

CAO UD INSTRUCTION 3-1
COMPLETING FORM CAO UD 3-1 ANSWER TO EVICTION COMPLAINT

This document may be filed in response to a complaint filed against you by your landlord. You must answer each allegation in the Plaintiff(s)'s Complaint for Eviction by either admitting or denying the allegation. You should have the complaint in front of you and read it very carefully to determine whether the statement made in the complaint is true and you will admit it, or false and you will deny it. Then you will check any box under the heading "Affirmative Defenses" that fits your facts. If part of a paragraph is true and part of it is false, you must specifically state which part is false.

Talk to An Attorney, If Possible.

Warning: When you represent yourself in a court case you are held to the same standard as an attorney. This applies to your preparation of paperwork and your conduct at all hearings and/or trial. Your lack of legal knowledge may cause you to make serious errors in handling your case. These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee that your rights are protected or that you will be satisfied with the result. You should always talk to a lawyer about your legal problems before filing any legal paperwork. Even if you do not hire a lawyer to appear in your case, a lawyer can give you more information about your rights. Call the Idaho State Bar (208-334-4500) to provide you with the name of an attorney who handles this landlord/tenant cases.

Fill in the forms by typing or by printing neatly and legibly in **black ink**. Always keep a copy of the completed form for your records.

How to fill in this document:

- **At the top left-hand corner of Page 1**, fill in your full legal name, mailing address, telephone number, and email address (if you have one).
- **The Court Heading.** Fill in the county and judicial district in the heading as they appear on the Complaint that you were served (for example, "In the District Court of the Sixth Judicial District in and for the County of Bannock").
- **The Caption.** Fill in the names of Plaintiff and Defendant exactly as they are in the caption of the Complaint.
- **The Case No.** Write in the same case number shown on the Complaint.
- In **paragraph 2**, write in the number of the paragraphs from the Complaint you admit are true. Write "none" if there aren't any paragraphs that are true,
- In **paragraph 3**, write in the numbers of the paragraphs from the Complaint that are false. Write "none" if there aren't any paragraphs that are false.
- In **paragraph 4**, write in the number of any paragraph in which you agree with some portion of the Plaintiff/landlord's statements and deny another portion. You need to specifically state what you disagree with on the lines provided.

- **Affirmative Defenses:** Read each affirmative defense carefully to determine whether or not it fits your situation. Place a check mark in the box(es) beside every affirmative defense you are claiming.
- **Certificate of Service:** Write the name(s) and address of the person(s) whose name(s) and address are on the first page of the Complaint in the upper left.
- Date and sign the Answer certifying that the information is true and accurate, subject to the penalty of perjury if it is not.
- Date and sign the Certificate of Service.
- Mail or hand-deliver a copy of the signed Answer form to the Plaintiff/landlord or Plaintiff's/landlord's attorney (the person whose name and address are in the upper left of the first page of the Complaint.)
- Take the original to the court clerk's office for filing along with the General Civil Case Information Sheet. 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.
- Be prepared to pay a filing fee. 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 Court Assistance Office for the Motion and Affidavit for Fee Waiver (FW 1-9) and Order re Fee Waiver (FW 1-10). Be prepared to pay the filing fee if your request for a fee waiver is denied.
- Attend the trial at the time scheduled – BE ON TIME. Refer to Ci Instruction 15, Guidelines for Courtroom Behavior.

Procedures at Trial: At the trial, the property owner (Plaintiff/landlord) must present testimony under oath and provide exhibits establishing a right to a Judgment and Order for eviction. In the eviction case, the Plaintiff is entitled to only an order of eviction and the costs of the lawsuit, not a judgment for money damages (rent, late fees, damages to property). Costs the judge can award the Plaintiff include the amount of money it cost to file the case, costs of serving you with the Summons and Complaint and the Plaintiff attorney fees (if any). You will be called upon to present testimony under oath and provide exhibits (proof of payment, receipts, or other proof that you do not owe the money as stated by the Plaintiff/landlord) establishing why you should not be evicted for non-payment of rent. 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 Plaintiff/landlord will deliver three copies of the Judgment and Order of Eviction to the Judge. If you are not present, the Court Clerk will mail you a conformed copy of the Order of Eviction. If you are present, they 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 Plaintiff/Landlord will have the Court Clerk issue a Writ of Restitution of Premises directing the local 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.