

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. Payment instructions on Page 2.

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 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.**

If filing documents that require payment, you may:

Fax: Please complete the [FAX COVERSHEET/PAYMENT SLIP](#) using the link. Fax the DOCUMENTS you need to file and the FAX COVERSHEET/PAYMENT SLIP to: 913-715-3405

****Paying by card, whether in fax or in person, has a \$4.95 processing fee. ****

In person or Mail:

CLERK OF THE DISTRICT COURT
150 W. SANTA FE STREET
OLATHE KS 66061

(Card, Cash (in person only), Check, or Money Order make payable to:
CLERK OF THE DISTRICT COURT)

If filing documents that do NOT require payment, you may email them to Dcc-Chapter61@jocogov.org or fax them at 913-715-3401, You may also file in person or by mail.

[We will not accept payment via email](#)

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:

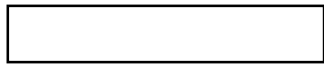
<https://us02web.zoom.us/j/9137153348>

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**



For Office Use Only

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.

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)

TORT

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

CONTRACT

Buyer Plaintiff
Employment Dispute - Discrimination
Employment Dispute - Other
Fraud
Landlord/Tenant - Unlawful Detainer
Landlord/Tenant Dispute - Other
Seller Plaintiff (debt collection)
Other Contract

CIVIL APPEALS

Administrative Agency
Other Civil Appeal

REAL PROPERTY

Eminent Domain
Mortgage Foreclosure
Other Real Property

MISCELLANEOUS

60-1507
Habeas Corpus
Other Writs

OTHER CIVIL

SMALL CLAIMS

STATE TAX WARRANT

DOMESTIC

MARRIAGE DISSOLUTION/DIVORCE

PROTECTION FROM ABUSE

PROTECTION FROM STALKING

UIFSA

OTHER DOMESTIC RELATIONS

NON-DIVORCE SUPPORT, CUSTODY OR VISITATION

PATERNITY

PROBATE/ESTATE

GUARDIAN/CONSERVATOR

Conservatorship/Trusteeship
Guardianship - Adult
Guardianship - Minor
Guardian/Conservator - Adult
Guardian/Conservator - Minor

DETERMINATION OF DESCENT

SEXUALLY VIOLENT PREDATOR

DECEDENT ESTATE

ELDER ABUSE

OTHER PROBATE/ESTATE

CARE AND TREATMENT

ADOPTION

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 Number

ALIAS 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 Number

ALIAS 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.

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 entitles
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

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) 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) 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

(D) DURWOOD DEFENDANT APPEARS (___ WITH, _____ BY, _____ PRO SE) _____

ATTY/DEFENDANT/PLAINTIFF

BY () ATTORNEY:

BOX: _____

PHONE: _____

(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 intrest 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