

Circuit Clerk's Office
Associate Civil Division
44 North Lorimier
Cape Girardeau, MO 63701
(573) 335-8253

**NOTICE TO THOSE WISHING TO FILE A
LANDLORD COMPLAINT**

This booklet and forms are being furnished to provide information for the filing of your landlord complaint in a Petition with the Court. The clerks of this office **cannot** help you prepare forms or pleadings necessary for the presentation of your Petition to the Court.

The Plaintiff(s) must appear in court. If the owner is a Limited Liability Partnership, Limited Liability Company or a Corporation, the Petition must be filed by an attorney, and the party must be represented by an attorney in court.

I. Landlord Complaint

NOTICE: The clerks of this office cannot provide legal assistance or advise on how to proceed with your action or how to complete any of the forms. When you file an action without an attorney, you are filing "pro se" and the Court assumes that you know the procedures and rules to proceed with your lawsuit. If you require assistance regarding forms or have any questions regarding the prosecution of your lawsuit, please contact an attorney.

Supply all information requested on the Petition and have your signature notarized before you bring it to the Circuit Clerk's office for filing. **(The Clerk's office does not have a notary in the building.)** If you request service by private process, be sure to include a Motion for Appointment of Process Server, as well as the phone number for the process server so that the Deputy Clerk can contact the server to pick up the summons when it is completed. **IT IS YOUR RESPONSIBILITY TO COMPLETE THE FORM AND TO DETERMINE WHETHER THIS PETITION IS APPROPRIATE FOR THE TYPE OF ACTION YOU ARE FILING.** The lawsuit should be filed in the name of the OWNER of the property, and not in the name of the managing agent or caretaker of the property.

NOTE: Statutes prohibit corporations from filing pro se actions. Corporations must be represented by an attorney.

II. Filing Fee Information

The filing fee is \$50.00 for each lawsuit filed. Checks must be made payable to the Circuit Clerk. We can accept cash for your **filing fee** only, but prefer a check. There is also a fee for serving the summons. You must provide a separate check or money order for the service fee; **we cannot accept cash for the service fee.** There are different kinds of service available.

1. **Personal service by the Sheriff's office.**
2. **Personal service by a Private Process Server.**
3. **Service by POSTING, which can be served by the Sheriff's Office or Private Process Server.**

If you are requesting service by posting, a motion and proposed order to post will need to be completed and filed. These forms are available on the court's web page under "32nd Circuit Pro Se Litigation". Service is issued to the defendant(s) by regular service or service by posting. If the summons is only posted on the door of the residence and the defendant does **not** appear for court, you may only obtain a judgment for possession. Landlords **cannot** receive a money judgment unless personal service is obtained on the defendant or through an appropriate member of the family.

If you select service by private process, it will be your responsibility to ensure that the summons is properly served. Please note that you will need to return the summons to the court after the process server has completed and notarized the service information on the summons. NOTE: If your first attempt at service is not successful, it will be necessary for you to request an "alias" summons, provide additional service information and perhaps pay an additional fee.

III. Filing the Petition

You file your Petition in the Associate Civil department with your \$50.00 filing fee, the Civil Case Party Information Sheet, and the correct number of copies of the Petition. (The Court keeps the original Petition, and, for example, if you are suing a husband and wife, you need two copies of the Petition **in addition to the original Petition**; if your Petition is against four defendants, you need four copies of the Petition **in addition to the original Petition.**) Once the case is entered into our system, you will be mailed a notice of the court date and time.

If you pay by CASH, do not leave without getting a receipt.

IV. The Court Date

BEFORE COURT, mark your court date on a calendar which you look at often. **IF YOU MISS YOUR COURT DATE, YOUR CASE MAY BE DISMISSED.**

SHOW UP ON TIME, and please observe proper dress and decorum in the courtroom. In keeping with the dignity and serious nature of court proceedings, proper attire is required in the courtroom. No participant in a case may appear in tank-tops, tube-tops, cut-offs, shorts, or other inappropriate clothing.

It is also requested that all cell phones be turned off or not brought into the Courtroom.

Be courteous to both the judge and the defendant(s).

The first court date is to determine whether or not the defendant(s) agree or disagree with the complaint. If the defendant(s) don't appear on the initial court date, you will most likely be given a Default Judgment. If the defendant(s) appear and have a disagreement, the Judge will set your case at a later date for a trial. The Judge sets the case for trial as quickly as the Judge can.

If your case goes to trial, bring all of your evidence (pictures, papers, estimates, witnesses, etc.) with you on the day of trial. Be ready to inform the Court of the **total amount** of the judgment you are requesting.

ONCE THE JUDGE ANNOUNCES A DECISION, BY LAW/RULE, THE JUDGE CANNOT HELP YOU ANY FURTHER.

IN THE CIRCUIT COURT OF CAPE GIRARDEAU COUNTY, MISSOURI
ASSOCIATE DIVISION
AT CAPE GIRARDEAU, MISSOURI

PLAINTIFF(S) (Must be recorded Title Owner)

Mailing Address

CITY STATE ZIP

vs

Case No. _____

DEFENDANT(S)

Street Address

CITY STATE ZIP

PETITION FOR RENT AND POSSESSION

1. Plaintiff is the owner of real estate located in Cape Girardeau County, Missouri. The address of the property is:

2. Defendant(s) rent(s) this property from the Plaintiff(s) and the agreed monthly rental amount is \$_____, payable on the _____ day of each month.

3. There is now unpaid rent due and owing in the amount of \$_____, as of today's date. Late fees are due in the amount of \$_____ (if applicable).

4. The Plaintiff(s) demanded from Defendant(s) payment of the unpaid rent, but Defendant(s) have failed and refused to pay all or part of the rent.

5. Rent continues to become due each new month after this filing, and Plaintiff(s) requests continuing rent due.

WHEREFORE, the Plaintiff(s) prays for judgment for rent due and owing from each Defendant, and for the immediate possession of the property set forth above, and for Plaintiff(s) costs.

(Plaintiff sign here)

AFFIDAVIT

State of Missouri)
) ss.
County of Cape Girardeau

_____, plaintiff(s) herein, being first duly sworn, deposes and states that plaintiff has read over the foregoing petition and the facts stated therein are true.

Subscribed and sworn to before me on _____.

My Commission Expires: _____

Notary Public

IN THE CIRCUIT COURT OF CAPE GIRARDEAU COUNTY, MISSOURI
ASSOCIATE DIVISION
AT CAPE GIRARDEAU, MISSOURI

PLAINTIFF (S)

Case No. _____

vs

DEFENDANT (S)

MOTION FOR ORDER TO POST

Pursuant to Section 535.030 R.S.MO., Plaintiff requests that the Court enter an order directing that process be served in the within case by posting a copy of the petition and a copy of the summons issued herein, in accordance with law.

Plaintiff

ORDER FOR POSTING

Upon Plaintiff's Motion, it is ordered that process be served in the within case by affixing a copy of the petition and a copy of said summons in a conspicuous place on the dwelling of the premises in question for at least ten (10) days before the return date, informing the Defendant(s) of the proceeding against him. It is further ordered that a copy of the petition and said summons be mailed to the Defendant(s) at his last known address by ordinary mail at least ten (10) days before the return date.

Date

Deputy Clerk

IN THE CIRCUIT COURT OF CAPE GIRARDEAU COUNTY, MISSOURI
ASSOCIATE DIVISION
AT CAPE GIRARDEAU, MISSOURI

PLAINTIFF(S)

Case No. _____

vs

DEFENDANT(S)

**JUDGMENT ON LANDLORD/TENANT PETITION
RENT AND POSSESSION PURSUANT TO CHAPTER 535 R.S.MO**

Cause called on this _____ day of _____, _____.

_____ Plaintiff(s) appear in person

_____ Defendant(s) _____ appear in person

_____ Defendant(s) _____ CONSENT(S) to entry of
Judgment against Defendant(s)

_____ Defendant(s) _____ appear not and remain
in DEFAULT

The Court, based upon the pleadings in the Plaintiff's verified
petition, finds that the Plaintiff(s) is entitled to possession of the
premises, and that the Defendant(s) is indebted to the Plaintiff(s) for back
rent/and or late fees.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff(s) have
possession of the premises located at

_____,
restored to Plaintiff(s).

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff(s)
recover from the Defendants(s) \$ _____ for past due rent/and or
late fees, plus court costs and/or special process server fees.

EXECUTION of the premises stayed until _____.

SO ORDERED this _____ day of _____, _____.