

## PROCEDURES FOR FILING LIMITED ACTION (CHAPTER 61) EVICTION CASES

1. Fill out the Cover Sheet
2. Fill out the Petition for Forcible Detainer Petition
3. Fill out the Request and Service Instruction Form
4. You can send the completed documents by mail (150 W SANTA FE ST, Olathe, KS 66061, by fax (913-715-3401) or by emailing them to [dcc-chapter61@jocogov.org](mailto:dcc-chapter61@jocogov.org).

### Filing Fee and Sheriff's fees

\$500 or less	\$55.50
\$500.01 to \$5,000	\$75.50
\$5,000 - \$25,000	\$121.50
Sheriff's fee (Johnson County)	\$15.00

5. You will receive a summons in the mail, or by email, if provided, of when the “Answer Date” is. Answer dates **CAN NOT** be changed or rescheduled. You will **not** appear in person on this court date. Instead you will appear by video or telephone. As the Plaintiff you are required to appear on that date.
6. The defendant will not appear in person on the answer date. Instead they will appear by video or telephone. Instructions on how to appear will be attached to the summons when the case is created. When the defendant is served they will receive those instructions.
7. If the defendant **DOES** appear and denies, the Judge will let you know when your trial date will be. It is normally the next Friday following the answer date at 9:00. (The Judge will hand out a reminder slip with the court date on it)
8. You will need to fill out a **Journal Entry** after your answer date whether the defendant appears or not. You can email it in to [dcc-chapter61@jocogov.org](mailto:dcc-chapter61@jocogov.org) shortly after your court date.
9. If the defendant **DOES NOT** appear, you will fill out the **Writ of Restitution** along with a Request and Service Instruction form and bring it to the Clerk’s window. There is a **\$12.50 surcharge and a \$15.00 sheriff’s fee** that must be included with this. The Judge will sign the Writ and it will be issued the following Friday. (Seven days from the answer date)
10. **SPECIALS INSTRUCTIONS AS TO HOW TO APPEAR BY ZOOM VIDEO CONFERENCING OR BY PHONE ARE INCLUDED IN THIS PACKET.**

## Special Instructions

**EFFECTIVE June 1, 2021, access to hearing through Zoom link ONLY:**

To join the hearing you will need to access the following link:

To join by computer or smart phone through video:

<https://us02web.zoom.us/j/9137153348>

To join the hearing by phone for audio only:

Dial the toll free number below and then enter the meeting id.

or **1-346-248-7799** or **1-312-626-6799**

and enter **Zoom Meeting ID: 9137153348**

## CIVIL COVER SHEET

The civil cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time. A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at [www.kscourts.org](http://www.kscourts.org).

**NATURE OF SUIT** (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)

**CIVIL** If a CH. 61: \$\_\_\_\_\_ (Judgment Demand Amount)

<b><u>TORT</u></b> Asbestos Product Liability Automobile Tort Intentional Tort Legal Malpractice Medical Malpractice Other Professional Malpractice Premises Liability Slander/Libel/Defamation Tobacco Product Liability Toxic/Other Product Liability Other Tort	<b><u>CONTRACT</u></b> Buyer Plaintiff Employment Dispute - Discrimination Employment Dispute - Other Fraud Landlord/Tenant - Unlawful Detainer Landlord/Tenant Dispute - Other Seller Plaintiff (debt collection) Other Contract  <b><u>CIVIL APPEALS</u></b> Administrative Agency Other Civil Appeal	<b><u>REAL PROPERTY</u></b> Eminent Domain Mortgage Foreclosure Other Real Property  <b><u>MISCELLANEOUS</u></b> 60-1507 Habeas Corpus Other Writs  <b><u>OTHER CIVIL</u></b>  <b><u>SMALL CLAIMS</u></b>	<b><u>STATE TAX WARRANT</u></b>
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**DOMESTIC**

<b><u>MARRIAGE DISSOLUTION/DIVORCE</u></b>	<b><u>PROTECTION FROM ABUSE</u></b>	<b><u>PROTECTION FROM STALKING</u></b>	<b><u>UIFSA</u></b>
<b><u>OTHER DOMESTIC RELATIONS</u></b>	<b><u>NON-DIVORCE SUPPORT, CUSTODY OR VISITATION</u></b>	<b><u>PATERNITY</u></b>	

**PROBATE/ESTATE**

<b><u>GUARDIAN/CONSERVATOR</u></b> Conservatorship/Trusteeship Guardianship - Adult Guardianship - Minor Guardian/Conservator - Adult Guardian/Conservator - Minor	<b><u>DETERMINATION OF DESCENT</u></b>  <b><u>SEXUALLY VIOLENT PREDATOR</u></b>  <b><u>DECEDENT ESTATE</u></b>	<b><u>ELDER ABUSE</u></b>  <b><u>OTHER PROBATE/ESTATE</u></b>  <b><u>CARE AND TREATMENT</u></b>	<b><u>ADOPTION</u></b>
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**JURY DEMAND** YES (Check yes only if jury demand is included in petition or as a separate pleading)  
 NO

**SUMMONS ATTACHED:** YES  
 NO

**SERVICE BY:** PROCESS SERVER/ATTORNEY  
 SHERIFF IN STATE \_\_\_\_\_ (County)  
 SHERIFF OUT OF STATE \_\_\_\_\_ (State)

**SHERIFF'S PROCESS FEE ATTACHED** YES  
 NO

**PLAINTIFF/SUBJECT INFORMATION**

(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_

CELL PHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

DL OR STATE ID NO: \_\_\_\_\_  
State and NumberALIAS NAMES USED: \_\_\_\_\_  
\_\_\_\_\_**ATTORNEYS**

(Firm Name, Address, Telephone Number and Supreme Court ID Number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**DEFENDANT/OTHER PARTY INFORMATION**

(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_ SEX: \_\_\_\_\_

CELL PHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

DL OR STATE ID NO: \_\_\_\_\_  
State and NumberALIAS NAMES USED: \_\_\_\_\_  
\_\_\_\_\_**ATTORNEYS**

(Firm Name, Address, Telephone Number and Supreme Court ID Number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**FOR DOMESTIC CASES - NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER OF EACH DEPENDENT CHILD:**

(Name)

(Date of Birth)

(Social Security Number)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The requirement that Social Security numbers be included on domestic cases is mandatory, and authorized by the Supreme Court and federal law. On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

(Revised 3-2022)

NOTICE TO VACATE FOR NONPAYMENT OF RENT

To \_\_\_\_\_:

You are hereby notified that within three days (or ten days) you must either vacate and surrender possession of the following premises: \_\_\_\_\_, occupied by you as my tenant, or pay rent in the amount of \$\_\_\_\_\_, which was due on \_\_\_\_\_.

Should you fail to pay the rent in full, you are also notified that your tenancy of the premises is terminated for nonpayment of rent and that, if you have failed to vacate and surrender the premises, an action will be commenced to remove you from the premises.

\_\_\_\_\_  
Signature

Dated \_\_\_\_\_

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS**  
**LIMITED ACTIONS**

\_\_\_\_\_  
Plaintiff

VS.

Case No. \_\_\_\_\_  
Court 61  
Room 222

\_\_\_\_\_  
\_\_\_\_\_  
Defendant

**PETITION AND COMPLAINT**  
**PEACEABLE ENTRY AND FORCIBLE DETAINER**

COMES NOW the Plaintiff, \_\_\_\_\_, and for its cause of action against the Defendant states and alleges as follows:

1. Plaintiff is the owner of real estate situated in Johnson County, Kansas, commonly known as \_\_\_\_\_ (premises).
2. No Defendant in this action is in the armed forces of the United States or subject to the provisions of the Service member's Civil Relief Act of 2003 as amended.
3. Defendant entered in a lease with the Plaintiff for the rental of the Premises on \_\_\_\_\_ at the base rental rate of \$\_\_\_\_\_ per month.
4. Defendant has breached the Lease with Plaintiff by failing and refusing to pay rent (including additional rent) and other charges which are now due in the following amounts:

Rent Balance Due	\$_____
Late Fees	\$_____
TOTAL DUE	\$_____
5. Plaintiff, more than three days prior to the filing of this action, served a "notice to Quit for Nonpayment of Rent" to Defendant pursuant to K.S.A. 58-2565 requiring Defendant to pay all amounts then due or vacate the Premises within three days thereof and advising Defendant that upon failure to pay all amounts due, the Lease term would terminate three days following the date of said notice and demanding possession of the Premises upon such termination.

6. Defendant failed and refused to pay the amounts due as demanded in the notice described above and the Lease term was terminated three days following service of said notice pursuant to said notice and K.S.A. 58-2564.
7. Although the Lease term was terminated three days following service of the Notice to Quit for Nonpayment of Rent upon Defendant and Plaintiff has demanded possession of the Premises, Defendant has failed and refused to pay the amount due and continue in possession of the Premises.
8. Plaintiff is entitled to immediate possession of the Premises.
9. In addition to the amounts specified above, Defendant remains responsible for payment of all costs incurred to repair damage to the Premises or to restore the Premises to marketable condition and continuing rent until possession of the Premises is restored to Plaintiff.

WHEREFORE, Plaintiff prays that possession of the above described Premises be returned to Plaintiff, that the Sheriff of Johnson County, Kansas be directed to execute the order of the Court restoring possession of the Premises to Plaintiff, that judgment be entered against Defendant in the amount of \$\_\_\_\_\_, and such additional rent, damages and all other charges which may become due and owing in the pendency of this action, including costs of restoring the Premises to marketable condition, continuing rent through the end of the Lease term or such earlier time as the Premises is re-rented to a new tenant, the costs of this action and such further and additional relief as the court may deem just and proper.

By: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

IN THE DISTRICT COURT OF JOHNSON COUNTY, KS

\_\_\_\_\_, Plaintiff

\_\_\_\_\_

vs.

Case No. \_\_\_\_\_

Div. Chapter 61

\_\_\_\_\_, Defendant

\_\_\_\_\_

**REQUEST AND SERVICE INSTRUCTION FORM**

To: Clerk of the District Court

The Clerk of the Court will issue an **SUMMONS AND PETITION** in the above entitled action for \_\_\_\_\_

Whose address for service is: \_\_\_\_\_  
\_\_\_\_\_

Service is requested as indicated:

- ☐ Service through the office of the Sheriff of \_\_\_\_\_ County  
State of \_\_\_\_\_ Other than by certified mail Returns may be  
faxed to (913) 715-3401, 7 days a week, 24 hours a day.
- ☐ Service by an authorized Process Server.
- ☐ Certified mail service by undersigned litigant or attorney, who understand that their  
responsibility to obtain service and to make the return to the Clerk. The postal receipt for  
service must be filed with the Clerk's office to prove service.
- ☐ Certified mail service by the office of the Sheriff of Johnson County, State of Kansas. The  
Sheriff of Johnson County does not do out-of-state service by certified mail.

\_\_\_\_\_  
Plaintiff/Defendant signature

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_

Telephone

Email address

**Payment Slip**  
**(Visa, MasterCard, or Discover credit/debit cards only)**

\_\_\_\_\_  
Name on Card

\_\_\_\_\_  
Case Number (if applicable)

\_\_\_\_\_  
Card Number

\_\_\_\_\_  
Expiration Date

\_\_\_\_\_  
CVV (3-digit code on back)

\_\_\_\_\_  
Zip Code for Card

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Amount Due

\_\_\_\_\_  
Email

\_\_\_\_\_  
Signature

\*By signing above I acknowledge and accept the above amount and an additional \$4.95 processing fee for payment by card.

## JOURNAL ENTRY INSTRUCTIONS

In order to assist the Clerk's Office, the following instructions will be helpful:

1. Please use blue or black ink when filling out the form.
2. Please put case number, names and amounts in **BOLD** print.
3. Only the original of the Journal Entry should be submitted if the Plaintiff is represented by an attorney. If the Plaintiff is a pro se litigant, then the pro se Plaintiff may submit a copy with the original and the copy will be returned to the pro se Plaintiff if a self-addressed and stamped envelope is provided. The original Journal Entry should be paper clipped (not stapled - it will be scanned).
4. When completing the form for a no return / no service case, the attorney or pro se Plaintiff must circle either "no return" or "no service".
5. If the "Journal Entry" (lower) portion of the form has been filled out but the attorney or pro se Plaintiff does not wish to enter judgment, an "X" should be placed through the lower portion of the form and the attorney or pro se Plaintiff should initial that change. If the lower portion of the form is filled out and not crossed out, judgment will be entered for the amounts indicated.
6. If the attorney or pro se Plaintiff is going to submit a journal entry at a later time, the form must indicate whether the case is currently a default, a consent judgment or a dismissal and then "Journal entry to be submitted" should be noted below the dismissal portion of the form.
7. All Journal Entry forms **must be signed** by the attorney or pro se Plaintiff before returning to the clerk for the Judge to sign.
8. If Plaintiff does not have their own Journal Entry on the Answer date, blank forms will be provided by the Clerk's Office for Plaintiff to fill out.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CIVIL COURT DEPARTMENT – CHAPTER 61

BOX 19

JOURNAL ENTRY

CASE NO: 06LA0111

PLAINTIFF: PETER PLAINTIFF

DEFENDANT(S) DURWOOD DEFENDANT

CASE CALLED FOR ANSWER DATE: 6/23/06

(N/R/S) X No return / no service is made on defendant(s) DURWOOD DEFENDANT : (court takes no action)

(DFLT) Defendant (s) DURWOOD DEFENDANT appear(s) not and default(s) – judgment entered below:

(CNFSS) Defendant (s) DURWOOD DEFENDANT appear(s) and confess judgment as set forth below for \$1,234.56 and (if marked) X for restitution:

(ANSWR) Defendant (s) DURWOOD DEFENDANT responsive pleading is on file: set for trial on \_\_\_\_\_

(DEN) Defendant (s) DURWOOD DEFENDANT appear/or by counsel \_\_\_\_\_ and enter general denial. Set for trial on \_\_\_\_\_, 200\_\_\_\_\_

(FOR/D) Forcible detainer set for trial at \_\_\_\_ : \_\_\_\_ m on \_\_\_\_\_, 200\_\_\_\_\_

(DSMD) Dismissed as to defendant (s) DURWOOD DEFENDANT with \ without prejudice. Costs taxed to pl \_\_\_\_ / def \_\_\_\_\_:

\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT

JUDGMENT FORM

After being fully advised on the premises, the court finds that the petition is generally true and that plaintiff should have judgment against defendant (s) DURWOOD DEFENDANT for:

(i) \$1,234.56; (ii) \$\_\_\_\_\_ (prejudgment interest);

(iii) \$56.00; as cost incurred to date;

(IV) Post judgment intrest at the statutory rate;

(V) Restitution of premises herein described is : granted or/NA;

(VI) Other: ( ) see attached \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6/23/06  
Date of disposition

\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT

FILE NO. 05-1494

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CIVIL COURT DEPARTMENT – CHAPTER 61

BOX 19

CASE NO: 06LA0111

PLAINTIFF: PETER PLAINTIFF

DEFENDANT(S) DURWOOD DEFENDANT

CASE CALLED FOR ANSWER DATE: 6/23/06

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(D) DURWOOD DEFENDANT APPEARS (\_\_\_ WITH, \_\_\_\_\_ BY, \_\_\_\_\_ PRO SE) \_\_\_\_\_

\_\_\_\_\_  
ATTY/DEFENDANT/PLAINTIFF

BY ( ) ATTORNEY:

\_\_\_\_\_  
# \_\_\_\_\_

BOX: \_\_\_\_\_

PHONE: \_\_\_\_\_

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(P) PETER PLAINTIFF

APPEARS (\_\_\_ WITH, \_\_\_\_\_ BY, \_\_\_\_\_ PRO SE) \_\_\_\_\_

\_\_\_\_\_  
ATTY/DEFENDANT/PLAINTIFF

BY ( ) ATTORNEY:

JOE JUSTICESEEKER -KS. Sup. Ct. #98765  
100 Fairplay Blvd.  
Lenexa, Kansas 66215  
(913) 555-1234 FAX (913) 555-9876  
Box 19

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CIVIL COURT DEPARTMENT – CHAPTER 61

BOX \_\_\_\_\_

JOURNAL ENTRY

CASE NO: \_\_\_\_\_

PLAINTIFF: \_\_\_\_\_

DEFENDANT(S) \_\_\_\_\_

CASE CALLED FOR ANSWER DATE: \_\_\_\_\_

(N/R/S) \_\_\_\_\_ No return / no service is made on defendant(s) \_\_\_\_\_ : (court takes no action)

(DFLT) \_\_\_\_\_ Defendant (s) \_\_\_\_\_ appear(s) not and default(s) – judgment entered below:

(CNFSS) \_\_\_\_\_ Defendant (s) \_\_\_\_\_ appear(s) and confess judgment as set forth below for \$ \_\_\_\_\_ and (if marked) \_\_\_\_\_ for restitution:

(ANSWR) \_\_\_\_\_ Defendant (s) \_\_\_\_\_ responsive pleading is on file: set for trial on \_\_\_\_\_

(DEN) \_\_\_\_\_ Defendant (s) \_\_\_\_\_ appear/or by counsel \_\_\_\_\_ and enter general denial. Set for trial on \_\_\_\_\_, 20 \_\_\_\_\_

(FOR/D) \_\_\_\_\_ Forcible detainer set for trial at \_\_\_\_ : \_\_\_\_ m on \_\_\_\_\_, 20 \_\_\_\_\_

(DSMD) \_\_\_\_\_ Dismissed as to defendant (s) \_\_\_\_\_ with \ without prejudice. Costs taxed to pl \_\_\_\_ /def \_\_\_\_:

\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT

JUDGMENT FORM

After being fully advised on the premises, the court finds that the petition is generally true and that plaintiff should have judgment against defendant (s) \_\_\_\_\_ for:

(i) \$ \_\_\_\_\_; (ii) \$ \_\_\_\_\_ (prejudgment interest) ;

(iii) \$ \_\_\_\_\_ ; as cost incurred to date;

(IV) Post judgment interest at the statutory rate;

(V) Restitution of premises herein described is : granted or/ NA;

(VI) Other: ( ) see attached \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date of disposition

\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CIVIL COURT DEPARTMENT – CHAPTER 61

BOX \_\_\_\_\_

CASE NO: \_\_\_\_\_

PLAINTIFF: \_\_\_\_\_

DEFENDANT(S) \_\_\_\_\_

CASE CALLED FOR ANSWER DATE: \_\_\_\_\_

(D) \_\_\_\_\_ APPEARS (\_\_\_\_ WITH, \_\_\_\_\_ BY, \_\_\_\_\_ PRO SE) \_\_\_\_\_

\_\_\_\_\_  
ATTY/DEFENDANT/PLAINTIFF

BY ( ) ATTORNEY:

# \_\_\_\_\_

BOX: \_\_\_\_\_

PHONE: \_\_\_\_\_

(D) \_\_\_\_\_ APPEARS (\_\_\_\_ WITH, \_\_\_\_\_ BY, \_\_\_\_\_ PRO SE) \_\_\_\_\_

\_\_\_\_\_  
ATTY/DEFENDANT/PLAINTIFF

BY ( ) ATTORNEY:

# \_\_\_\_\_

BOX: \_\_\_\_\_

PHONE: \_\_\_\_\_

(P) \_\_\_\_\_ APPEARS (\_\_\_\_ WITH, \_\_\_\_\_ BY, \_\_\_\_\_ PRO SE) \_\_\_\_\_

\_\_\_\_\_  
ATTY/DEFENDANT/PLAINTIFF

BY ( ) ATTORNEY:

# \_\_\_\_\_

BOX: \_\_\_\_\_

PHONE: \_\_\_\_\_

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
CIVIL COURT DEPARTMENT**

\_\_\_\_\_ Plaintiff,

Vs.

\_\_\_\_\_ Defendant,

Case No. \_\_\_\_\_

Court No. \_\_\_\_\_

Chapter 61

**WRIT OF RESTITUTION**

**THE STATE OF KANSAS TO THE SHERIFF OF JOHNSON COUNTY:**

Whereas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in an action pending in this court

\_\_\_\_\_, Plaintiff, recovered judgment against

\_\_\_\_\_, Defendant, for restitution and possession of the following

described premises, to wit: \_\_\_\_\_, Kansas,

for court costs and for the rent in the sum of \_\_\_\_\_ dollars

(\$ \_\_\_\_\_).

You are hereby commanded to cause the said Defendant to be forthwith removed for said premises and the Plaintiff to be restored to the possession of the same. Any personal property of the Defendant left on the premises shall be turned over to the Plaintiff for removal and storage. Plaintiff shall make arrangements and pay for all moving and transportation services and costs as well as pay for any storage costs incurred. Plaintiff is granted an order of indemnification against the Defendant for all out of pocket expenses incurred in the moving and storage of said property. Said expenses shall be submitted to this court for approval prior to entry of judgment in a specific amount.

The Sheriff shall execute that portion of this Writ of Restitution requiring him to restore the Plaintiff to the possession of said premises within fourteen (14) days and make return of this Writ, showing the manner in which he has executed the same, within sixty (60) days from the time of receipt thereof.

\_\_\_\_\_  
Judge of the District Court

\_\_\_\_\_  
Attorney for Plaintiff

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney Address

\_\_\_\_\_  
Attorney's Phone Number

\_\_\_\_\_  
Attorney Email Address