

**COMPLAINT (ASSUMPSIT, SUMMARY POSSESSION/  
LANDLORD - TENANT, DAMAGES);  
DECLARATION; EXHIBIT(S); SUMMONS**

Form #1DC08

<b>IN THE DISTRICT COURT OF THE FIRST CIRCUIT</b> _____ <b>DIVISION</b> <b>STATE OF HAWAI‘I</b>	
Plaintiff(s)	Reserved for Court Use
	Civil No.
Defendant(s)	Filing Party/ Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers
Premises Address:	

**COMPLAINT**

1. This Court has jurisdiction over this matter and venue is proper.
2. Plaintiff is the landlord or the agent for the landlord of the premises.
3. The premises are located in this division of this Court.
4. Defendant rents and/or is in possession of the premises and/or is a personal guarantor under the rental agreement of the premises.
5.  There is a written rental agreement for the premises. **A COPY OF THE WRITTEN RENTAL AGREEMENT FOR THE PREMISES (AND ANY AMENDMENTS TO THE RENTAL AGREEMENT) IS ATTACHED.**
  - There is no written rental agreement for the premises, only an oral agreement.
  - There is an expired written rental agreement for the premises. A copy of the written rental agreement (**AND ANY ATTACHMENTS TO THE RENTAL AGREEMENT**) IS ATTACHED.
  - Defendant is a month-to-month tenant.
6. Defendant has broken the rental agreement because:
  - Unpaid rent \$ \_\_\_\_\_
  - Other \_\_\_\_\_
7. Written notice was given to Defendant on (date) \_\_\_\_\_, 20 \_\_\_\_ to correct this situation as follows:  5-day non-payment     10-day non-monetary default     45-day termination of month-to-month tenancy or  as specified in the rental agreement or statute(s). **A COPY OF THE WRITTEN NOTICE IS ATTACHED.**
8. Despite the notice, Defendant has failed to correct this situation and still is in possession of the premises.

I certify that this is a full, true, and correct  
copy of the original on file in this office.

\_\_\_\_\_  
Clerk, District Court of the above Circuit, State of Hawai‘i

**COMPLAINT (continued)**

9. The Servicemembers Civil Relief Act, 50 U.S.C. App. §501 may apply to a Defendant who is classified active duty as defined in the Act.

Please check all that apply.

- To the best of my knowledge, the Defendant is not an active duty member of the Military.
- The following Defendant is an active duty member of the Military. Name: \_\_\_\_\_.
- I am unable to determine whether the Defendant is an active duty member of the Military. Please attach separate sheet indicating what attempt was made to determine Defendant's military status.

10. As of (date): \_\_\_\_\_ Defendant(s) owed Plaintiff(s) \$ \_\_\_\_\_ for:

- Rent itemized as follows: \_\_\_\_\_
- Other: \_\_\_\_\_

**Plaintiff is asking the Court for the following:**

- A. A judgment giving Plaintiff possession of the premises.
- B. A Writ of Possession directing the Sheriff or Police Officer to:
  - 1. Remove the Defendant from the premises and all persons possessing the premises through Defendant;
  - 2. Remove from the premises all personal belongings of the Defendant and of any other person; and
  - 3. Put Plaintiff in possession of the premises.
- C. Judgment against the Defendant for \$ \_\_\_\_\_  
In addition, the Court may award any rent and other charges owed under the rental agreement, additional damages, court costs, interest, and reasonable attorney's fees.

Date:	Signature of Plaintiff/Attorney:  Print/Type Name:
-------	--

**DECLARATION**

I DECLARE UNDER PENALTY OF PERJURY THAT WHAT IS STATED IN THE COMPLAINT IS TRUE AND CORRECT.

Date:	Signature of Declarant:  Print/Type Name:
-------	---