

## **INSTRUCTIONS FOR FILLING OUT THE FORM.**

**PURPOSE.** These forms are to be used by the landlord as the first step in the eviction process. The landlord is required to have the notice to quit personally served on the tenant(s) before the landlord can file an eviction complaint in court.

**FORMS INVOLVED.** The first form is a **Notice to Quit** you need to fill out. The second form is a **Affidavit of Personal Service of the Notice to Quit** which may be required. You will need to fill in the necessary information with the help of the instructions below and attach copies of the forms to the complaint and introduce the original forms at the trial.

The code requires a landlord to have a Notice to Quit personally served upon the tenant(s) before the landlord can file an action for eviction in tribal court. This notice tells the tenant(s) that they are in violation of the lease agreement and are required to vacate the premises and that failure to do so within a period of time will result in the landlord filing for eviction in tribal court.

A Notice to Quit must be personally served on the tenant(s) by a police officer, process server or a tribal member over the age 18 years old and who is not a party to the eviction action. The person serving the Notice to Quit must sign a proof of personal service on the tenant by signing an affidavit that the server of the notice served the notice personally on the tenant.

Under the code the landlord is required to serve the Notice to Quit on the tenant(s):

1. Fourteen (14) days prior to filing for eviction for failure to pay rent.
2. Three (3) days prior to filing for eviction for a nuisance, serious injury to property or persons.
3. Thirty (30) days prior to eviction in all other situations.

If a tenant receives a Notice to Quit, they can either vacate the premises within the time contained in the notice or they can disregard the notice. If the tenant disregards the notice, they cannot be forcibly removed but the landlord can file a complaint for eviction in tribal court after the notice to quit time has expired.

**The Landlord Must Have The Notice To Quit Personally Served On The Tenant(S) In The Following Manner:** A Notice to Quit must be personally served on the tenant(s) by a police officer, process server or a tribal member over the age 18 years old and who is not a party to the eviction action. The person serving the Notice to Quit is required to fill out an Affidavit of Personal Service of Notice to Quit.

Have the person serving the Notice to Quit fill out the attached Affidavit of Personal Service of Notice to Quit.

**Attach both the Notice to Quit and Affidavit of Personal Service to the Complaint.** Attach copies of both the notice to quit and affidavit of personal service to the complaint. At the trial on the eviction the landlord will need to submit the original of both the notice to quit and affidavit

of personal service into evidence.

**INSTRUCTIONS FOR FILLING OUT THE NOTICE TO QUIT FORM.** To fill out this form follow these instructions. The number below is the number on the form where the information for that number needs to be inserted.

Instructions for filling out the Affidavit of Service:

- (1) insert the name of the person or persons you want to evict from your property.
- (2) describe the premises or property you want the tenant(s) evict from.
- (3) Insert the number "3" if you are evicting the tenant(s) for nuisance, serious injury to property or injury to person.  
Insert the number "14" if you are evicting the tenant(s) for failure to pay rent.  
Insert the number "30" on this line if you are evicting tenant(s) for any other reason.
- (4) Tell why you are evicting tenant(s). If it is for failure to pay rent tell the months and the amount of rent tenant(s) owes. If it is for nuisance, serious injury to property, or injury to persons give details of what the nuisance is, or what the serious injury to property or injury to person is.
- (5) insert the day you sign the Notice.
- (6) insert the month you sign the Notice.
- (7) insert the year you sign the Notice.
- (8) sign your name on this line.

**NOTICE TO QUIT**

TO:(1)\_\_\_\_\_

YOU ARE HEREBY NOTIFIED THAT YOU ARE REQUIRED TO VACATE THE  
PREMISES DESCRIBED AS: (2)\_\_\_\_\_

WITHIN THE NEXT (3)\_\_\_\_\_ DAYS FOR THE FOLLOWING REASON(S):  
(4)\_\_\_\_\_

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\_\_\_\_\_.

Dated this (5)\_\_\_\_\_ day of (6)\_\_\_\_\_, (7)\_\_\_\_\_.

(8)\_\_\_\_\_  
Landlord

**INSTRUCTIONS FOR FILLING OUT THE AFFIDAVIT OF PERSONAL SERVICE OF THE NOTICE TO QUIT FORM.** To fill out this form follow these instructions. The number below is the number on the form where the information for that number needs to be inserted.

Instructions for filling out the Affidavit of Service:

- (1) on this line insert plaintiff's name from the pleadings.
- (2) on this line insert defendant's name from the pleadings.
- (3) on this line insert the name of person who personally served the defendant.
- (4) on this line insert the date the person served the defendant with summons and complaint.
- (5) on this line insert the day.
- (6) on this line insert the month.
- (7) on this line insert the year.
- (8) on this line insert have the person who served the defendant sign their name before a notary public who will fill in the rest of the information below this by notarizing.

**ROSEBUD SIOUX TRIBAL COURT )  
ROSEBUD INDIAN RESERVATION)SS  
ROSEBUD, SOUTH DAKOTA )**

**IN CIVIL COURT**

(1) \_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s)

DOCKET # \_\_\_\_\_

**AFFIDAVIT OF SERVICE**

VS

(2) \_\_\_\_\_  
\_\_\_\_\_  
Defendant(s).

Comes now, (3) \_\_\_\_\_ and upon oath states and alleges as follows:

1. That I did personally serve a true and correct copy of the attached Notice to Quit upon  
(4) \_\_\_\_\_ on (5) \_\_\_\_\_.

2. That I am over the age of 18 years old.

3. That I am an enrolled member of the Rosebud Sioux Tribe.

4. That I am a resident and do reside on the Rosebud Indian Reservation.

5. That I am not a party to this to this action as either plaintiff or defendant.

Dated this (6) \_\_\_\_\_ day of (7) \_\_\_\_\_, (8) \_\_\_\_\_.

BY:

(9) \_\_\_\_\_  
AFFIANT

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires:  
(SEAL)