

Iowa Judicial Branch

Instructions for Filing a Petition for Forcible Entry and Detainer

I. Forms to Complete.

The forms you must use in Iowa Small Claims Court are available in fillable format on the Iowa Judicial Branch website under the “Court Rules and Forms” tab.

You (Plaintiff) will need the following forms to evict someone from your real estate.

A. Original Notice and Petition for Forcible Entry and Detainer (Form 3.6).

1. At the top of the Original Notice form, fill in the name of the county where you are filing the lawsuit. You should electronically file the lawsuit in the county where the real estate is located.
2. Fill in your full name and specific address where indicated.
3. Fill in the full name of the person (defendant) you want to vacate the real estate. Fill in the specific address where defendant can be located. If there is more than one defendant, you must include the full name and current address of each defendant.
4. **Do not** fill in the “Small Claims No.” blank or the telephone number blank in the disability assistance notice in the caption.
5. Fill in the address of the real estate you want defendant to vacate.
6. State briefly the reason you want defendant to vacate the real estate.
7. Electronically sign the Original Notice at the bottom of the page. Electronically file it in the county where the real estate is located.

B. Three-Day Notice. In most cases, a Three-Day Notice to Quit, or a Three-Day Notice of Non-Payment of Rent, must be served on defendant before the Action for Forcible Entry and Detainer is filed. If you did not give this notice, you should consult an attorney.

For help registering and filing electronically, see the Iowa Judicial Branch website eFiling link and click on Training Documents, or go to the eFile (EDMS) Login page and click on User Guides and Training Documents.

A filing fee of \$115.00 will be collected when you electronically file. If you are filing an Action for Money Judgment, you may file it at the same time as the Forcible Entry and Detainer with the one filing fee of \$115.00. If filed later, a second \$115.00 filing fee will apply.

II. How to Serve the Original Notice.

Each defendant must be informed of your lawsuit by receiving the Original Notice before a trial is held. When you electronically file your Small Claims Petition and Original Notice, the signed Petition and Original Notice, along with a conformed Small Claims Answer and Appearance to serve on each defendant is posted in the My Filings page of your eFiling account. Defendant may be served with the Original Notice in the following manner:

A. Service by Sheriff. If you choose the sheriff to serve defendant, contact the sheriff in the county where the real estate is located to determine payment arrangements. The clerk of court may deliver the

Original Notice to the sheriff for service. Defendant must be served at least three days before the hearing.

B. Delivery to a person who lives at the real estate who is at least 18 years old.

Defendant must sign an acknowledgement of service dated at least three days before the hearing.

C. Posting the Original Notice on the entry door of the premises. If you have first made two unsuccessful attempts to serve defendant, you may post the Original Notice on the entry door to the property to be vacated. You must also mail notice by regular **and** certified mail to defendant's last-known address.

III. What Happens After Filing Your Case.

A. The clerk of court will set a hearing date no later than eight days from the filing date. If you request a later date, the clerk of court may set the hearing date up to fifteen days from the filing date.

B. You must appear in person at the hearing, unless an attorney appears on your behalf.

C. At the hearing, you should be prepared to produce proof of service of the Original Notice and the Three-Day Notice to Quit on defendant. You should bring a copy of any lease or rental agreement with defendant that you have.

D. If you have witnesses, make sure they are present at the hearing.

E. If you disagree with the court's decision or judgment after hearing, you may file a Notice of Appeal (Form 3.26) with the appropriate filing fee. The court may require you to provide a bond to delay execution of the Judgment.

For more information see Iowa Code chapter 648, the Iowa Judicial Branch website at www.iowacourts.gov, The Iowa Bar Association website at www.iowabar.org, or the clerk of court office in your county (clerks of court cannot give legal advice).