

## INSTRUCTIONS FOR TENANTS IN DETAINER ACTIONS FILED BY LANDLORDS

**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 form itself 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 landlord or landlord'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. You might want to 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 landlord must present testimony under oath and provide exhibits establishing a right to a judgment for eviction. If successful, the landlord is entitled to an order of eviction, the costs of the lawsuit, and to a judgment for money damages (rent, late fees, damages to property). Costs the judge can award the landlord include the amount of money it cost to file the case, costs of serving you with the Detainer, and the landlord's attorney fees (if any) permitted in the lease or by law. You will be called upon to present testimony under oath and provide exhibits (checks, receipts or other proof) establishing why you should not be evicted for non-payment of rent or for other reasons.

**Judgment.** You will not be ordered to move from your rental premises if the judge rules in your favor. However, if the court rules against you, the following is likely to happen:

- a. At the end of the trial the judge will sign an order of eviction and, perhaps, award money to the landlord. 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 remove yourself and belongings from the rental property, the court may issue an order directing the Sheriff to remove you and your belongings from the property, and collect from you or from the sale of your property any costs and fees incurred.
- c. The landlord will seek to collect the 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.*