

## INSTRUCTIONS FOR LANDLORDS WHO ARE SUED BY TENANTS FOR REPAIRS, RETURN OF SECURITY DEPOSITS, OR POSSESSION

**Talk to an attorney, if possible.** These instructions are not a substitute for legal advice. Even if you do not hire a lawyer to appear in your case, a lawyer can give you more information about how to represent yourself in court.

### **How to complete the filing:**

- Follow the instructions in the Answer for filling in the heading and your responses, defenses, and signature.
- Certificate of Service. Mail or hand-deliver a copy of the signed Answer to the tenant or tenant's attorney (the person whose name and address are on the Complaint). State that you have done so.
- Filing. Take the original to the court clerk's office for filing. You can also take one copy which the Clerk will stamp and return to you showing the date and time you filed your Answer with the Court. The Court will keep the original.
- Costs. Contact the clerk's office first to see how much money you need to bring with you. The clerk's office requires cash or a money order. If you cannot afford to pay the filing fee, contact the clerk and ask to file an Affidavit of Indigency (a separate document). Be prepared to pay the filing fee if your request is denied.

**Trial.** At the trial, the tenant must present testimony under oath and provide exhibits establishing a right to a judgment. If successful, the tenant may be entitled to an order for the repairs, the return of a security deposit, or possession of the property. The judge can also award the tenant the amount of money it cost to file the case and the costs of serving you with the Summons and Complaint. You will be called upon to present testimony under oath and provide exhibits (proof of payment, photographs, or other proof) establishing why you should not be obligated to do what the tenant seeks.

**Judgment.** You will *not* be ordered to repair the rental property, return the deposit, or surrender possession if the judge rules in your favor. However, if the judge rules against you, the following is likely to happen:

- a. At the end of the trial the judge will sign an order. Depending upon the type of case and the court in which it is filed, the order will award money to the tenant so as to make the repairs or will order you to do so; it will direct you to return the security deposit; or it will order you to surrender possession. If you are not present, the clerk will mail you a conformed copy of the judgment. If you are present, it will be given to you at the conclusion of the trial.
- b. If you do not follow its order, the court may issue an order directing you to show why you should not be held in contempt of court and fined or imprisoned or both.
- c. The tenant may seek to collect any judgment amount by garnishment or other legal means. The amount owed will grow at the rate of 10% each year until paid.

**Appeal.** The losing party has the right to appeal but must file both an appeal and a bond. See the separate forms.

*Adapted from documents available through the Self-Help Center of the Idaho Supreme Court.*