

## **INSTRUCTIONS ON DEFAULT JUDGMENT FOR EVICTION**

This form references specific South Dakota Codified Laws (SDCL), and you can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide you with legal advice or assist you in completing this form. For specific questions related to the forms, you can contact the Legal Form Helpline at 1-855-784-0004 or email UJS staff at [ujssrlhelp@uds.state.sd.us](mailto:ujssrlhelp@uds.state.sd.us).

### **To complete this form, you will need to:**

- ☐ Complete the caption.
- ☐ Fill in the address of the property you are evicting the Defendant/Tenant(s) from.
- ☐ Leave the remainder of the form blank.
- ☐ If the Judge signs the Default Judgment, file the signed copy with the Clerk of Court.
- ☐ Mail a copy to the Defendant/Tenant(s).

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL CIRCUIT

<div>_____ Plaintiff/Landlord</div> <div>v.</div> <div>_____ Defendant/Tenant(s)</div>	<div>Case No.: _____</div> <div><b>DEFAULT JUDGMENT (FOR EVICTION)</b></div> <div><input type="checkbox"/> <b>Granted</b>      <input type="checkbox"/> <b>Denied</b></div>
--	---

**THIS MATTER** having come before the Court on the Plaintiff/Landlord's Motion for Default Judgment for Eviction and Affidavit in Support of, the Court finds, from the files and pleadings herein, that the Defendant/Tenant(s) was duly served with the Summons and Complaint; and the Defendant/Tenant(s) having made no answer, appearance, or pleading and upon motion of the Plaintiff/Landlord, the Court finds that the Defendant/Tenant(s) is in default, now, therefore:

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

1. That the Defendant/Tenant(s) is in unlawful possession of the property located at:

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, Zip Code)

which is owned by Plaintiff/Landlord. Plaintiff/Landlord shall be restored possession of said premises immediately and without delay.

2. That execution shall issue herein at the time and in the manner provided by law and the local Sheriff's Department is hereby directed to forcibly remove the Defendant/Tenant(s), and all others in possession, from the above-described premises on or after 8:00 AM on \_\_\_\_\_.
3. The Court grants monetary judgment to the Plaintiff/Landlord against the Defendant/Tenant(s) for past-due rent, late fees and deposits in the amount of \$\_\_\_\_\_.

4. The Plaintiff/Landlord be awarded their costs in the amount of \$\_\_\_\_\_ for the filing fee for this action and \$\_\_\_\_\_ for additional costs and fees for a total of \$\_\_\_\_\_.
5. Any of the Defendant/Tenant(s) property left at said premises described above, if valued in excess of \$500, shall be stored for thirty (30) days, and if unclaimed after thirty (30) days, the property shall be deemed abandoned.

Dated this\_\_\_\_day of\_\_\_\_\_, 20\_\_\_\_\_.

BY THE COURT:

\_\_\_\_\_  
MAGISTRATE/CIRCUIT JUDGE

ATTEST:

\_\_\_\_\_  
Clerk of Court

By:\_\_\_\_\_  
Deputy Clerk of Court