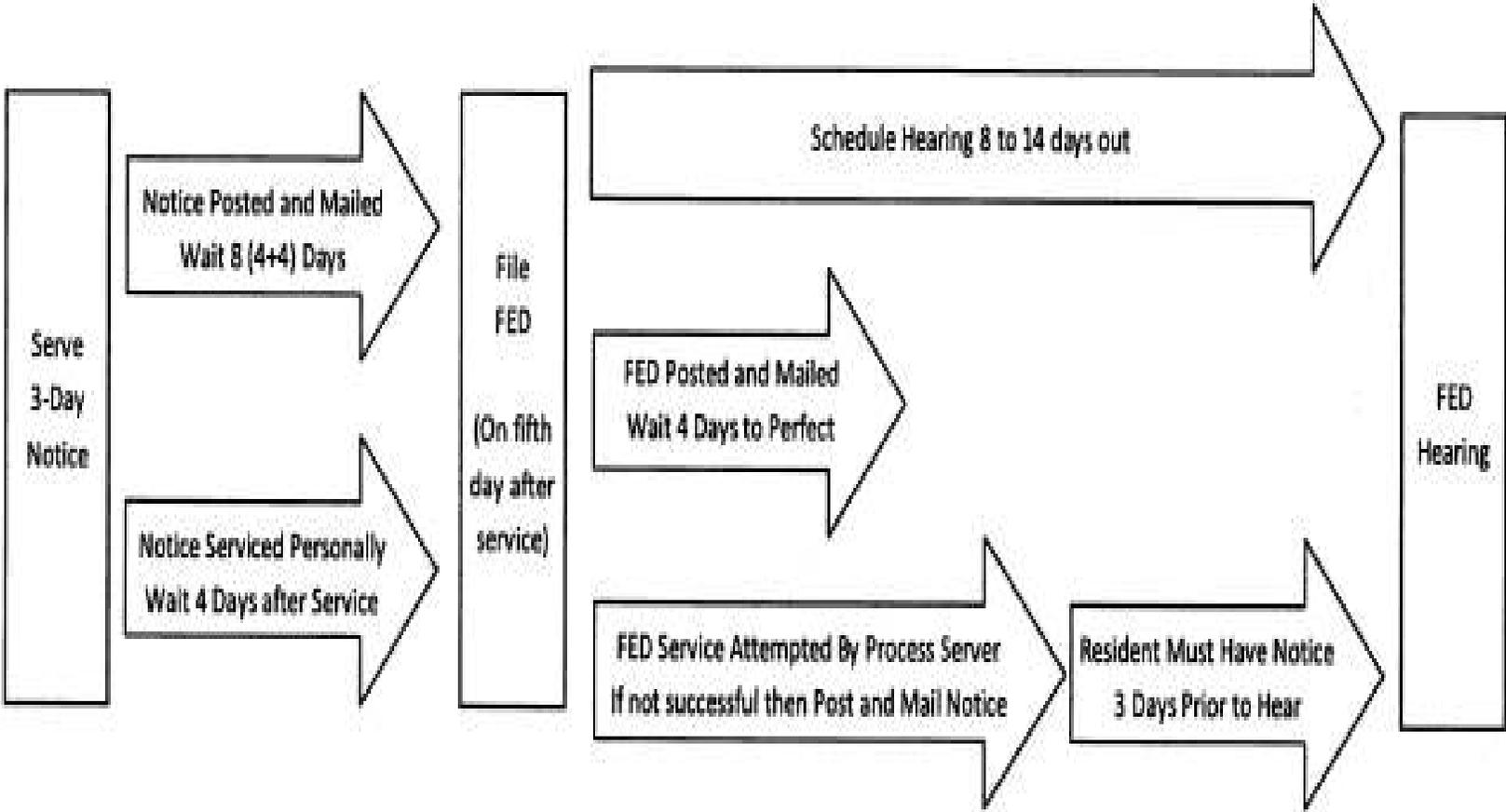
NON-PAYMENT OF RENT

- Serve “3-Day Notice To Pay Unpaid Rent” form: include names of all parties in possession, list only the rent amount (no other fees), date the form, keep a copy for your records and the court. (See page 15 for sample form.)
- File FED. All Iowa Court actions must now be filed electronically.
- Serve the “3-Day Notice To Pay Unpaid Rent” form and proceed with the FED process
- Attend the FED court hearing: take your documentation and supporting information. **You, the Plaintiff must prove your case by a preponderance of evidence.**
- Writ: if successful, a writ will be issued instructing the sheriff to evict
- Eviction: schedule with the Sheriff’s office (See page 36 for form)

CLEAR & PRESENT DANGER

- Evict when the tenant or tenant’s guest created or maintained a threat to others that constitutes a clear and present danger involving:
 - Illegal fire arms OR;
 - Drugs OR;
 - Physical assault OR;
 - Threats
- Serve the “3-Day Notice of Clear and Present Danger” form and proceed with the FED process. (See pages 19 & 20 for sample form.)

3 Day Notice Time Line



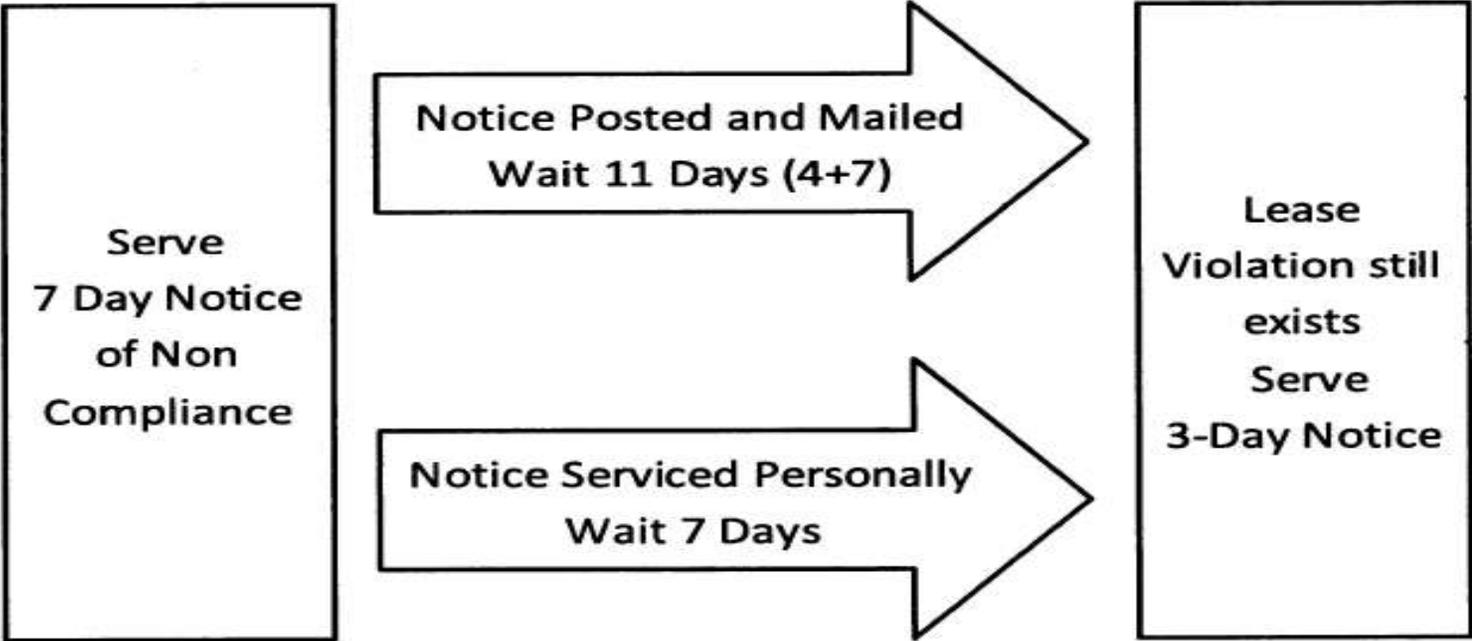
LEASE VIOLATION

- Serve the “7-Day Notice of Noncompliance with Rental Agreement” form. (See page 17 for sample form.)
- List acts or omissions constituting the violation
- List tenant actions needed to cure the violations

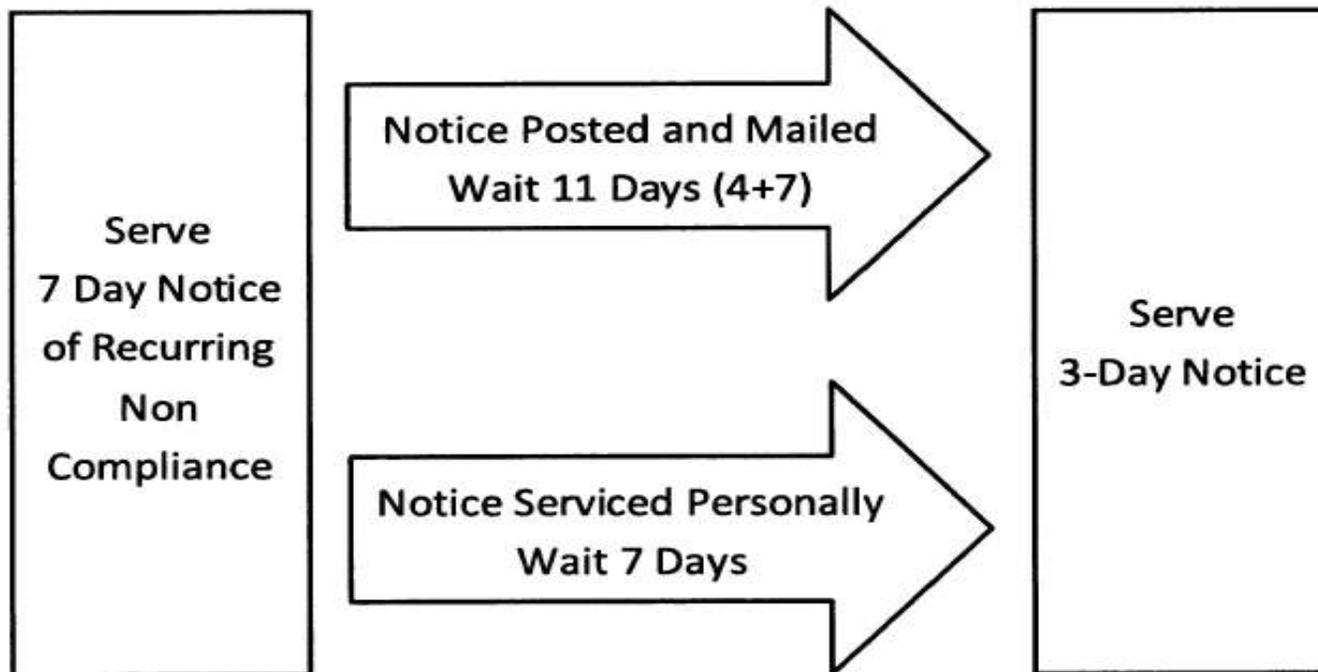
- If violations corrected then inform tenant violations have been corrected.
- If violations have not been corrected then serve the “3-Day Notice to Quit” form and proceed with the FED process.

If the same violation occurs within the next six months after the first seven day notice, you give the tenant a "7-Day Notice of Recurring Noncompliance ” stating that the rental agreement is terminated on the seventh day after receipt of the notice. The tenant does not have the right to cure. (See page18 for sample form). If tenant does not move out by the seventh day, serve three-day “Notice to Quit” and proceed with FED process.

Noncompliance Time Line



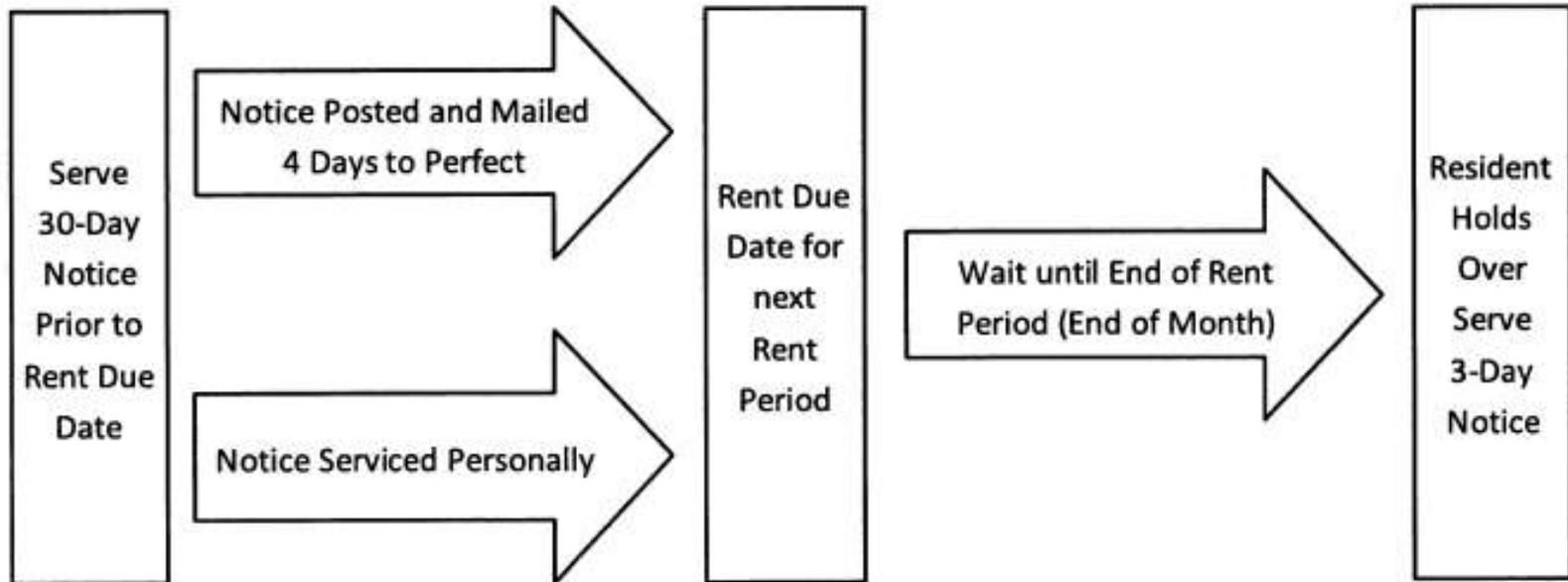
Recurring Noncompliance Time Line



NON-RENEWAL OF LEASE

- Serve 30-day Notice of Non-renewal of Lease form on or before the rent due date. (See page 21 for sample form.)
- If tenants hold over, Serve “3-Day Notice To Quit” form and proceed with the FED process (See page 16 for sample form.)

Non-Renewal of Lease Time Line



SERVING OF NOTICES

A. Notices that go to all residents such as rent increases and rules/regulation changes or additions.

You use one of the following methods:

1. Hand delivery to resident
2. Delivery evidenced by an acknowledgement that is signed and dated by a resident of the dwelling unit who is at least 18 years old. The notice to this one resident is deemed to have served all tenants within the dwelling.
3. Personal service according to the rule of civil procedure 1.305, a Supreme Court rule.
4. Mailing by both regular and certified mail to the address of the dwelling unit or to an address provided by the resident
5. Posting on the primary entrance door of the dwelling unit. The notice shall be dated and must be posted within the applicable time period.
6. Any method of providing notice that results in the notice actually being received by the tenant.

B. Termination of Tenancy notices

Notices of which could result in the loss residency such as 3 day notice to cure unpaid rent, a 3 day Notice to Quit, a 3 day Notice of Clear and present Danger, a 7 day Notice of Noncompliance, a 7 day Notice of Recurring Noncompliance and a 30 day Notice of Non-renewal of Lease.

You use one of the following methods:

You must use either the sheriff or a private service company except for delivery acknowledged by a resident at least 18 years of age. (item 1 listed below)

1. Delivery evidenced by an acknowledgement of delivery that is signed and dated by a resident of the dwelling unit who is at least 18 years old. Delivery is deemed served to all tenants of the dwelling unit. Notice must be completed 3 days prior to the hearing date. (This option can be performed by the landlord. However, it does have dangers, such as the person denying having signed it. The defendant could skip the court date, lose by default, but then file an appeal stating that the landlord forged the signature.)

2. Personal service according to the rule of civil procedure 1.305, a Supreme Court rule. Notice must be completed 3 days prior to the hearing date.

3. If, after two attempts at personal service, using either option 1 or 2, then posting of the court date notice can be made on the primary door of the premises and the notice must be mailed by both regular and certified mail. The posting and mailing must be completed no less than 3 days prior to the court date, which can be no sooner than 8 days from the filing of the FED.

If you use either item 1 or 3, you would be advised to bring an affidavit to court, signed by a notary public, showing which method of service you used. The magistrate may want some guarantee that you performed the notice.

C. Mailing Notices

Since the Iowa Supreme Court decision in the War Eagle Case which was totally about service by certified mail, the new law is cautious about keeping mail options constitutional. If you use mail, the new law has an automatic 4 days as the delivery assumption. If you use mail, the new law adds 5 days to the count. The bill has 4 days, and the counting of time procedures in the Code of Iowa (4.1[34]) adds another day. For example, if it's non-payment of rent, notice to cure, situation, it's 8 days to pay the rent, instead of 4 days in the old law.

Small Claims Court Actions

PREPARATION FOR COURT

- Evictions are handled in small claims court and are separate from money judgment disputes
- Forcible Entry and Detainer or FED** is the name for eviction judgments. To proceed with an FED action file an Original Notice and Petition For Forcible Entry and Detainer, Confidential Information Form and Verification of Account, Identification of Judgment Debtor, and Certificate Re Military Service. These forms are on Iowa Courts on Line website.
- Option to file for money judgment (rent and damages) at the same time as filing for FED but it is a separate small claims action. Need to file Original Notice and Petition For a Money Judgment. This form is on Courts on Line website.

Serve the notices.

YOUR DAY IN COURT

Go to Court **be** on time, if not, you may loss your case by default. Check in with the bailiff before court time so the Judge/Magistrate knows you are present.

- You, the Plaintiff, will go first. Present your case: do not argue with Judge/Magistrate or the Defendant, the tenant; only speak when asked to by Judge/Magistrate. Be prepared to rebut what the tenant says if the testimony is not true or is incomplete.
- Present your evidence: witnesses; photos; written documents such as rental agreement, addendums, notices; documentation: details, information, notes; police officer to support clear and present danger. **You the Plaintiff must prove your case by a preponderance of evidence.**

If you win, Judge/Magistrate will issue judgment with a possession date

- If you lose then start over correcting any mistakes

POST COURT ACTION

If you win and the tenant does not move out, return to Small Claims Court and fill out "A request for a General Execution" within three days or you will have to start over. Request the clerk to make out a "Writ of Possession" that is sent to the Sheriff.

Next go to the Sheriff's Department to fill out the "Instructions to the Sheriff to take forcible possession of the dwelling and to physically remove the tenant's possessions from your property and place them on public property. Pay the Sheriff a deposit (cash or business check) for charges. If the Sheriff is going to provide the labor, the minimum deposit is \$150.00. The amount could be more depending on size of unit.

3 DAY NOTICE TO PAY UNPAID RENT

LANDLORDS OF IOWA, INC.

DATE _____

TO:

and all persons holding under you or in possession of the premises herein described.

Each of you is hereby notified that demand is made of you for payment of the unpaid rent which was due on the date of _____, _____ in the total amount of \$ _____.

Rent is due under the terms of the Rental Agreement covering the dwelling unit now used and occupied by you as Tenant(s) with the following address:

Street Address

City

State

Zip

You are further notified that the Landlord/Owner intends to terminate the Rental Agreement if the rent in the full amount of \$ _____ is not paid within three (3) days after the service of this notice to you. In accordance with Iowa Code 562A.8, the date of service will be the earlier of:

1. The date this notice is personally delivered to the tenant; or
2. The date the notice is mailed by certified or restricted certified mail, as defined in section 618.15 of the Iowa Code

This notice is given to you in accordance with the provisions of Chapter 562A of the Code of Iowa.

Section 648.3, Code of Iowa.

AFFIDAVIT OF SERVICES

The undersigned declares under penalty of perjury that I served the 3-day Notices Pay to Unpaid Rent, of which this is a true copy, on the above-mentioned Tenant in Possession in the manner(s) indicated below.

[] On _____, I handed the Notice to _____, who is a resident of the tenancy and at least 18 years of age, and who acknowledge this hand delivery by signing and dating as indicated below.

Signature of person accepting notice- Not required

Date

[] I personally served the Notice on accordance with Iowa Court Rule 1.305 on _____

[] I posed a dated copy of the Notice on the primary entrance door of the tenancy on _____ and mailed additional copies by both regular mail and certified mail (as that term is defined in Iowa Code 618.15) to the address of the tenancy or to the last known address of the tenant which was:

Executed on _____ at _____

Signature

3 DAY NOTICE TO QUIT

TO: _____

You and each of you are hereby notified that the undersigned now demands that you vacate and surrender to the undersigned within three (3) days from the date of service of this notice upon you, the possession of the premises now occupied by you and described as follows:

Street Address

City, State, Zip

This Notice to Quit is given because your tenancy has now been terminated and you have no further rights to possess the premises. If you fail to vacate said premises within three (3) days after the service of this notice, the Landlord will take necessary legal steps to obtain such possession.

This notice is given to you in accordance with the provisions of Chapter 562A and Chapter 631 of the Code of Iowa.

Date

Landlord

Section 648.3, Code of Iowa.

AFFIDAVIT OF SERVICES

The undersigned declares under penalty of perjury that I served the 3-day Notices to Quit, of which this is a true copy, on the above-mentioned Tenant in Possession in the manner(s) indicated below.

[] On _____, I handed the Notice to _____, who is a resident of the tenancy and at least 18 years of age, and who acknowledge this hand delivery by signing and dating as indicated below.

Signature of person accepting notice- Not required

Date

[] I personally served the Notice on accordance with Iowa Court Rule 1.305 on _____

[] I posed a dated copy of the Notice on the primary entrance door of the tenancy on _____ and mailed additional copies by both regular mail and certified mail (as that term is defined in Iowa Code 618.15) to the address of the tenancy or to the last known address of the tenant which was:

Executed on _____ at _____

Signature

**7-DAY NOTICE OF NONCOMPLIANCE WITH
RENTAL AGREEMENT/RULES AND/OR HEALTH AND SAFETY
LANDLORDS OF IOWA, INC.**

Date: _____

From: _____

To: Tenant [s]& Address: _____

This is a 7-Day Notice that you have noncompliance with the Rental Agreement/Rules and/or a noncompliance with Section 562A.17 materially affecting health and safety

[Section _____ Page _____ ; _____]

1." _____ "

2." _____ "

Your acts and omissions constituting the violations are as follows:

1. _____

2. _____

In order to remedy the violation[s], you must act as follows:

1. _____

2. _____

You must "cure" the violation[s] within 7 days AFTER receiving this notice of your breach, which will be

[Date] _____. If you have not "cured" the violation[s] or remedied the breach by that inspection date, this is notice that your lease will terminate on that INSPECTION DATE of _____.

No later than 7 days from now [same date as above] _____ we will make an inspection to verify that any and all violations are "cured." If you cannot or if you refuse to provide such proof that all violations are "cured" or if we are unable to satisfactorily verify the information you have provided, we will consider that you have not "cured" the problem and your lease will terminate on that same date as specified above.

[LANDLORD\MANAGER\AGENT]

Rev.08/19/03

**7-DAY NOTICE OF RECURRING NONCOMPLIANCE
OF SAME ACT WHICH CONSTITUTED A PRIOR NONCOMPLIANCE
[OF WHICH NOTICE WAS GIVEN] HAS RECURRED WITHIN 6 MONTHS
NO OPPORTUNITY FOR "CURE"
RESULTING IN LEASE TERMINATION
LANDLORDS OF IOWA, INC.**

Date: _____

From: _____

To Tenant[s] _____

Address: _____

The same act, which constituted a prior noncompliance of which notice was given, has recurred within six months. You have **ABSOLUTELY NO OPPORTUNITY TO CURE**.

Your acts and omissions constituting the recurring specific breach are as follows:

1. _____

2. _____

3. _____

This is notice that your tenancy terminates 7 days from now on the date of _____.

7 days from now [same date as above] _____ we will make an inspection to verify that you have vacated the premises, completed the necessary cleaning, returned the unit to the same condition as at move-in and returned the keys, etc. If you have not vacated and/or have not returned the keys, we will consider that you are still in possession, and we will proceed with the **EVICTION** process by serving a "3 Day Notice to Quit".

[LANDLORD\MANAGER\AGENT]

NOTICE OF TERMINATION AND NOTICE TO QUIT

(See clear and present danger law, 562A.27A, printed, as required by law, on the back of this notice.) *

TO: _____

You and each of you are hereby notified that, pursuant to Iowa Code 562A.27A, your Rental Agreement is terminated effective three (3) days from the date of this Notice, and it is demanded that you vacate and surrender within that three (3) days the possession of the premises described as follows:

This Notice of Termination and Notice to Quit is being given to you for the reason that you or persons on the premises with your consent have created circumstances, or maintained a threat, constituting a clear and present danger to the health or safety of other residents, the landlord, or the landlord's employees or agents. A clear and present danger to the health or safety of other residents, the landlord, or the landlord's employees or agents includes any of the following activities (check all that apply):

- Physical assault or the threat of physical assault.
 - Illegal use of a firearm or other weapon, the threat to use a firearm or other weapon illegally, or possession of an illegal firearm.
 - Possession of a controlled substance not obtained directly from or pursuant to a valid prescription or order by a licensed medical practitioner while acting in the course of the practitioner's professional practice by you or a person on the premises with your consent and knowledge.
 - Other (specify) _____
-

You will therefore take action and govern yourself accordingly.

THIS WRITTEN NOTICE WILL REMAIN IN FORCE UNLESS EXPRESSLY WITHDRAWN IN WRITING. YOU MAY NOT RELY ON ANY VERBAL COMMUNICATIONS CONCERNING IT.

Dated this _____ day of _____, 20_____.

Landlord

Served By: _____
Date: _____
Time: _____

Address: _____

***SEE IOWA CODE 562A.27A ON NEXT PAGE.**

562A.27A Termination for creating a clear and present danger to others.

1. Notwithstanding section 562A.27 or 648.3, if a tenant has created or maintained a threat constituting a clear and present danger to the health or safety of other tenants, the landlord, the landlord's employee or agent, or other persons on or within one thousand feet of the landlord's property, the landlord, after the service of a single three days' written notice of termination and notice to quit stating the specific activity causing the clear and present danger, and setting forth the language of subsection 3 which includes certain exemption provisions available to the tenant, may file suit against the tenant for recovery of possession of the premises pursuant to chapter 648, except as otherwise provided in subsection 3. The petition shall state the incident or incidents giving rise to the notice of termination and notice to quit. The tenant shall be given the opportunity to contest the termination in the court proceedings by notice thereof at least three days prior to the hearing.

2. A clear and present danger to the health or safety of other tenants, the landlord, the landlord's employees or agents, or other persons on or within one thousand feet of the landlord's property includes, but is not limited to, any of the following activities of the tenant or of any person on the premises with the consent of the tenant:

- a. Physical assault or the threat of physical assault.
- b. Illegal use of a firearm or other weapon, the threat to use a firearm or other weapon illegally, or possession of an illegal firearm.
- c. Possession of a controlled substance unless the controlled substance was obtained directly from or pursuant to a valid prescription or order by a licensed medical practitioner while acting in the course of the practitioner's professional practice. This paragraph applies to any other person on the premises with the consent of the tenant, but only if the tenant knew of the possession by the other person of a controlled substance.

3. This section shall not apply to a tenant if the activities causing the clear and present danger, as defined in subsection 2, are conducted by a person on the premises other than the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

a. The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

b. The tenant reports the activities causing the clear and present danger to a law enforcement agency or the county attorney in an effort to initiate a criminal action against the person conducting the activities.

c. The tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this paragraph, without taking an action specified in paragraph "a" or "b" or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of the actions specified in paragraph "a" or "b" to be exempt from proceedings pursuant to subsection 1.

However, in order to fall within the exemptions provided within this subsection, the tenant must provide written proof to the landlord, prior to the commencement of a suit against the tenant, that the tenant has taken one of the measures specified in paragraphs "a" through "c".

30-DAY NOTICE TO TENANT NON-RENEWAL OF LEASE

LANDLORDS OF IOWA, INC.

Date: _____

To Tenants: _____ Unit: _____

City: _____ State: _____ Zip: _____

This is your ___ 30 ___ 60 or other _____ days' notice that your tenancy will terminate on _____, which is the date, your present tenancy expires. We do not wish to renew. We expect that you will be completely moved out, have completed all cleaning, turned in all keys, and provided us with a final address or mailing instructions on or before _____ a.m. or _____ p.m. by the above date. Your final move-out inspection should be completed before 5:00 p.m. on the above date.

We also wish to remind you that rent and all tenant-paid utilities are to be paid through the above date. Until you turn in all keys, you are still in possession of the property.

Enclosed is another copy of "How To Clean the Unit for Healthier Living and Easier Moving" in case you have misplaced your original copy. This will give you good guidance for using a standard of "clean". Another good way to define clean is as clean as you would leave your dwelling if you knew your best friend or your favorite aunt were going to move in after you.

Please do not remove anything you have attached to the walls, woodwork, or ceiling or anyplace else without talking to us, and please try to avoid nicking the paint in the halls and doorways as you move things out.

As per your Rental Agreement, we will give you advance notice of showing the dwelling to prospective tenants at any and all reasonable times.

Please communicate with us if you have any other questions prior to move-out. Some of your questions might be answered by consulting your copies of the Rental Agreement, Rules, and Security Deposit Agreement.

Moving is a stressful time and we hope that everything goes smoothly for you. Advance planning and preparations will help.

Sincerely,

Landlord/Agent

B. Forcible Entry and Detainer or (FED). All Iowa Court action filings must now be electronically filed using there Electronic Document Management System (EDMS)

1. To file your court action forms go to Iowa Courts on Line <https://www.iowacourts.state.ia.us/efile/>. The first time you need to set up the your account as a "New User". Follow the New Users request account instructions.

2. To Filing a Petition for a Forcible Entry and Detainer go to and follow the "Instructions for Filing a Petition for a Forcible Entry and Detainer". These three Small Claims Forms are needed:

a. eForm 3.6 "Original Notice and Petition for a Forcible Entry and Detainer".

b. eForm 3.27 "Verification of Account, Identification of Judgment Debtor, and Certificate Re Military Service".

c. "Confidential Information Form". Use applicable form 496kb or 499kb. This form is mailed or presented to the clerk of court's office. It is not filed on line. You cant print a copy of the form from the website.

C. Forcible Possession Forms.

1. Request to Issue Writ. Form not on website use old form or check with Small Claims Clerk of Court for instructions.

2. eForm 3.25 "Request for General Execution (Praecipe)"



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Mission Statement

The Iowa Judicial Branch dedicates itself to providing independent and accessible forums for the fair and prompt resolution of disputes, administering justice under law equally to all people.



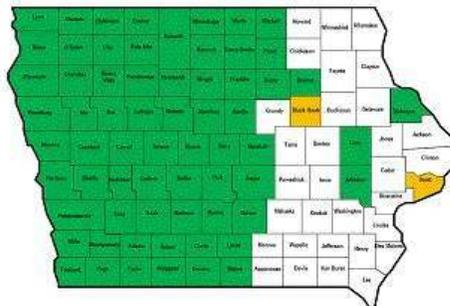
Welcome. You have reached the website for electronically filing cases and documents with the Iowa Court System. You must have an account to use this service.

Dubuque county will begin eFiling to criminal case types on Tue., 9/16/14 at 8:00AM CST. All

other case types will start on Tue., 09/30/14 at 8:00AM CST.

EDMS ALERTS

Efiling Counties:



Green counties are converted fully to eFiling (EDMS). Orange counties are in the process of being converted to eFiling (EDMS).

[eFileDocumentsLinks:](#)

- [Chapter 16 Rules](#)
- [Chapter 16 Rules General Commentary](#)
- [eFiling User Guides and Training Documentation](#)
- [eFiling Approved Forms](#)
- [List Of System Sealed Documents](#)

Log In

Enter your User Name and Password.

User

Name:

Password

:

[Log In](#) [Forgot Your Password?](#)

New Users

[Request Account](#)

Instructions for Filing a Petition for Forcible Entry and Detainer

I. Forms to Complete.

The forms you must use in Iowa Small Claims Court are available in fillable format on the Iowa Judicial Branch website under the “Court Rules and Forms” tab.

You (Plaintiff) will need the following forms to evict someone from your real estate.

A. *Original Notice and Petition for Forcible Entry and Detainer*
(Form 3.6).

1. At the top of the Original Notice form, fill in the name of the county where you are filing the lawsuit. You should file the lawsuit in the county where the real estate is located.
2. Fill in your full name and specific address where indicated.
3. Fill in the full name of the person (defendant) you want to vacate the real estate. Fill in the specific address where defendant can be located. If there is more than one defendant, you must include the full name and current address of each defendant.
4. **Do not** fill in the “Small Claims No.” blank or the telephone number blank in the disability assistance notice in the caption.
5. Fill in the address of the real estate you want defendant to vacate.
6. State briefly the reason you want defendant to vacate the real estate.
7. Sign the Original Notice at the bottom of the page and deliver it to the clerk of court with two copies of the completed Original Notice for each defendant named.

B. *Three-Day Notice.* In most cases, a Three-Day Notice to Quit, or a Three-Day Notice of Non-Payment of Rent, must be served on defendant before the Action for Forcible Entry and Detainer is filed. If you did not give this notice, you should consult an attorney.

C. *Confidential Information Sheet.* You must mail or present the Original Notice and a Confidential Information Sheet to the clerk of court’s office. The Confidential Information Sheet is not a public record and the clerk of court will keep the information on this form confidential.

Include the filing fee of \$85.00. If you are filing an Action for Money Judgment, you may file it at the same time as the Forcible Entry and Detainer with the one filing fee of \$85.00. If filed later, a second \$85.00 filing fee will apply.

II. How to Serve the Original Notice.

Each defendant must be informed of your lawsuit by receiving the Original Notice before a trial is held. Defendant may be served with the Original Notice in the following manner:

A. *Service by Sheriff.* If you choose the sheriff to serve defendant, contact the sheriff in the county where the real estate is located to determine payment

arrangements. The clerk of court may deliver the Original Notice to the sheriff for service. Defendant must be served at least three days before the hearing.

B. *Delivery to a person who lives at the real estate who is at least 18 years old.*

Defendant must sign an acknowledgement of service dated at least three days before the hearing.

C. *Posting the Original Notice on the entry door of the premises.* If you have first made two unsuccessful attempts to serve defendant, you may post the Original Notice on the entry door to the property to be vacated. You must also mail notice by regular **and** certified mail to defendant's last-known address.

III. What Happens After Filing Your Case.

- A.** The clerk of court will set a hearing date no later than eight days from the filing date. If you request a later date, the clerk of court may set the hearing date up to fifteen days from the filing date.
- B.** You must appear in person at the hearing, unless a lawyer appears on your behalf.
- C.** At the hearing, you should be prepared to produce proof of service of the Original Notice and the Three-Day Notice to Quit on defendant. You should bring a copy of any lease or rental agreement with defendant that you have.
- D.** If you have witnesses, make sure they are present at the hearing.
- E.** If you disagree with the court's decision or judgment after hearing, you may file a Notice of Appeal (Form 3.26) with the appropriate filing fee. The court may require you to provide a bond to delay execution of the Judgment.

For more information see Iowa Code chapter 648, the Iowa Judicial Branch website at www.iowacourts.gov, The Iowa Bar Association website at www.iowabar.org, or the clerk of court office in your county (clerks of court cannot give legal advice).

In the Iowa District Court for _____ County

Plaintiff(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address) <p style="text-align: center;">vs.</p> Defendant(s) _____ (Name) _____ (Address) _____ (Name) _____ (Address)	Original Notice and Petition for Forcible Entry and Detainer (Iowa Code chapter 648)
---	---

To Defendant(s):

1. **You are notified** that Plaintiff(s) demand(s) from you possession of (state exact address of real property): _____
because (state basis of demand): _____

2. **Hearing is set for** the date, time, and court location listed on the last page of this Original Notice and Petition. The court will electronically record the hearing. If either party desires that a certified court reporter report the hearing, that party must arrange and pay for the costs of reporting. **Failure to appear at the hearing may result in judgment entered against you for possession of the property and court costs.**

Plaintiff(s): The court shall set the date of hearing to occur within **8 days** from the filing date of the Original Notice unless you check the box below:

Plaintiff(s) request(s) or consent(s) to the court setting the date of hearing to occur no later than **15 days** from the filing of the Original Notice.

/s/ _____
 Filing Plaintiff or Attorney

 Law firm, or entity for which filing is made, if applicable

 Mailing address

 Telephone number

 Email address

 Additional email address, if applicable

/s/ _____
 Second Plaintiff, if applicable

 Law firm, or entity for which filing is made, if applicable

 Mailing address

 Telephone number

 Email address

 Additional email address, if applicable

[«Go Back](#)

Iowa Judicial Branch

Printable Version from the web page:

Confidential Information Forms

Iowa Code [section 602.6111](#) requires parties, other than the state or a political subdivision of the state, to provide the clerk of court with certain identification information in the manner required by rules or directives prescribed by the supreme court. The court issued the following [supervisory order](#) and forms pursuant to this

law.

The completed forms, including social security numbers provided therein, shall be kept confidential by the clerk of court and shall not be disclosed except as authorized by state or federal law.

Confidential Social Security Number Form—Use for Estates, Conservatorships, Guardian, and Trust cases
[Form](#) (496 kb)

Confidential Social Security Number Form—This form is for use by parties involved in actions other than paternity and child support enforcement.
[Form](#) (499 kb)

Confidential Information Form—This form is for use by parties involved in actions to enforce child support orders or paternity actions.
[Form](#) (657 kb)

Links on this page go to files that may be unusable if you do not have the proper programs installed on your computer. Visit the [Site Tools and Accessibility](#) page for any plug-ins or programs you may need.

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

_____))
_____))
Plaintiff(s) /Petitioner(s),)
vs.) Case No. _____)
_____))
Defendant(s) / Respondent(s),) **CONFIDENTIAL SOCIAL**
) **SECURITY NUMBER FORM**

Please note: This form is for the submission of social security numbers ONLY. Dates of birth and employer identification numbers are not confidential and should appear on the heading or face of the petition, answer, etc. Please print or type all information.

	<u>Name</u>	<u>Social Security Number</u>
Plaintiff(s) / Petitioner(s)	1. _____	_____
	2. _____	_____
	3. _____	_____
	4. _____	_____
	5. _____	_____
Defendant(s) / Respondent(s)	1. _____	_____
	2. _____	_____
	3. _____	_____
	4. _____	_____
	5. _____	_____
Other Parties	1. _____	_____
	2. _____	_____
	3. _____	_____

Information supplied by _____

Signature: _____ Date: _____

eForm 3.27: Verification of Account, Identification of Judgment Debtor, and Certificate Re Military Service

In the Iowa District Court for _____ County

Plaintiff(s) _____ (Name) _____ (Name) vs. Defendant(s) _____ (Name) _____ (Name)	<p>Verification of Account, Identification of Judgment Debtor, and Certificate Re Military Service</p> Small Claim No. _____ For Defendant: _____ (This form required for each Defendant.)
---	---

1. I, _____, am a party or an employee of Plaintiff(s) whose claim(s) is (are) shown in the attached statement(s). I have personal knowledge that the attached statement(s) is (are) a true copy of the original creditor's records showing the balance due is true and correct. I further state that the sum of \$_____ is the balance due and owing as of _____ from Defendant(s) to Plaintiff(s) and any interest amount owing is accurately stated in the Petition or Original Notice.

2. I further state that Defendant resides at _____, is employed at _____ and Defendant's occupation is _____.

3. Check A, B, or C for Defendant:

A. Defendant **is not** in the military service of the United States government, I have verified this fact by (check one):

Checking the Defense Manpower Data Center (DMDC) (requires name and SSN or name and date of birth) at <https://www.dmdc.osd.mil/appi/scra/scraHome.do>

Contacting Defendant who informed me.

Regularly seeing Defendant and believing Defendant is not active in the U.S. military.

OR B. I have investigated, and I am unable to determine whether or not Defendant is in the military service of the United States government.

OR C. Defendant **is** in the military service of the United States government.

4. I also state to the best of my knowledge (check one):

Defendant **is** **is not** under a disability or confined in a reformatory, jail, or penitentiary.

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that these facts are true and correct.

Date: _____

Phone # _____

Email address _____

Additional email address, if applicable _____

Signature of Affiant

/s/ _____

Filing Plaintiff or Attorney

Law firm, or entity for which filing is made, if applicable

Mailing Address

eForm 3.1: Original Notice and Petition for a Money Judgment

In the Iowa District Court for _____ County

Plaintiff(s)

(Name)

(Address)

(Name)

(Address)

vs.

Defendant(s)

(Name)

(Address)

(Name)

(Address)

**Original Notice and Petition
for a Money Judgment**

To Defendant(s):

1. You are notified that Plaintiff(s) demand(s) from you the amount of \$ _____ plus court costs based on (state briefly the basis for the demand, not to exceed \$5000):

2. Judgment may be entered against you unless you file an Appearance and Answer within 20 days of the service of the Original Notice upon you. Judgment may include the amount requested plus interest and court costs.

3. You must electronically file the Appearance and Answer using the Iowa Judicial Branch Electronic Document Management System (EDMS) at <https://www.iowacourts.state.ia.us/EFile>, unless you obtain from the court an exemption from electronic filing requirements.

4. If your Appearance and Answer is filed within 20 days and you deny the claim, you will receive electronic notification through EDMS of the place and time of the hearing on this matter.

5. If you electronically file, EDMS will serve a copy of the Appearance and Answer on Plaintiff(s) or on the attorney(s) for Plaintiff(s). The Notice of Electronic Filing will indicate if Plaintiff(s) is (are) exempt from electronic filing, and if you must mail a copy of your Appearance and Answer to Plaintiff(s).

6. You must also notify the clerk's office of any address change.

/s/ _____
Filing Plaintiff or Attorney

Law firm, or entity for which filing is made, if applicable

/s/ _____
Second Plaintiff, if applicable

Law firm, or entity for which filing is made, if applicable

Mailing address

Telephone number

Email address

Additional email address, if applicable

Mailing address

Telephone number

Email address

Additional email address, if applicable

Form 3.25: Request for General Execution (Praecipe)

In the Iowa District Court for _____ County

Plaintiff(s)

 (Name)

 (Address)

 (Name)

 (Address)

vs.

Defendant(s)

 (Name)

 (Address)

 (Name)

 (Address)

**Request for General Execution
(Praecipe)
(Iowa Code section 626.12)**

Small Claim No. _____

To the Clerk of Court for _____ County: Please issue a writ of General Execution to the Sheriff of _____ County, Iowa, against (list name(s) of judgment debtor(s)):

_____ for the balance owing on the judgment in this matter.

Date of Judgment _____

Original amount of judgment \$ _____

Balance due on judgment \$ _____

Original amount of court costs \$ _____

Balance due on court costs \$ _____

Original amount of attorney fees \$ _____

Balance due on attorney fees \$ _____

Interest accrued to (date) _____

Amount of interest accrued \$ _____

Interest rate per annum: _____ %

Effective from (date) _____

Total amount due \$ _____

Interest amount per diem \$ _____

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Date: _____

Judgment Creditor's signature

/s/ _____

Filing Judgment Creditor or Attorney

Law firm, or entity for which filing is made, if applicable

Mailing address

Phone number

Email address

Additional email address, if applicable

In the Iowa District Court for Linn County

Plaintiff(s)

(Name)

(Address)

(Name)

(Address)
Vs.
Defendant(s)

(Name)

(Address)

(Name)

(Address)

Request to Issue Writ

Small Claim No. _____

To the Clerk of Court for Linn County:

Please issue a

- Writ of Possession
- Writ of Replevin

To the Sheriff of _____ County, Iowa,

Date: _____

Judgment creditor's signature

Printed name

Mailing address

Phone #

Email address

Fill out and put on envelope Receipt for Certified Mail PS form 3800 [see example form below]. Make sure the Receipt for Certified Mail is date stamped, is readable and given to you. This is your proof of the mailing date. You will need this or a copy of it for evidence in Court. (Forms are available from the Post Office).

Landlord Name
Address

Tenant Name
Address



U.S. Postal Service CERTIFIED MAIL RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To Tenant Name	
Street, Apt. No., or PO Box No. Address	
City, State, ZIP+4	
PS Form 3800, January 2001 See Reverse for Instructions	

Fill out both sides of Domestic Return Receipt PS form 3811 (green card) per instructions.
 [see example form below] Attach completed form to front or back of mailpiece.
 Forms are available from the Post Office.

UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Landlord Name
 Address

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Received by <i>(Please Print Clearly)</i> B. Date of Delivery</p> <hr/> <p>C. Signature</p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Tenant Name Address</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number <i>(Copy from service label)</i></p> <p>7001 0320 0002 5898 6780</p>	<p>4. Restricted Delivery? <i>(Extra Fee)</i> <input type="checkbox"/> Yes</p>
<p>PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952</p>	

1. When the Clerk of Court receives a ruling on a forcible entry and detainer action in the plaintiff's favor, the plaintiff will need to request that the Clerk issue a writ of possession to the Sheriff. It will not be done automatically.
2. The plaintiff should appear at the Sheriff's Office to fill out Directions to the Sheriff, Monday through Friday, except holidays. At this time the plaintiff will have to determine who is to supply the labor to remove the defendant's possessions. If the plaintiff elects to have the Sheriff's Office supply the labor, a minimum advance fee of \$150.00 will be required. Depending on the location and amount of belongings to be moved out, may substantially increase the amount of advance fees required. If the plaintiff supplies labor for the eviction, the Sheriff's Office requires enough people to complete the eviction within two hours. If the plaintiff fails to supply enough labor, the deputy is instructed not to start the eviction. This will require the plaintiff to set up a new date and time with the Sheriff's Office for the eviction. No action on the writ will commence until the advance fees (as required by the Sheriff's Office and Directions to the Sheriff) are received.
3. Upon the completion of the above actions, the writ will be assigned to a deputy sheriff. The deputy will call the plaintiff to set up a date and time for the eviction that is compatible with the plaintiff and the Sheriff's Office. The deputy will post a two-day courtesy letter at the address given on the writ indicating the day the eviction will take place.
4. The plaintiff is expected to check the address of the eviction at least one hour before the eviction is to be conducted to see if the defendant has vacated voluntarily and would want to cancel the eviction. The failure to notify the Sheriff's Office at least one hour prior to the eviction will cause the plaintiff to incur a minimum fee for the laborers that are supplied by the Sheriff's Office if their services would not be required. If the plaintiff cancels the eviction, the plaintiff accepts any liability for property left behind by the defendant.
5. The Sheriff's Office will supply heavy-duty bags, waterbed pump and an appliance dolly for a fee.
6. Except by determination by the Sheriff's Office regarding inclement weather, the only way that an eviction will be postponed is at the request of the plaintiff. The only way an eviction will be cancelled is upon request of the plaintiff or the Sheriff's Office receiving a court order.
7. The Sheriff's Office function at an eviction is to provide the authority, keep the peace and direct the procedure.
8. Evictions will only be conducted during weekdays and daylight hours. The process must be completed by 5:00 p.m.
9. Any deviation of the above procedures will have to be cleared by the supervisor or commander of the Linn County Sheriff's Office Civil Division.
10. The Linn County Health Department's policy is: twenty-four hours after the eviction is completed the plaintiff has forty-eight hours to dispose of any of the personal property remaining on public property. If the plaintiff fails to complete the disposal, the Streets Department or County Roads will dispose of the property to the landfill at the plaintiff's cost.

Dated service: _____ WPOS _____ FED _____ Assigned _____

ABOVE FOR OFFICE USE ONLY
DIRECTIONS TO SHERIFF
LINN COUNTY, IOWA

ACTION: _____ *VS* _____ #: _____
PLAINTIFF/CREDITOR DEFENDANT/DEBTOR

COURT CASE NUMBER _____

Serve the attached: Notice _____ Writ _____ Order _____ Subpoena _____ FED _____ Garnishment _____ Other _____

Person(s) to be served: _____

Address: _____

Employed at: _____ Hours: _____

Address: _____

If corporation serve: _____

Corporation address: _____

Home address of corporate agent, officer: _____

Other information to help with service: _____

Writ of possession-----Sheriff to supply labor _____ Plaintiff to supply labor _____

CHECK HERE IF CONSUMER CREDIT TRANSACTION _____

Name of person requesting service: _____

Address: _____

STREET

CITY

STATE

ZIP

Telephone: _____

.....
BELOW FOR OFFICE USE ONLY

Attempts: _____ *NALC* _____ ; _____ *NALC* _____ ; _____ *NALC* _____
DATE/TIME DATE/TIME DATE/TIME

Served: _____

Diligent search: _____ Reason: _____

Notes: _____

Receipt # _____

Advance fees \$ _____

Check # _____

CPU# _____