

## 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.
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](mailto: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.**

## **Special Instructions**

**Instructions for remote access to hearing through Zoom:**

**To join the hearing you will need to access the following link:**

**To join by computer or smart phone through video:**

**<https://www.zoomgov.com/j/16135880397>**

**Meeting ID: 161 3588 0397**

**To join the hearing by phone for audio only:**

**Dial either number below and then enter the meeting id.**

**1-669-254-5252 or 1-669-216-1590**

**and enter**

**Meeting ID: 161 3588 0397**

**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](mailto: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](#)**



STATE OF KANSAS  
Tenth Judicial District

## OFFICE OF THE CLERK OF THE DISTRICT COURT

JOHNSON COUNTY COURTHOUSE  
150 W SANTA FE  
OLATHE, KANSAS 66061-3273  
913-715-3500

FAX PAYMENT COVER LETTER

PAYMENT FAX NUMBER:  
913-715-3405

DATE SENT: \_\_\_\_\_ # OF PAGES ATTACHED: \_\_\_\_\_

TO (check one department): Civil/Chapter 61    , Criminal/Traffic    , Help Center    ,  
Juvenile/Probate    , Records

AMOUNT: \_\_\_\_\_ (DO NOT ADD \$4.95 FEE)

CASE NUMBER (if applicable): \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

EMAIL: \_\_\_\_\_

CARD NUMBER: \_\_\_\_\_

ZIP CODE ASSOCIATED WITH CARD BILLING: \_\_\_\_\_

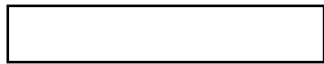
CARD HOLDER NAME: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_    \_\_\_\_\_

CVV: \_\_\_\_\_

**\*\*AN ADDITIONAL \$4.95 WILL BE ADDED TO YOUR TOTAL AUTOMATICALLY AS A PROCESSING FEE CHARGED BY THE CREDIT CARD PROCESSING COMPANY. THIS APPLIES TO CHARGES IN PERSON OR BY FAX.**

**\*\*WE ACCEPT VISA, MASTERCARD AND DISCOVER – NO AMERICAN EXPRESS. \*\***



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](http://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)

<b>TORT</b> 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	<b>CONTRACT</b> Buyer Plaintiff Employment Dispute - Discrimination Employment Dispute - Other Fraud Landlord/Tenant - Unlawful Detainer Landlord/Tenant Dispute - Other Seller Plaintiff (debt collection) Other Contract	<b>REAL PROPERTY</b> Eminent Domain Mortgage Foreclosure Other Real Property	<b>STATE TAX WARRANT</b>
	<b>CIVIL APPEALS</b> Administrative Agency Other Civil Appeal	<b>MISCELLANEOUS</b> 60-1507 Habeas Corpus Other Writs	<b>OTHER CIVIL</b>  <b>SMALL CLAIMS</b>

**DOMESTIC**

<b><u>MARRIAGE DISSOLUTION/DIVORCE</u></b>	<b><u>PROTECTION FROM ABUSE</u></b>	<b><u>PROTECTION FROM STALKING</u></b>	<b><u>UIFSA</u></b>
<b><u>OTHER DOMESTIC RELATIONS</u></b>	<b><u>NON-DIVORCE SUPPORT, CUSTODY OR VISITATION</u></b>	<b><u>PATERNITY</u></b>	

**PROBATE/ESTATE**

<b><u>GUARDIAN/CONSERVATOR</u></b> Conservatorship/Trusteeship Guardianship - Adult Guardianship - Minor Guardian/Conservator - Adult Guardian/Conservator - Minor	<b><u>DETERMINATION OF DESCENT</u></b>  <b><u>SEXUALLY VIOLENT PREDATOR</u></b>  <b><u>DECEDENT ESTATE</u></b>	<b><u>ELDER ABUSE</u></b>  <b><u>OTHER PROBATE/ESTATE</u></b>  <b><u>CARE AND TREATMENT</u></b>	<b><u>ADOPTION</u></b>
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**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 \_\_\_\_\_

NOTICE TO VACATE PREMISES

TO: \_\_\_\_\_:

You are hereby notified that you must immediately vacate and leave the following premises:

\_\_\_\_\_.

If you fail to vacate and leave, 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

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
LIMITED ACTIONS**

Enter Plaintiff(s) Name(s)

*Plaintiff(s)*

vs.

Case No.: Enter Case No.

Enter Defendant(s) Name(s)

*Defendant(s)*

**JOURNAL ENTRY**

NOW, on **Click or tap to enter a date.**, this matter comes before the Court for hearing.

1. The Plaintiff appears:  in person,  pro se,  by/with his/her/its attorney, **Enter name of counsel.**

The Defendant(s) appears:  in person,  pro se,  by/with his/her/its attorney, **Enter name of counsel.**

2. **ANSWER HEARING:**

Defendant(s) fail to appear after being served and is in default. See “Judgment” below.

Defendant(s) appear and confess judgment. See “Judgment” below.

Defendant(s) appear and are contesting matter; instructed to file Answer within 14 days and in accordance with K.S.A. 61-2904. If not filed, default judgment for plaintiff:

Notes: **Enter if necessary**

3. **AID IN EXECUTION:**

No service/no action.

Debtor(s) **Enter name of Debtor(s)** appeared and was examined.

Debtor(s) **Enter name of Debtor(s)** failed to appear and was personally served.

Citation for Contempt to issue.

Hearing continued. See “Next Hearing” below.

Other: **Enter if necessary**

4. **CITATION FOR CONTEMPT:**

- No service/no action.
- Debtor(s) **Enter name of Debtor(s)** appeared and was examined.
- Debtor(s) **Enter name of Debtor(s)** failed to appear and was personally served.  
Bench warrant in the amount of \$**Enter amount of bond** case to be issued for Debtor(s) **Enter name of Debtor(s)**.
- Debtor(s) appear. Debtor(s) to respond to written questions and produce documents within 21 days.
- Apply cash bond to Judgment. Clerk ordered to pay bond to Judgment Creditor.
- Clerk is ordered to return cash bond to Debtor(s)
- Other: **Enter if necessary**

5. **GARNISHMENT HEARING:**

Objection to Garnishment is  Granted or  Denied.

Other: **Enter if necessary**

6. **JUDGMENT AGAINST GARNISHEE HEARING:**

- Plaintiff withdraws Motion for Judgment against Garnishee
- Garnishee fails to appear and was served. Judgment entered against Garnishee in the amount of  the original Judgment, or  **Enter if necessary**
- Garnishee appears, Judgment entered against Garnishee in the amount of  the original Judgment, or  **Enter if necessary**
- Garnishee appears, Garnishee has 14 days to file Answer or response to Garnishment or Judgment will be entered against Garnishee in the amount of  the original Judgment, or  **Enter if necessary**

7. **REVIVOR OF JUDGMENT HEARING:**

- No service/no action.
- Defendant(s) **Enter name of Defendant(s)** fails to appear, Motion sustained.
- Defendant(s) **Enter name of Defendant(s)** appears, Motion sustained.
- Defendant(s) **Enter name of Defendant(s)** appears, Motion denied.

8. **MOTION HEARING:**

Enter if necessary

9. **NEXT HEARING:**

The Court further sets this matter for hearing  in person, or  via Zoom on

Click or tap to enter a date, at  Insert time  AM  PM. The hearing is scheduled for

Motion hearing,  Pretrial Conference,  Trial, or  Other.

10. **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)  \$Insert Amount ;
- (ii)  \$Insert Amount (prejudgment interest) ;
- (iii)  \$Insert Amount ; as costs incurred to date;
- (iv)  Post judgment interest at the statutory rate;
- (v)  Restitution of premises herein described is :  Granted /  Denied, or  N/A;
- (vi)  Other:  Enter if necessary

IT IS SO ORDERED.

**This Journal Entry shall become effective as of the date and time on its electronic file stamp.**

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
150 W SANTE FE ST  
OLATHE, KS 66061

Case No. \_\_\_\_\_  
Division No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff

VS.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant

**REQUEST AND SERVICE INSTRUCTION FORM**

To: Clerk of the District Court

Please issue a: \_\_\_\_\_  
\_\_\_\_\_

in this action for: \_\_\_\_\_

whose address for service is: \_\_\_\_\_  
\_\_\_\_\_

Service is requested as indicated below:

- A. Service through the Sheriff of \_\_\_\_\_  
County, State of \_\_\_\_\_. Returns may be faxed to  
(913) 715-3401 7 days a week – 24 hour a day.
- B. Service by an authorized process server.
- C. Certified mail with a Return Receipt service by the undersigned litigant or attorney, who  
understands that is their responsibility to obtain service and to make the return to the clerk.  
The postal “green card” for service must be filed with the Clerk’s office to prove service.
- D. Certified mail service by the Sheriff of Johnson County Kansas. Sheriff of Johnson County  
does not do Out-of-state service by certified mail.

Signature: \_\_\_\_\_

Pro Se: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Email: \_\_\_\_\_

**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