

## NOTICE TO PERSONS SEEKING AN EMERGENCY POSSESSORY HEARING

If you are a **LANDLORD** and are seeking an Emergency Possessory Hearing, please note that such hearings are allowed only under the following circumstances:

- 1) The Lease must have been entered into or renewed on or after June 30, 1999;
- 2) The Lease must relate to residential property;
- 3) If you are a Landlord, you must swear under oath that:
  - a) The violation, act, or omission caused or threatened by the tenant which constitutes waste; and
  - b) The nature of the specific immediate and serious injury, loss or damage that you have or suffered or will suffer if the violation, act, or omission is not enjoined.

“Waste” means an unreasonable or improper use, abuse, or omission of duty resulting in substantial injury to real estate.

If you are a **TENANT** of residential property under a lease entered into or renewed after June 30, 1999, you must swear, under oath, that the Landlord has denied or interfered with your access to or possession of your dwelling unit by any act including the following:

- 1) Changing the locks or adding a device to exclude you from the dwelling unit; or
- 2) Removing the doors, windows, fixtures or appliances from the dwelling unit, or
- 3) Interrupting, reducing, or shutting off, or causing termination of electricity, gas, water, or other essential services.

You may not obtain an Emergency Possessory Hearing merely because the Landlord has retained your personal property unless you can specify the specific immediate and serious injury or loss that will result before a regular hearing can be scheduled.

**Hearing to be held in Magistrate "A" Courtroom, Room 111**

PLAINTIFF (S):

DEFENDANT (S):

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

Telephone No: \_\_\_\_\_

Telephone No: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**NOTICE OF EMERGENCY POSSESSORY HEARING**

YOU ARE REQUIRED TO APPEAR in **MAGISTRATE "A" COURTROOM, ROOM 111**

on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_ .M. for the purpose of

answering to the following allegations:

The Plaintiff alleges and swears as follows:

(A) The particular violation, act or omission caused or threatened by the Defendant which constitutes waste is: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(B) The nature of the specific immediate and serious injury, loss, or damage that the Plaintiff will or has suffered if the Defendant's actions are not enjoined are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk, Clark Circuit Court No. 1