

**COMPLAINT (ASSUMPSIT-SUMMARY POSSESSION/
LANDLORD - TENANT, DAMAGES);
DECLARATION; EXHIBIT(S); SUMMONS**

**IN THE DISTRICT COURT OF THE FIFTH CIRCUIT
STATE OF HAWAI‘I**

Plaintiff(s)

Reserved for Court Use

Civil No.

Defendant(s)

Filing Party/Attorney Name, Attorney Number, Firm Name
(if applicable), Address, Telephone, Fax Numbers

Premises Address:

COMPLAINT

1. This Court has jurisdiction over this matter and venue is proper.
2. Plaintiff is the landlord or the agent for the landlord of the premises.
3. The premises are located in this division of this Court.
4. Defendant rents and/or is in possession of the premises and/or is a personal guarantor under the rental agreement of the premises.
5. There is a written rental agreement for the premises. A COPY OF THE WRITTEN RENTAL AGREEMENT FOR THE PREMISES (AND ANY AMENDMENTS TO THE RENTAL AGREEMENT) IS ATTACHED.
 There is no written rental agreement for the premises, only an oral agreement.
 There is an expired written rental agreement for the premises. A COPY OF THE WRITTEN RENTAL AGREEMENT (AND ANY AMENDMENTS TO THE RENTAL AGREEMENT) IS ATTACHED.
6. Defendant(s) has broken the rental agreement because:
 Unpaid rent \$ _____
 Other _____
7. Written notice was given to Defendant on (date): _____ to correct this situation as follows:
 5-day non-payment 10-day non-monetary default 45-day termination of month-to-month tenancy or
 as specified in the rental agreement or statute(s). A COPY OF THE WRITTEN NOTICE IS ATTACHED.
8. Despite the notice, Defendant has failed to correct this situation and still is in possession of the premises.

I certify that this is a full, true, and correct
copy of the original on file in this office.

Clerk, District Court of the above Circuit, State of Hawai‘i

COMPLAINT (continued)

9. The Servicemembers Civil Relief Act, 50 U.S.C. App. §501 may apply to a Defendant who is classified active duty as defined in the Act. Please check all that apply.

- To the best of my knowledge, the Defendant is not an active duty member of the Military.
- The following Defendant is an active duty member of the Military. Name: _____.
- I am unable to determine whether the Defendant is an active duty member of the Military. Please attach separate sheet indicating what attempt was made to determine Defendant's military status.

10. As of (date): _____ Defendant(s) owed Plaintiff(s) \$ _____ for:

- Rent itemized as follows: _____
- Other: _____

Plaintiff(s) is asking the Court for the following:

- A. A judgment giving Plaintiff possession of the premises.
- B. A Writ of Possession directing the Sheriff or Police Officer to:
 - 1. Remove Defendant from the premises and all persons possessing the premises through Defendant;
 - 2. Remove from the premises all personal belongings of Defendant and of any other person; and
 - 3. Put Plaintiff in possession of the premises.
- C. Judgment against Defendant(s) for \$ _____


In addition, the Court may award additional rent and other charges owed under the rental agreement, damages, court costs, interest, and reasonable attorney's fees.

Date:	Signature of Plaintiff/Attorney: Print/Type Name:
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DECLARATION

I DECLARE UNDER PENALTY OF PERJURY THAT WHAT IS STATED IN THE COMPLAINT IS TRUE AND CORRECT.

Date:	Signature of Declarant: Print/Type Name(s):
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 In accordance with the **Americans with Disabilities Act**, and other applicable State and Federal laws, if you require an accommodation for a disability when working with a court program, service, or activity please contact the District Court Administration Office at PHONE NO. 482-2347, FAX 482-2509, OR TTY 482-2533 at least (10) working days in before your proceeding, hearing, or appointment date.

**IN THE DISTRICT COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII**

Plaintiff(s)

Reserved for Court Use

Civil No.

Defendant(s)

Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number

SUMMONS

THE STATE OF HAWAII:

TO: The Director of Law Enforcement of the State of Hawai'i, the Director's deputy, or any police officer or other person authorized by the laws of the State of Hawai'i:

This Summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a Judge permits, in writing on this Summons, personal delivery during those hours.

TO THE DEFENDANT(S):

You are required to appear before the District Judge of this Court, in the Judge's Courtroom, on the day and at the time designated below. If the Defendant is a corporation or limited liability company, Hawai'i law requires it to be represented by an attorney licensed to practice in the State of Hawai'i.

IF YOU OR YOUR ATTORNEY FAIL TO ATTEND THE COURT HEARING AT THE TIME AND PLACE DESIGNATED BELOW, A DEFAULT JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

District Court Division - 3970 Kā'ana Street, Courtroom #2, Līhue, Hawai'i 96766 at 8:00 a.m. on the third **Monday** following date of service and should said **Monday** be a legal holiday then upon the next **Monday**.

Mailing Address for the court District Court Civil Division 3970 Kā'ana Street, Suite 207, Līhue, HI 96766

Date:

Clerk

Americans with Disabilities Act Notice



If you need an accommodation for a disability when participating in a court program, service or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:

- Call (808) 482-2347, FAX (808) 482-2509; or send an email to adarequest@courts.hawaii.gov

The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

For Civil related matters, please call (808) 482-2303 DC Civil Division or visit the Self Help Center at 3970 Kā'ana Street, Suite 207, Līhue, HI 96766