How to Begin a Holdover Summary Proceeding

A landlord must file two court forms to begin a Holdover Summary Proceeding: (1) a Notice of Petition - Holdover; and (2) a Holdover Petition to Recover Possession of Real Property.

The two court forms and instructions for filling them out are included in the Forms and Instructions section of this booklet.

Bring your completed Notice of Petition and Petition to the court. If the tenant was given a Written Notice to Terminate, attach a copy of it to the Petition.

There will be a fee for filing the court papers. If you are unsure of the amount, you can contact the Court Clerk's Office for this information.

A court clerk will assign an index number or a docket number to your case. You must write this number on the Notice of Petition and Petition before you have them "served" on the tenant. (More information about "service" is provided below.) You must also include this number on all other papers that you file with the court about this case.

The court clerk will assign a date for your case to be heard in court.

The next step is for you to deliver or "serve" the court papers on the tenant.

"Serving" the Court Papers

There are only three ways to deliver or "serve" a Notice of Petition and Petition in a Holdover Summary Proceeding. A Written Notice to Terminate also should be served in one of these three ways.

As a landlord, you must get a friend or licensed process server to give the papers to every tenant named in the documents. ***You cannot serve the tenant yourself.*** Your friend must be more than 18 years old and may not have served more than five legal papers in the year to be able to serve your papers. If you wish to hire a process server, you may look in the yellow pages of the phone book to locate one.

- **Personal Delivery.** The person who serves the papers must first try to give the papers to the tenant personally, by giving them to the tenant in his/her hand. The papers can be handed to the tenant anywhere.

- **Substituted Service.** If the person serving the papers tries to serve the tenant at home and the tenant is not present, the server can give the papers to the person who answers the door as long as (1) the person resides in the apartment; and (2) is of an appropriate age and has appropriate judgment to take the papers. By the next business day, the server must mail two copies of the papers to the tenant, one by regular mail and one by certified mail.

- **Conspicuous Place Service ("Nail and Mail").** If the person serving the papers is unsuccessful on the first try to serve the papers either by personal delivery or substituted service, then he/she must make a second attempt during a different time period. For example, if no one is home during working hours (9:00 a.m. to 5:00 p.m.), the server can return at 7:30 p.m. during non-working hours. After two unsuccessful attempts have been made to serve the person at home either by personal delivery or substituted service, the server may then use conspicuous place delivery. This is also known as "Nail and Mail."

  "Nail and Mail" requires that a copy of the papers be attached to the door of the actual residence of the tenant or be slipped under the entrance door of that residence. By the next business day, the server must mail two copies of the papers to the tenant, one by regular mail and one by certified mail.

Important rules about "serving" the court papers:

- The court papers cannot be served on a Sunday, Sabbath day, or any other day of religious observance.

- The person who serves the court papers must complete an Affidavit of Service form for each person served. An Affidavit of Service form and instructions is included in the Forms and Instructions section of this booklet. After completing the form, the person who served the papers must sign the Affidavit of Service before a Notary Public, and have it notarized. The completed Affidavit of Service must be submitted to the court within three days of the personal delivery or mailing.

- The Notice of Petition and Petition must be served no more than twelve days and no less than five days before the court date shown on the Notice of Petition.

If the papers are not served as described above, the tenant may tell this to the court clerk or judge as a Defense to the Holdover Summary Proceeding. You will read more about Defenses later in this booklet.

What Happens in Court?

You must appear in court on the date and at the time specified in the Notice of Petition. If you fail to appear on the court date, the judge is allowed to dismiss your case against the tenant. If your tenant fails to appear on the assigned court date, the judge may grant you a default judgment.

The tenant may have filed a written Answer to your Petition. If you receive an Answer, read it carefully, as it may contain a description of the tenant's Defenses to the eviction. (More information about Defenses is provided below.)

Bring all of your evidence to court. This might include, for example, rental receipts, a lease or other written agreement, or photographs of the condition of the rental property. You can bring witnesses to testify about the rental property or about the tenant.

When the court clerk or the judge announces your case, you should say that you are present. Then follow the clerk's and the judge's directions.

The judge may ask both you and the tenant if you are the people named in the Notice of Petition and Petition. The judge may also ask other questions to see if there is any possibility of a Settlement, in order to learn whether you or the tenant would like to work with a mediator or if a trial will be necessary.

What is the Difference Between Settlement, Mediation and Trial?

- **Settlement** - A Settlement is an agreement between you and the tenant about the case. The terms are determined by you and the tenant. For example, the tenant may agree to pay the past due rent if you make certain repairs to the rental property. Or, you may agree to let the tenant stay in the rental property for a certain time period so that the tenant can find another place to live. You and the tenant may agree to have the court enter a Judgment against the tenant allowing the eviction but delaying the time when it will happen.

  In some courts, a Settlement is called a Stipulation and Agreement. The judge may state the terms of the agreement while you and the tenant are in court to avoid any misunderstanding on your part, the tenant's part, or the court's part about what each has agreed to do.

- **Mediation** - In some courts, you and the tenant can agree to have a mediator handle your case instead of the judge. A mediator is a professional, neutral person who is trained to help you and the tenant to come to an agreement about your dispute without the need for a judge to decide it.

- **Trial** - If you and the tenant cannot agree to settle the dispute, the judge will hold a trial to get information that the judge needs to decide the case. During the trial, you will be asked for evidence to support the request to have the tenant evicted. The judge will give the tenant a chance to ask you questions about your evidence. The judge also may ask questions. Then the tenant will have the chance to present evidence. The judge will give you a chance to ask questions about the tenant's evidence and also may ask the tenant questions about it.

  During the trial, the tenant may claim certain Defenses. Some of the more common Defenses are described below. If the tenant claims one or more of these, the judge will give you the chance to explain your side.

  - You (the landlord) did not give the tenant a Notice to Terminate before starting the case;
  - The Notice to Terminate did not give the proper amount of time for the tenant to leave the property;
  - You did not follow the rules for having the Notice of Petition and Petition served on the tenant;
  - The person named as the "Petitioner" (usually you, as the landlord) is not a person authorized to file a Holdover Summary Proceeding;
  - You accepted full or partial rent from the tenant after giving the tenant a Notice to Terminate;
  - There are conditions in the rental property that make it unsafe and/or unliveable for the tenant.

  After you and the tenant have offered all evidence, the judge will make a decision. For further information about what you can expect at a trial, see *How to Prepare for a Landlord-Tenant Trial* (New York City Civil Court), available at: www.nycourts.gov/publications/L&TPamphlet.pdf.

The Judge's Decision

If the judge decides in favor of the tenant, the judge will dismiss your lawsuit. This means that you cannot evict the tenant on this case.

If the judge decides in your favor, the judge will give you a Judgment. The Judgment will give you the right to have the tenant evicted and to take back possession of the rental property. The Judgment may also give you the right to collect money based on the past due rent.

Even if you win a Judgment, the judge may delay or "stay" the date when the tenant has to move in order to give the tenant time to find another place to live.

Procedures After a Judgment

You may be required to complete a Judgment form for the judge to sign. A Judgment form and instructions are included in the Forms and Instructions section of this booklet.

Only a sheriff, constable, marshal, or other enforcement officer – ***not you*** – can evict a tenant after you win a Judgment. It is illegal for a landlord to do it personally. You must get a Warrant of Eviction from the judge, then ask a sheriff, constable, marshal or other enforcement officer to use the Warrant of Eviction to evict the tenant.

Some courts fill out the Warrant of Eviction form, others ask the landlord to fill it out before the judge signs it. The form is attached in the Instructions and Forms section of this booklet. If the judge wants you to fill it out, complete the form as instructed and then present it to the court clerk for signature.

The actual eviction cannot take place until *72 hours* after the enforcement officer gives the tenant written notice that the eviction is going to happen. There will be fees to pay and procedures to follow with the enforcement officials. Contact the enforcement officer to discuss this information.

Important Notes:

- **Orders to Show Cause.** You should also be aware that the tenant may file a court paper called an Order to Show Cause after you have won a Judgment. An Order to Show Cause will usually ask the judge for the chance to re-open the case for one or more reasons.

  If you are served with an Order to Show Cause, read it carefully and be sure to go to court on the date indicated in the court papers. Also read carefully the Affidavit accompanying the Order to Show Cause. This Affidavit will tell you why the tenant is asking the judge to re-open the case.

- **Appeals.** You and the tenant both have the right to appeal the judge's decision to another court if you disagree with it. If you want to appeal, discuss this promptly with the Court Clerk's Office because there are strict time limits that must be followed.

Holdover

FORMS PACKET

HOLDOVER SUMMARY PROCEEDINGS

For Courts Outside New York City

The forms contained in this packet are free and should be used only in Holdover Summary Proceeding in courts outside of New York City. You should read the "Landlord's Guide to Holdover Summary Proceedings" before completing any of these forms.

FORMS AND INSTRUCTIONS	
Notice to Terminate	LT-H-NT
Notice of Petition: Holdover Proceeding	LT-H-NP
Holdover Petition to Recover Possession of Real Property	LT-H-RP
Affidavit of Personal Service	LT-H-APS
Affidavit of Substituted Service or Conspicuous Place Service	LT-H-ASC
Holdover Judgment	LT-H-HJ
Warrant of Eviction: Holdover	LT-H-WE

If you feel you need legal advice at any time during your case, talk with a lawyer. If you cannot afford a lawyer, or are unsure how to find one, these resources can help you:

- Go to www.lawhelp.org/ny/;
- Call the New York State Bar Association Lawyer Referral Service (toll free) at 1-800-342-3661;
- Go to www.nycourthelp.gov and click on "Lawyers";
- Go to www.nycourts.gov/attorneys/nybarassociations.shtml;
- Ask at any courthouse about lawyer referral services.

NOTICE TO TERMINATE

(1)_____, 20___

Re: Premises:

(2)____rooms____floor____side, Apt. No.____

(3) at _____

_____

(4) used for ☐ Business ☐ Residence

TO:

Tenant(s), under-tenant(s) or assigns, and
every person in possession of the premises.

(5)_____ (6)_____

_____ _____

(7)_____ (8)_____

_____ _____

You are hereby notified that the Landlord elects to terminate your tenancy of the above-described premises now held by you on a month-to-month basis. Unless you remove from the said premises by (9) _____, 20__ , the day on which your term expires, the landlord will commence summary proceedings in the City/District/Town/Village Court of (10) _____, to remove you from said premises for holding over after the expiration of your term and will demand the value of your use and occupancy of the premises during such holding over.

(11) Dated: _____

(12) Landlord: _____ _____

Signature Print or Type Name

(13) Agent: _____ _____

Signature Print or Type Name

(14) Landlord or Agent's Address: _____

_____

Instructions for Preparing:

Notice to Terminate

Find the number on the form for each instruction below.
Type or print in black ink only.

1. Write the date you are preparing the Notice to Terminate.

2. Write the number of rooms, on which floor(s), which side of the building, and the apartment number of the premises. (For example, 4 rooms, 2 floor(s), Left side, Apt., No. 33).

3. Write the address of the rental property (for example, 321 FIRST ST., ANYWHERE, NY).

4. Check [✓] the first box if the property is used for business purposes. Check [✓] the second box if the property is used for residential purposes.

5. Write the name of the tenant(s) residing at the property.

6. Write the tenant's address, including the zip code.

7. If there are any under-tenants, write their names.

8. If there are any under-tenants, write their address including the zip code.

9. Write the date that the tenancy will expire.

10. Write the name of the City/District/Town/Village Court.

11. Write the date you are preparing the Notice to Terminate.

12. The landlord signs on this line. Print the landlord's name next to the signature.

13. If the landlord has an agent, the agent signs on this line. Print the agent's name next to the signature.

14. If the landlord signed the form, write the landlord's address. If the agent signed the form, write the agent's address.

STATE OF NEW YORK
CITY/DISTRICT/TOWN/VILLAGE COURT (1) _____
COUNTY OF (2) _____

(4) _____
_____
_____ (3) Index/Docket No._____
Petitioner(s)/Landlord(s)

-against-

NOTICE OF PETITION
HOLDOVER PROCEEDING

(5) _____
_____
_____
Respondent(s)/Tenant(s)

To the Respondents:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the

_____
(6) City/District/Town/Village Court

NO. 8 IS FOR COURT USE ONLY

County of (7) _____ on the (8) _____ day of _____20_____ at _____am/pm, upon the annexed petition, which you must answer, which requests a final judgment evicting you from, and awarding to the petitioner the possession of, premises designated and described as follows:

_____
(9) Street Address Including Zip Code

the_____rooms on the_____Floor(s), Apartment No. _____, in the County of (10) _____ and such other and further relief as is demanded in the petition.

TAKE NOTICE that demand also is made in the petition for judgment against you for the sum of (11) $ _____ , with interest thereon from (12) _____ , 20 _____.

TAKE NOTICE that your answer may set forth any defense or counterclaim you may have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner evicting you from the premises and ordering you to pay the amount demanded in the petition.

DATED: the _____ day of _____ , 20_____.

_____
Judge/Clerk/Attorney

Instructions for Preparing
Notice of Petition: Holdover Proceeding

Find the number on the form for each instruction below.
Type or print in black ink only.

1. Write the name of the court where the case is being started.

2. Write the name of the county where the court is located.

3. Write the Index Number or Docket Number after the court gives you one for this case.

4. Write your name and address, if you are the landlord. (The landlord is the "Petitioner.")
   If you are filling out this form for the landlord, write the *landlord's* name and address, not your own.

5. Write the name and address of the tenant(s). (The tenant is the "Respondent.")

6. Write the name of the court where the case is being started.

7. Write the name of the county where the court is located.

8. *Leave blank.* The court will fill in the scheduled court date and time.

9. Write the address of the rental property, the number of rooms, which floor(s) and/or apartment number .

10. Write the name of the county where the rental property is located.

11. Write the total amount of money you want the judge to award to you.

12. Write the date of the first day after the rental term ended.

Leave the rest blank. Do not sign the form.

STATE OF NEW YORK
CITY/DISTRICT/TOWN/VILLAGE COURT (1) _____
COUNTY OF (2) _____

(4) _____

_____

_____ (3) Index/Docket No._____

Petitioner(s)/Landlord(s)

-against-

HOLDOVER PETITION TO RECOVER POSSESSION OF REAL PROPERTY

(5) _____

_____

_____

Respondent(s)/Tenant(s)

THE PETITION OF (6)_____ owner and landlord of the premises allege that:

1. The undersigned is the owner/landlord of the premises claimed herein and the petitioner in this action.

2. Respondent(s) (7) _____ is/are the Tenant(s) of said premises who entered in possession thereof under rental agreement made on or about the (8) _____day of_____,20____ and ending on (9)_____, 20___ at the rental of (10) _____ for each month payable on the (11) _____day of each month. Respondent(s) (12) _____ is/are the Under-tenant(s) of the aforesaid respondent Tenant(s).

3. The premises are described as follows : (13) _____ which is situated within the territorial jurisdiction of this court.

4. The term for which said premises were rented by the respondent(s) expired on (14) _____,20___ as a result of:

(15)

☐ The agreed-upon time period of the verbal/written agreement has ended.

☐ The agreed-upon time period of the lease has ended.

5. The respondent(s) continue in possession of the premises without permission of the landlord/petitioner after the expiration or termination of said term.

6. (16)

☐ The landlord is in full compliance with the Emergency Tenant(s) Protection Act of 1974 (ETPA), as amended, and the rent demanded is not greater than the maximum rent permitted by law.

☐ The premises are subject to rent control and the rent demanded herein does not exceed the maximum rent prescribed by the New York State Division of Housing and Community Renewal (DHCR).

☐ The premises are presently subject to ETPA, as amended, because _____

_____

_____

and the owner of the premises: has registered rents and services with the DHCR pursuant to ETPA and the tenant(s) Protection Regulations promulgated thereunder; is in compliance with ETPA; and the rent demanded herein does not exceed the legal regulated rent permitted the owner under said Law, Regulations, and appropriate Rent Guidelines Board Orders.

(16 continued)

The apartment is not subject to rent control by reason of:

☐ The premises are located in a community which has not adopted ETPA.

☐ The building in which the premises are located was constructed after December 31,1973.

☐ The building in which the premises are located has less than 6 units.

7. **(17)**

☐ Petitioner lacks written information or notice of any address where the respondent/tenant(s) resides, is employed, has a place of business, has its principal office or place of business in New York State, other than the address of the property sought to be recovered.

8. **(18)**

☐ At least one month before the expiration of the term the respondent tenant(s) was served in the manner provided for by law with a notice that the landlord elected to terminate the tenancy and that unless the tenant(s) removed from said premises on the day on which said term expired the landlord would commence summary proceedings under the statute to remove tenant(s) therefrom.

OR

☐ The respondent/tenant(s) was given notice in accordance with the terms of the lease that the landlord elected to terminate said tenancy.

(19)

The property herein sought to be recovered *is* ☐ *is not* ☐ the residence of the tenant(s) and/or under-tenant(s) herein.

Petitioner requests final judgment: awarding possession of the premises to the petitioner/landlord; issuance of a warrant to remove respondents from possession thereof; judgment for rent in arrears against respondent/tenant(s) for **(20)** $ _____ fair value of use and occupancy; interest from **(21)**_____; costs and disbursements herein.

Dated: **(22)** _____ , 20 ____

Petitioner: **(23)** _____ / _____

(Signature) (Print or Type Name)

STATE OF NEW YORK, COUNTY OF **(24)** _____ ss.: The undersigned

(25)

☐ Petitioner

☐ Attorney for petitioner (petitioner is not within the county in which deponent's office is located).

☐ Agent for petitioner

Being duly sworn states: That deponent has ***read /heard*** the petition, and the contents of the petition are true to deponent's own knowledge except as to those matters which are alleged on information and belief, and as to them deponent believes them to be true.

(26)

_____

(Signature)

_____

(Print or Type Name)

(27)

Sworn to before me this _____ day of _____ , 20 _____

_____

Notary Public

Instructions for Preparing

Holdover Petition To Recover Possession of Real Property *(Page 1 of 2)*

Find the number on the form for each instruction below.
Type or print in black ink only.

1. Write the name of the court where the case is being started.
2. Write the name of the county where the court is located.
3. Write the Index Number or Docket Number after the court gives you one for this case.
4. Write your name and address, if you are the landlord. (The landlord is the "Petitioner.") If are filling out this form for the landlord, write the *landlord's name* and address, not your own.
5. Write the name and address of the tenant(s). (The tenant is the "Respondent.")
6. Write the landlord's name.
7. Write the name(s) of the tenant(s).
8. Write the date of the rental agreement.
9. Write the date the rental agreement ended.
10. Write the rental amount.
11. Write the day of the month the rent was due.
12. Write the name of any Undertenant(s) (Subtenants). An Undertenant (Subtenant) is a person renting the property from the person name in the rental agreement.
13. Write the address of the rental property.
14. Write the date the rental agreement ended.
15. Check the first box if the rental agreement was oral or in a writing other than a lease.

    Check the second box if the rental agreement was a lease.
16. Check the box(es) that apply.

Continued Instructions for Preparing
Holdover Petition To Recover Possession of Real Property *(Page 2 of 2)*

17. Read the statement. Check the box if the statement is true in your case. Otherwise, leave it blank.

18. Check the box that applies to your case.

19. Check the box that describes the rental property. (For example, a rental property used *solely* for a business would not be the tenant's residence.)

20. Write the amount of unpaid rent you want the judge to award to you.

21. Write the date of the first day after the end of the rental agreement.

22. Write the date you finish filling out this form.

23. The *landlord* signs on this line. Print or type the landlord's name next to the signature.

24. Write the name of the county where the petition is being signed.

NOTE: THIS FORM MUST BE NOTARIZED.
LEAVE THE REST OF THIS FORM "BLANK" UNTIL YOU ARE IN THE PRESENCE OF THE NOTARY PUBLIC.

25. Check the box that applies.

26. The person signing this form (from #25) must do so in the presence of a Notary Public.

27. The Notary will complete the date and sign his/her name after it has been signed in their presence by the person indicated in # 25.

STATE OF NEW YORK
CITY/DISTRICT/TOWN/VILLAGE COURT (1) _____
COUNTY OF (2) _____

(4) _____

_____

_____ (3) Index/Docket No._____

Petitioner(s)/Landlord(s)

-against-

AFFIDAVIT OF PERSONAL SERVICE

(5) _____

_____

_____

Respondent(s)/Tenant(s)

State of New York
County of (6) _____ ss.: City/Town Village of (7) _____

(8) _____, being duly sworn, deposes and says

that (s)he served the (9) _____
In the above entitled action upon the following named respondent(s) at the following place(s) and time(s):

(10) TENANT NAME(S)	(11) ADDRESS (CITY/TOWN/VILLAGE) & STATE	(12)TIME & DATE
_____	_____	_____
_____	_____	_____
_____	_____	_____

by delivering to and leaving with respondent(s), personally, a true copy thereof, and deponent further says that (s)he knew the person so served to be the same person mentioned and described in the said summons as respondent therein, and that at the time of making such service deponent was over eighteen years of age and not a party to this action. That (s)he asked respondent whether respondent was in the military service of the United State Government, in any capacity whatever, and respondent replied (s)he was not. Respondent was clad in ordinary civilian clothes and wore no military uniform of any kind.

(13) The person served is described as follows:
Sex_____, Color of Skin _____, Hair Color_____, Approximate: Age _____,
Weight _____, Height_____. Other identifying features: _____

_____

(14)

_____
(Signature)

_____
(Print or Type Name)

(15)
Sworn to before me this _____ day
of _____, 20 _____

_____
Notary Public

LT-H-APS 9-07

Instructions for Preparing

Affidavit of Personal Service

Find the number on the form each instruction below.

Type or print in black ink only.

1. Write the name of the court.
2. Write the name of the county where court is located.
3. Write the Index Number or Docket Number after the court gives you one for this case.
4. Write your name and address, if you are the landlord. (The landlord is the "petitioner.") If you are filling out this form for the landlord, write the *landlord's* name and address, not your own.
5. Write the name and address of the tenant(s). (The tenant is the "Respondent.")
6. Write the name of the county where this Affidavit will be signed and sworn to.
7. Write the name of the city, town, or village where this Affidavit will be signed and sworn to.
8. Write the name of the person who served the papers.
9. Write the name of the document that was served.
10. Write the name of the tenant(s) as it appears on the case papers.
11. Write the address of the place where the tenant was served with the case papers.
12. Write the time and date the tenant was served.
13. Fill in the description of the person served.

NOTE: THIS FORM MUST BE NOTARIZED.
LEAVE THE REST OF THIS FORM "BLANK" UNTIL YOU ARE IN THE PRESENCE OF THE NOTARY PUBLIC.

14. The person who served the papers should sign here in the presence of a Notary Public.
15. The notary will complete the date and sign his/her name. The person who served the papers must sign and print his/her name in the presence of a Notary Public.

STATE OF NEW YORK
CITY/DISTRICT/TOWN/VILLAGE COURT (1) _____
COUNTY OF (2) _____

(4) _____

_____

_____ (3) Index/Docket No._____

Petitioner(s)/Landlord(s)

-against-

AFFIDAVIT OF SUBSTITUTED OR CONSPICUOUS PLACE SERVICE

(5) _____

_____

_____

Respondent(s)/Tenant(s)

State of New York County of (6) _____

(7)_____, being duly sworn, deposes and says that (s)he served the (8)_____ _____in the above entitled action in the following manner, stated herein at the following place and time: By personally delivering to and leaving a true copy for (9) _____ _____ with (10)_____, a person of suitable age and discretion, on the (11)_____ day of_____,20_____, at_____am/pm at (12)_____the ☐ dwelling place, ☐ usual place of abode, ☐ place of business within the State of New York Deponent further states that (s)he describes the person actually served as follows:
(13) Sex_____, Color of Skin _____, Hair Color _____, Age _____, Weight_____, Height_____, Other identifying features _____

_____

AND

by mailing a true copy to the respondent at (14) _____

_____

(his)(her) last known residence by both first class and certified mail on the: (15)_____ of_____, 20____.

OR

by affixing a true copy thereof to respondent's door or by placing a copy of the papers under the entrance door at (16)_____

_____

the ☐ dwelling place, ☐ usual place of abode, ☐ place of business within the State of New York on the: (17) _____ day of _____, 20___ at _____ am/pm.

AND

by mailing a true copy of the same to the respondent at (18)_____

_____

(his/her) last known residence by both first class and certified mail on the:(19)____ day of_____, 20___. Deponent previously attempted to serve the respondent on the (20)_____ day of _____, 20 ____ at _____ am/pm; on the___day of_____ ,20___ at _____ am/pm; and on the___ day of _____ 20____ at _____ am/pm.

(21)

_____
(Signature)

_____
(Print or Type Name)

(22)

Sworn to before me this _____ day of _____ , 20 _____

_____Notary Public

LT-H-ASC 9-07

Instructions for Preparing

Affidavit of Substituted or Conspicuous Place Service

Find the number on the form each instruction below.
Type or print in black ink only.

1. Write the name of the court.
2. Write the name of the county where court is located.
3. Write the Index Number or Docket Number after the court gives you one for this case.
4. Write the landlord's name and address, if you are the landlord. (The landlord is the "Petitioner.") If you are filling out this form for the landlord, write the *landlord's* name and address, not your own.
5. Write the name and address of the tenant(s). (The tenant is the "Respondent.")
6. Write the name of the county where this Affidavit will be signed and sworn to.
7. Write the name of the person who served the papers.
8. Write the name of the case paper(s) that was served.
9. Write the name of the tenant(s) as it appears on the case papers.
10. Write the name of the person who received the papers.
11. Write the date and time that the papers were served.
12. Write the address where the papers were served and place a [✓] in the box that describes that place.
13. Provide the information that describes the person who was served.
14. Write the address to which the papers were mailed.
15. Write the date the papers were mailed.
16. If the papers were affixed or left at the tenant's address, write that address and place a [✓] in the box that describes that place.
17. Write the date and time the papers were affixed or left at the tenant's address.
18. Write the address to which the papers were mailed.
19. Write the date the papers were mailed.
20. Write the dates and times you tried to make personal service on the tenant. Leave blank if no attempts were made at personal service.

NOTE: THIS FORM MUST BE NOTARIZED. LEAVE THE REST OF THIS FORM "BLANK" UNTIL YOU ARE IN THE PRESENCE OF A NOTARY PUBLIC.

21. The person who served the papers should sign here in the presence of a Notary Public.
22. The notary public will complete the date and sign his/her name.