

LANDLORD & TENANT

BRIEF DESCRIPTION

- ❖ Alabama residential landlord and tenant law (relating to a rental agreement) is governed by the Uniform Residential Landlord and Tenant Act. A copy of this act is available online at:
 - http://ali.state.al.us/legislation/landlord_tenant.pdf
- ❖ The Uniform Residential Landlord and Tenant Act does not govern:
 - Medical, geriatric, educational, etc. residences
 - Occupancy under a contract for sale
 - Occupancy under a fraternal/social organization
 - Transient occupancy in a hotel
 - Occupancy conditional upon employment
 - Occupancy by a condominium owner (or lease in a cooperative)
 - Occupancy for agricultural purposes

ADDITIONAL INFORMATION

- ❖ Leases governing the rental of residential properties must follow certain guidelines.
Generally, leases must:
 - Be made in good faith
 - Not be unconscionable
 - Provide adequate notice
- ❖ If there is no lease governing the property in question, the tenant is required to pay the fair value of the rent without demand or notice; rent is then due on a week-to-week basis (or month-to-month if applicable). If occupancy continues without a rental agreement, a week-to-week or month-to-month periodic tenancy can be established by the landlord or the tenant. Terminating the tenancy requires payment for the rest of the current term and the following term (e.g. if notice is given August 15 for a monthly term beginning August 1, rent is owed for August and September).
- ❖ Landlords maintain the option to evict for noncompliance with the rental terms, however they may not take any actions retaliatory in nature (increasing services, decreasing services, etc.).
- ❖ Landlords have certain obligations they must uphold when dealing with a rental property. These obligations are set forth in Article II of the Act:

- **Security Deposits** §2.101
- **Disclosure** §2.102
- **Delivery of Possession** §2.103
- **Maintenance of the Property** §2.104
- **Relief of Liability** §2.105
- ❖ If these obligations are not met, tenants have certain remedies available to them:
 - **Noncompliance by the Landlord** §4.101
 - **Failure to Deliver Premises** §4.102
 - **Minor Defects** §4.103
 - **Failure to Provide Essential Services** §4.104
 - **Counterclaims by Tenant** §4.105
 - **Fire/Casualty Damage** §4.106
 - **Landlord's Unlawful Removal or Diminishment of Services** §4.107
- ❖ Additionally, tenants have obligations to their landlords they must uphold when dealing with a rental property:
 - **Maintenance of the Property** §3.101
 - **Following Additional Rules** §3.102
 - **Allowing Landlord Access** §3.103
 - **Occupation by the Tenant** §3.104
- ❖ If these obligations are not met, landlords have certain remedies available to them:
 - **Tenant's Noncompliance with Rental Agreement** §4.201
 - **Failure to Pay Rent** §4.201
 - **Failure to Maintain the Premises** §4.202
 - **Absence, Nonuse, & Abandonment of the Premises** §4.203
 - **Waiver of the Landlord's Right to Terminate** §4.204
 - **Landlord Lien** §4.205
 - **Steps Following Termination** §4.206
 - **Limitations on Recovery of Possession** §4.207

RULES & REGULATIONS

- ❖ A landlord must give seven days notice for a failure to pay rent and fourteen days notice for any other breach (of claims that fall under the lease agreement) before he/she may file a claim for eviction.

- ❖ Defendant has seven days to file an answer to a claim for eviction and fourteen days for claims for money damages.

FILING INSTRUCTIONS

- ❖ The type of form an individual needs to file a claim for eviction or damages to the property depends on the amount of the claim in question:

<u>Amount in Question</u>	<u>Type of Form</u>	<u>Found on Page</u>
Between \$3,000.01 and \$10,000	Complaint Form (Except Small Claims & Detinue Actions) – Form C-88	Can be found on page: 24
Between \$1.00 and \$3,000.00	Complaint Form (General) – Form SM-1	Can be found on page: 27
The value of the specific property in question (below \$3,000.00).	Complaint Form (Specific Property) – Form SM-2	Can be found on page: 30
Eviction plus any late rent or damages	Complaint Form (Unlawful Detainer) – Form C-59	Can be found on page: 34

- ❖ The type of form an individual needs to respond to an eviction or claim for property damage claim depends on the action they wish to take:

<u>Form Name</u>	<u>Found on Page</u>
Defendant's Answer – Form SM-3	Can be found on page: 39
Defendant's Counterclaim – Form SM-6	Can be found on page: 42

COMPLAINT FORM

(EXCEPT SMALL CLAIMS & DETINUE ACTIONS)

GENERAL PURPOSE

- ❖ The Statement of Claim – Complaint (Except Small Claims & Detinue Actions) is the State of Alabama Unified Judicial System Form C-88 (Civil Summons).
- ❖ The purpose of this form is to file a claim to seek money damages between \$3,000.00 and \$10,000.00. This form is not to be used for claims below \$3,000.00 and/or claims seeking recovery of property.

STATUTE OF LIMITATIONS

- ❖ The complaint must be filed within the applicable statute of limitations for the type of claim being filed.

GENERAL NOTES

- ❖ This form must be completely filled out and the client's handwriting must be legible.

FILING INSTRUCTIONS

- ❖ It is important that all blanks in this form are complete before an individual files the form.
- ❖ This form is filed with Alabama Unified Judicial System Form C-34 (Civil Summons).

FEES & COSTS

- ❖ The filing fee for one defendant is \$216.00.
- ❖ For each additional defendant a \$10.00 service fee is required (but no additional filing fee).
- ❖ For any defendant, service by the Sheriff's department is an additional \$10.00.
- ❖ The filing fee for each additional plaintiff is \$50.00.
- ❖ All fees must be paid by cash, cashiers check, or money order and made payable to:
 - Ann-Marie Adams, Clerk

State of Alabama Unified Judicial System Form C-88 (front) Rev. 6/96	STATEMENT OF CLAIM (Complaint) District Civil (Except Small Claims and Detinue Actions)	Case Number
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IN THE DISTRICT COURT OF _____, ALABAMA
(Name of County)

_____ v. _____

<p style="text-align: center;">Plaintiff</p> <p>Home or Business Address: _____</p> <p>_____</p> <p>Home or Business Telephone Number: _____</p> <p>Name of Attorney: _____</p> <p>Business Address: _____</p> <p>_____</p> <p>Business Telephone Number: _____</p> <p>Date of Filing: _____</p>	<p style="text-align: center;">Defendant</p> <p>Home or Business Address: _____</p> <p>_____</p> <p>Home or Business Telephone Number: _____</p> <p>Additional Defendant: _____</p> <p>_____</p>
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COMPLAINT

1. The plaintiff claims the defendant owes the plaintiff the sum of \$ _____ because:
(make a short and plain statement of the claim showing that the plaintiff is entitled to relief.)

The plaintiff also claims from the defendant court costs in the sum of \$ _____, plus \$ _____ for interest and \$ _____ for attorney's fees.

By: _____

Clerk

Clerk's Address: _____

Telephone Number : _____

Plaintiff or Plaintiff's Attorney (Signature)

Attorney Code: _____

Plaintiff's or Plaintiff's Attorney's Phone Number

SUMMONS

To any sheriff or any person authorized by either Rules 4. 1(b)(2) of the Alabama Rules of Civil Procedure to perfect service:
 You are hereby commanded to serve this summons and complaint upon the above-named defendant.

NOTICE TO DEFENDANT

THE COMPLAINT SET OUT ABOVE IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU ARE REQUIRED TO MAIL OR HAND DELIVER A COPY OF A WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT, TO THE PLAINTIFF (OR THE ATTORNEY FOR THE PLAINTIFF), AT THE ADDRESS NOTED ABOVE.

THIS ANSWER MUST BE MAILED OR HAND DELIVERED TO THE CLERK OF COURT AT THE ADDRESS BELOW WITHIN FOURTEEN (14) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU, OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. (YOU MUST FILE THE ORIGINAL ANSWER WITH CLERK OF THIS COURT).

Dated _____

Clerk of Court

Address of Clerk of Court

COURT RECORD (Original)
PLAINTIFF (Copy)
DEFENDANT (Copy)

STATEMENT OF CLAIM (Complaint)
District Civil (Except Small Claims and Definue Actions)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____ (date).

☐ I certify that I personally delivered a copy of this Statement of Claim (Complaint) at _____ on _____ and on _____ at _____, I served it on the above-named defendant by delivering a copy of the complaint.

Date _____, _____

Sheriff/Deputy Sheriff/Process Server

COMPLAINT FORM

(GENERAL)

GENERAL PURPOSE

- ❖ The Statement of Claim – Complaint (General) is the State of Alabama Unified Judicial System Form SM-1 (Complaint).
- ❖ The purpose of this form is to file a claim wherein the plaintiff is seeking money damages up to \$3,000. This form is not to be used for claims above \$3,000. Additionally, do not use this form for claims seeking recovery of property.

STATUTE OF LIMITATIONS

- ❖ The complaint must be filed within the applicable statute of limitations for the type of claim being filed.

GENERAL NOTES

- ❖ This form must be completely filled out and the client's handwriting must be legible.

FILING INSTRUCTIONS

- ❖ It is important that all blanks in this form are complete before an individual files the form.
- ❖ This form is filed with Alabama Unified Judicial System Form SM-7 (Civil Summons).

FEES & COSTS

- ❖ The filing fee for a claim \$1,500.00 or less and against one defendant is \$51.00.
- ❖ The filing fee for a claim against one defendant between \$1,500.01 and \$3,000.00 is \$125.00.
- ❖ For each additional defendant a \$10.00 service fee is required (but no additional filing fee).
- ❖ For any defendant, service by the Sheriff's department is an additional \$10.00.
- ❖ The filing fee for each additional plaintiff is \$50.00.
- ❖ All fees must be paid by cash, cashiers check, or money order and made payable to:
 - Ann-Marie Adams, Clerk

STATEMENT OF CLAIM
(Complaint)
General

Case Number _____

IN THE SMALL CLAIMS COURT OF _____, ALABAMA
(Name of County)

v.

Plaintiff

Defendant

Plaintiff's
Home Address

Defendant's
Home Address

Plaintiff's Attorney's
Address

Additional
Defendant(s)
and Addresses

NOTICE TO EACH DEFENDANT – READ CAREFULLY

YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU FOR THE MONEY OR PROPERTY DEMANDED IN THE FOLLOWING COMPLAINT, ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.

COMPLAINT

1. I claim the defendant owes the plaintiff the sum of \$_____ because:

2. Plaintiff also claims from the defendant court costs in the sum of \$_____ (see note below, plus \$_____ for interest and \$_____ for lawyers' fees (only if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)

NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.

CLERK'S ADDRESS:

Plaintiff or Plaintiff's Attorney (Signature)

Attorney Code _____

Plaintiff's or Plaintiffs Attorney's Phone Number

Clerk's Phone No. _____

(See instructions on the Back)

Date of Filing _____

INSTRUCTIONS TO THE PLAINTIFF'S

This is your case, and if you are acting as your own lawyer, you are responsible in seeing that your claim is successfully presented at each stage of the procedure until it is concluded.

The clerk of the court has a brochure which tells you how to handle a Small Claims case. This brochure is free to you on request..

1. You must complete one of these forms for each defendant you wish to sue. Each defendant must be described by his/her correct legal name and address (not a post office box). Be as brief as possible but include every important name, date and place
2. To start your case you must file the completed form with the clerk assigned to Small Claims cases. The clerk will stamp a copy for you to show that the case has been filed and will insert the number of the case on the front of this form.
3. You are responsible for seeing that each defendant receives a copy of this form. If you haven't heard from anyone about the case in about fourteen days, then check with the clerk's office, to make sure that each defendant has been served.
4. If any of the defendants ask for a trial you will be notified of the place, the date, and the time. You must be present or your case will be dismissed. You may take a judgment by default fourteen (14) days after the defendant has received a copy of this form, if the defendant fails to file his/her Answer.
5. You are responsible to see to the enforcement of any judgment that is awarded to you. The Small Claims brochure will tell you how to go about recovering your money. It is not the responsibility of the court or the clerk to collect the judgment for you.

ANY TIME YOU CONTACT THE CLERK ABOUT THIS CASE YOU MUST REFER TO THE CASE NUMBER ON THE FRONT.

INSTRUCTIONS TO SHERIFF OR PROCESS SERVER

To Any Sheriff or Any Person Authorized by Rule 4.1(b)(1) or 4.1(b)(2) of the Alabama Rules of Civil Procedure to Effect Service in the State of Alabama.

You are hereby commanded to serve this summons and a copy of the Statement of Claim in this action upon the defendant(s) named _____

and make proper return to this court.

Date _____ By _____
Clerk

RETURN ON SERVICE:

Served on defendant(s) named _____
by delivering a copy of the Summons and Statement of Claim to him/her in _____
County, Alabama, on (Date) _____,

Process Server Signature

Title of Process Server

This service by certified mail of this Summons and Statement of Claim is initiated upon the request of _____
_____ pursuant to Rule 4.1.(c) of the Alabama Rules of Civil Procedure.

Date Requested _____ Date Mailed _____
Return Receipt Date _____ By _____
Clerk

COMPLAINT FORM

(SPECIFIC PROPERTY)

GENERAL PURPOSE

- ❖ The Statement of Claim – Complaint (Specific Property) is the State of Alabama Unified Judicial System Form SM-2 (Complaint).
- ❖ The purpose of this form is to file a claim for the recovery of specific property or money damages in lieu of the property.
- ❖ The value of the property claim in question cannot exceed \$10,000.00.

STATUTE OF LIMITATIONS

- ❖ The complaint must be filed within the applicable statute of limitations for the type of claim being filed.

GENERAL NOTES

- ❖ This form must be completely filled out and the client's handwriting must be legible.

FILING INSTRUCTIONS

- ❖ It is important that all blanks in this form are complete before an individual files the form.

FEES & COSTS

Claim Amount (One Defendant)	Fee Amount
<u>Small Claims</u> - \$1.00 - \$1,500.00	\$51.00
<u>Small Claims</u> - \$1,500.01 - \$3,000.00	\$125.00
<u>Large Claims</u> - \$3,000.01 - \$10,000.00	\$216.00

- ❖ For each additional defendant a \$10.00 service fee is required (but no additional filing fee).
- ❖ For any defendant, service by the Sheriff's department is an additional \$10.00.
- ❖ The filing fee for each additional plaintiff is \$50.00.

State of Alabama Unified Judicial System Form SM-2 (front) Rev. 3/95	<h2 style="margin: 0;">STATEMENT OF CLAIM</h2> <p style="margin: 0;">(Complaint)</p> <p style="margin: 0;">For Specific Property</p>	Case Number _____
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IN THE SMALL CLAIMS COURT OF _____, ALABAMA
(Name of County)

Plaintiff
Defendant

Plaintiff's
Home Address

Plaintiff's Attorney's
Address

Defendant's
Home Address

Additional
Defendant(s)
and Addresses

NOTICE TO EACH DEFENDANT – READ CAREFULLY

YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU FOR THE MONEY OR PROPERTY DEMANDED IN THE FOLLOWING COMPLAINT, ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.

COMPLAINT

1. Plaintiff demands right to possession from the defendant(s) of the following property:

Otherwise, plaintiff claims sum of \$ _____ from the defendant(s) as the alternate value of this property:

2. Plaintiff also claims from the defendant the sum of \$ _____ for the use of this property from _____ to the present.

3. Plaintiff also claims from the defendant(s) court costs in the sum of \$ _____ (see note below), and \$ _____ for lawyers' fees (only if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)

NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.

CLERK'S ADDRESS:

Clerk's Phone No. _____

(See instructions on the Back)

Plaintiff or Plaintiff's Attorney (Signature)

Attorney Code _____

Plaintiff's or Plaintiffs Attorney's Phone Number

Date of Filing _____

INSTRUCTIONS TO THE PLAINTIFF'S

This is your case, and if you are acting as your own lawyer, you are responsible in seeing that your claim is successfully presented at each stage of the procedure until it is concluded.

The clerk of the court has a brochure which tells you how to handle a Small Claims case. This brochure is free to you on request..

1. You must complete one of these forms for each defendant you wish to sue. Each defendant must be described by his/her correct legal name and address (not a post office box). Be as brief as possible but include every important name, date and place
2. To start your case you must file the completed form with the clerk assigned to Small Claims cases. The clerk will stamp a copy for you to show that the case has been filed and will insert the number of the case on the front of this form.
3. You are responsible for seeing that each defendant receives a copy of this form. If you haven't heard from anyone about the case in about fourteen days, then check with the clerk's office, to make sure that each defendant has been served.
4. If any of the defendants ask for a trial you will be notified of the place, the date, and the time. You must be present or your case will be dismissed. You may take a judgment by default fourteen (14) days after the defendant has received a copy of this form, if the defendant fails to file his/her Answer.
5. You are responsible to see to the enforcement of any judgment that is awarded to you. The Small Claims brochure will tell you how to go about recovering your money. It is not the responsibility of the court or the clerk to collect the judgment for you.

ANY TIME YOU CONTACT THE CLERK ABOUT THIS CASE YOU MUST REFER TO THE CASE NUMBER ON THE FRONT.

INSTRUCTIONS TO SHERIFF OR PROCESS SERVER

To Any Sheriff or Any Person Authorized by Rule 4.1(b)(1) or 4.1(b)(2) of the Alabama Rules of Civil Procedure to Effect Service in the State of Alabama.

You are hereby commanded to serve this summons and a copy of the Statement of Claim in this action upon the defendant(s) named

and make proper return to this court.

Date _____ By _____

Clerk

RETURN ON SERVICE:

Served on defendant(s) named _____

by delivering a copy of the Summons and Statement of Claim to him/her in _____

County, Alabama, on (Date) _____,

Process Server Signature

Title of Process Server

This service by certified mail of this Summons and Statement of Claim is initiated upon the request of _____ pursuant to Rule 4.1.(c) of the Alabama Rules of Civil Procedure.

Date Requested _____ Date Mailed _____

Return Receipt Date _____ By _____

Clerk

COMPLAINT FORM

(UNLAWFUL DETAINER/ EVICTION)

GENERAL PURPOSE

- ❖ The Statement of Claim – Complaint (Unlawful Detainer/Eviction) is the State of Alabama Unified Judicial System Form C-59.
- ❖ The purpose of this form is to force the eviction of a tenant for failure to pay rent (or some other purpose).

STATUTE OF LIMITATIONS

- ❖ This complaint may only be filed after seven days for failure to pay rent or fourteen days for any other breach, upon written notice to the tenant. The complaint must be answered within seven days of service upon the defendant. A money judgment may be entered against the tenant after fourteen days for failure to file an answer.

GENERAL NOTES

- ❖ This form must be completely filled out and the client's handwriting must be legible.

FILING INSTRUCTIONS

- ❖ It is important that all blanks in this form are complete before an individual files the form.
- ❖ Personal service of this form must be attempted.

FEES & COSTS

- ❖ The filing fee for a claim against one defendant is \$216.00.
- ❖ For each additional defendant a \$10.00 service fee is required (but no additional filing fee).
- ❖ For any defendant, service by the Sheriff's department is an additional \$10.00.
- ❖ The filing fee for each additional plaintiff is \$50.00.
- ❖ All fees must be paid by cash, cashiers check, or money order and made payable to:
 - Ann-Marie Adams, Clerk

STATEMENT OF CLAIM
Unlawful Detainer
Sections 6-6-310, et seq., *Ala. Code 1975*

Case Number

IN THE DISTRICT COURT OF _____ COUNTY, ALABAMA

v.

PLAINTIFF(S)

DEFENDANT(S)

ADDRESS: _____

ADDRESS: _____

PLAINTIFF'S ATTORNEY (if applicable): _____

ADDRESS: _____

COMPLAINT

1. Plaintiff(s) demands the right to possession from the defendant(s) of the following described residential, commercial or other real property located at: _____

2. Defendant(s) no longer has the right to possession because: _____

3. Defendant(s) right of possession has been lawfully terminated by written notice.
4. Plaintiff(s) also claims the sum of \$ _____ plus court costs from the Defendant(s) consisting of: unpaid rent and late charges, plus attorney's fees (if applicable) and other charges.
5. Plaintiff(s) also claims future rent and late charges, plus attorney's fees (if applicable) and other charges accruing through the date Plaintiff(s) obtains possession of the above described property.

Clerk

Address: _____

Plaintiff or Attorney Signature

Phone Number: () _____

Attorney Code: _____

NOTICE TO DEFENDANT(S) - READ CAREFULLY

This unlawful detainer complaint must be answered by you within seven (7) days after these papers were either served or posted at the leased premises as provided by law. Your answer must be received by the Court Clerk at the above address within the above seven (7) days. A copy of the answer must be sent to the Plaintiff(s) or Plaintiff(s)' Attorney at the above address. If you file an answer, a notice of trial will be mailed to you; otherwise, an unlawful detainer judgment may be entered against you. If you were personally served and fail to file an answer within fourteen (14) days from the date of service, a money judgment may be entered against you.

SUMMONS

To any Sheriff or any person authorized by Rule 4 (i) (1) (A) or (B) of the Alabama Rules of Civil Procedure to effect Service in the State of Alabama: You are hereby commanded to serve the Summons and Complaint in this action upon the defendant named in the style of the Complaint and make proper return to this court.

Date _____

Date Received _____

Clerk _____

PERSONAL SERVICE: served on the defendant(s) named _____

DATE SERVED _____

Server must complete:

SHERIFF/CONSTABLE _____

Print Name _____

PROCESS SERVER _____

Address _____

Phone Number _____

SERVICE BY DELIVERY TO PERSON SUI JURIS RESIDING ON THE PREMISES: served the defendant(s) named _____ by delivering a copy of the Summons and Complaint on a person who is sui juris residing on the premises described in the Complaint.

DATE SERVED _____

_____ served for _____ is sui juris and is a resident of the
(Person Served) (Defendant(s))
premises described in the Complaint.

Server must complete:

SHERIFF/CONSTABLE _____

Print Name _____

PROCESS SERVER _____

Address _____

Phone Number _____

POSTING OF SUMMONS AND COMPLAINT: served on the defendant(s) named _____ by posting a copy of the Summons and Complaint on the door of the premises described in the Complaint, and A COPY OF THE SUMMONS AND COMPLAINT WAS MAILED BY FIRST CLASS MAIL ON THE FOLLOWING DATE _____ that is not later than the close of the next business day following the aforesaid posting

DATE SERVED _____

Server must complete:

SHERIFF/CONSTABLE _____

Print Name _____

PROCESS SERVER _____

Address _____

Phone Number _____

SERVICE BY CERTIFIED MAIL: This service by certified mail of the summons and complaint is initiated upon the request of Plaintiff pursuant to Rule 4 (i) (2) of the Alabama Rules of Civil Procedure.

Date Requested _____

Date Mailed _____

Return Receipt Date _____

Clerk _____

DEFENDANT’S ANSWER

GENERAL PURPOSE

- ❖ The Defendant’s Answer is the State of Alabama Unified Judicial System Form SM-3.
- ❖ The purpose of this form is for the defendant to answer a claim that they have received.

STATUTE OF LIMITATIONS

- ❖ Generally, the defendant must file an answer in response to the complaint within fourteen days of receipt of the answer (seven days for a failure to pay rent/unlawful detainer/eviction action).
- ❖ The answer must be mailed or hand-delivered to the Clerk’s office within the fourteen-day period.

GENERAL NOTES

- ❖ This form may be submitted in legible handwriting (including style of case, case number, and signature/date).

FILING INSTRUCTIONS

- ❖ It is important that all blanks in this form are complete before an individual files the form.
- ❖ This form must be mailed to the plaintiff or his/her attorney.

FEES & COSTS

- ❖ There is no charge for filing an answer.

State of Alabama Unified Judicial System Form SM-3 (front) Rev. 3/95	<h2 style="margin: 0;">DEFENDANT'S ANSWER</h2>	Case Number _____
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IN THE SMALL CLAIMS COURT OF _____, ALABAMA
(Name of County)

_____ **v.** _____

Plaintiff	Defendant
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Plaintiff's Home Address	Defendant's Home Address
Plaintiff's Attorney's Address	Additional Defendant(s) and Addresses

PART 1. DEFENDANTS ANSWER TO THE COMPLAINT

Instructions:

1. Please print.
2. This answer must be signed by the person or persons who have been sued or their attorney. An answer which is not signed or which is not signed by the proper person cannot be considered.
3. Mail the original to the Small Claims Court Clerk at the address below.
4. Mail a copy to the plaintiff or his/her attorney, if he/she is represented by an attorney, at the address above. Keep a copy for your files.

Notice: If you have been sued in county in which you do not live and if the suit against you is not for services or work and labor performed in the county where suit has been filed, you may request that it be transferred to your home county. If this applies, complete "A" below.

SELECT ONLY ONE OF THE FOLLOWING:

A. ☐ I do not live in this county and the suit against me is not for work or labor performed in the county where suit has been filed; thus, I want this case transferred to my home county of _____.

B. ☐ I admit everything in the Statement of Claim and do not want a trial. (This means that you consent to a judgment for the amount claimed plus court costs).

C. ☐ I admit that I owe some money, but not the total amount claimed by the plaintiff(s). (If this block is checked, the case will be set for trial. Please note that any money paid by you on this claim after the suit was filed may not be reflected on the Statement of Claim which you receive. You should contact the person who has sued you or his/her attorney to determine the present balance which is claimed).

D. ☐ I deny that I am responsible at all. (If this block is checked, this case will be set for trial).

IF YOU CHECKED "C" OR "D", BRIEFLY EXPLAIN THE REASONS FOR YOUR ANSWER.

Name, Address & Phone Number of Employer:

PART II. This answer must be signed by the person or persons who have been sued or their attorney. An answer which is not signed at all or which is not signed by the proper person cannot be considered. Keep a copy of this Answer and any other documents you receive concerning your case for your files.

<p>CLERK'S ADDRESS:</p> <p style="margin-top: 20px;">Clerk's Phone No. _____</p> <p>(See instructions on the Back)</p>	<p>_____</p> <p>Defendant or Defendant's Attorney (Signature)</p> <p>Attorney Code _____</p> <p>_____</p> <p>Defendant or Defendant's Attorney's Phone Number</p> <p style="margin-top: 20px;">Date of Filing _____</p>
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INSTRUCTIONS TO EACH DEFENDANT

ANSWER ONLY

1. You MUST fill out (print or type) this form AND deliver or mail a copy of it to the clerk at the address on the front, SO IT WILL ARRIVE AT THE CLERK'S OFFICE WITHIN 14 DAYS AFTER THE STATEMENT OF CLAIM WAS DELIVERED TO YOU. You must complete this form even if you admit you are responsible for part – not all – of what the plaintiff(s) claims.
2. IF YOU CHOOSE TO MAIL THIS FORM TO THE CLERK, YOU SHOULD CHECK WITH THE CLERK'S OFFICE AFTER SEVERAL DAYS TO MAKE SURE IT WAS RECEIVED ON TIME. Be sure to refer to your case number. This Answer must be received by the clerk within 14 days from the date it was delivered to you.
3. BE SURE TO KEEP A COPY OF YOUR ANSWER FOR YOURSELF. After it is received by the clerk, you will be sent a notice of the time and place of your trial if you have denied what the plaintiff claims.

DEFENDANT'S COUNTERCLAIM

GENERAL PURPOSE

- ❖ The Defendant's Counterclaim is the State of Alabama Unified Judicial System Form SM-6.
- ❖ The purpose of this form is for the defendant to file a claim against the plaintiff.

STATUTE OF LIMITATIONS

- ❖ Generally, the defendant must file a counterclaim in response to the complaint within fourteen days of receipt of the answer. A counterclaim is usually filed with the answer and will have the same statute unless it is amended later (i.e. seven days for a failure to pay rent/unlawful detainer action).
- ❖ The answer must be mailed or hand-delivered to the Clerk's office within the fourteen-day period.

GENERAL NOTES

- ❖ This form may be submitted in legible handwriting.

FILING INSTRUCTIONS

- ❖ It is important that all blanks in this form are complete before an individual files the form.
- ❖ This form must be mailed to the plaintiff or his/her attorney.

FEES & COSTS

- ❖ There is no charge for a counterclaim if the amount sought is in the same cost bracket as the amount sought in the original complaint.

Claim Amount	Fee Amount
<u>Small Claims</u> - \$1.00 - \$1,500.00	\$51.00
<u>Small Claims</u> - \$1,500.01 - \$3,000.00	\$125.00
<u>Large Claims</u> - \$3,000.01 - \$10,000.00	\$216.00

State of Alabama Unified Judicial System Form SM-6 (front) Rev. 3/95		Case Number
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IN THE SMALL CLAIMS COURT OF _____, ALABAMA
(Name of County)

v.

Plaintiff

Plaintiff's
Home Address

Plaintiff's Attorney's
Address

Defendant

Defendant's
Home Address

Additional
Defendant(s)
and Addresses

PART 1. STATEMENT OF COUNTERCLAIM AGAINST THE PLAINTIFF(S)

I claim the plaintiff(s) owe(s) the defendant(s) the sum of \$ _____ because:

Defendants(s) also claims court costs in the amount of \$ _____ and interest in the amount of \$ _____ from the plaintiff(s).

PART II. BE SURE TO SIGN THIS FORM BEFORE MAILING.

1. **Keep a copy for your files.**
2. **Mail a copy of your Answer and Counterclaim to the plaintiff at the address above.**
3. **Mail the original Answer and Counterclaim to the Small Claims Court Clerk at the address below.**

CLERK'S ADDRESS:

 Defendant or Defendant's Attorney (Signature)
 Attorney Code _____
 Defendant or Defendant's Attorney's Address: _____

 Defendant or Defendant's Attorney's Phone Number

Clerk's Phone No. _____

(See instructions on the Back)

Date of Filing _____

INSTRUCTIONS TO DEFENDANT - COUNTERCLAIM

1. If you have any claim against the plaintiff(s) set it out on the front of this form. BEFORE you deliver or mail a copy of your answer form to the clerk, you must mail an additional copy of your Answer and Counterclaim forms to the plaintiff, at the address found on the front of the Statement of Claim (Complaint) served on you.
2. IT IS YOUR RESPONSIBILITY TO COMPLETE THIS COUNTERCLAIM FORM AND MAKE SURE A COPY OF THE COUNTERCLAIM AND ANSWER ARE FILED WITH THE CLERK AND PROPERLY MAILED OR DELIVERED TO THE PLAINTIFF. The Answer and Counterclaim must be filed with the clerk and with the plaintiff within 14 days from the date the original Statement of Claim was served on you.
3. BE AS BRIEF AS POSSIBLE, but include every important name, date, and place.