## **EVICTION PROCEDURES**

More information is in Titles 38 and 39 of the Lummi Code of Laws.

Step 1. Determine whether a 14-day Notice of Termination of Lease, Rental Agreement or Other Documents Governing Occupancy is required to be given to the tenant or occupier.

The 14-day notice IS required when the tenant or occupier has done one of the following:

Failure to keep or maintain any condition or covenant of the lease, rental agreement, or other documents governing their occupancy; or

Waste. ("Waste" is spoil or destruction by a tenant of land, buildings, gardens, trees, or other improvements which result in substantial injury to the lessor's interest in the property.)

If the 14-day notice is required, fill out the 14-day notice form included in this packet and serve the tenant/ occupier with the 14-day notice. After the tenant/occupier is served, fill out a proof of service form. If the tenant/ occupier does not leave the premises within 14 days, then include the proof of service of the 14-day notice with the complaint for eviction.

The 14-day notice IS NOT required:

After the expiration of the term of a lease, rental agreement, or other documents governing their occupancy; or

When such person has entered onto or remains on the real property of another without the permission of the owner and without having any substantial claim of a lease or title of the property; or

After termination of their tenancy in conformance with the terms of their lease, rental agreement, or other documents governing their occupancy; or

After a tenant's interest has been foreclosed upon in conformance with Title 36 (Leasehold Mortgages) of the Lummi Code of Laws.

Step 2. Fill-out the Complaint for Writ of Eviction and Restitution.

Step 3. Fill-out a Summons for Writ of Eviction and Restitution

Step 4. Submit the summons and complaint (with attachments) to the Lummi Tribal Court Clerk's Office. Pay filing fee and submit copy of receipt or request fee waiver.

- Ask the Court Clerk for copies of the documents you file with the Court. 0
  - One copy is for the plaintiff.
  - Obtain a copy to be served on the tenant/occupier.

**Eviction Procedures** Page 1

Lummi Tribal Court 2665 Kwina Road Bellingham, WA 98226 (360) 312-2239

Court Form UD - 01 2021

Step 5. Service of Process. The tenant/occupier must be served with the summons and complaint (and all other documents). Service of documents is the responsibility of the plaintiff(s). Service may be accomplished by certified mail, return receipt requested, or by personal service by any person over the age of eighteen (18) years who is competent to testify and is not a party to the action, or by publication under the circumstances set out in Lummi Code of Laws §3.03.040.

Step 6. After the summons and complaint have been served, bring the proof of service to the Court Clerk as soon as possible. The Court Clerk will then set a date and time for the initial hearing. The initial hearing on the eviction is to be set at least five (5), but not more than ten (10) days after the summons and complaint has been served on the tenant/occupier.

Step 7. Attend Court hearing(s). Please bring all of your documents and evidence with you to each hearing.

Eviction Procedures Page 2 Court Form UD - 01 2021 Lummi Tribal Court 2665 Kwina Road Bellingham, WA 98226 (360) 312-2239

## 14-DAY NOTICE OF TERMINATION OF LEASE, RENTAL AGREEMENT OR OTHER DOCUMENTS GOVERNING OCCUPANCY

\_\_\_\_\_

TO:

(write the name of tenant(s) or other persons occupying dwelling unit or real property)

REGARDING OCCUPANCY OF: \_\_\_\_\_

(write the address or other description so the property can be identified with reasonable certainty)

YOU ARE GIVEN NOTICE that you will be guilty of unlawful detainer if you continue to occupy the described property after 14 days have passed from receiving this notice of the termination of your lease, rental agreement, or other documents governing your occupancy.

The basis for termination of your occupancy is:

Failure to pay rent as agreed. Rent was last paid on \_\_\_\_/\_\_\_. The total back rent as of today's date is \$\_\_\_\_\_.

Failure to keep or maintain any other condition or covenant of the lease, rental agreement, or other documents governing their occupancy, as described below:

Waste ("Waste" is spoil or destruction by a tenant of land, buildings, gardens, trees, or other improvements which result in substantial injury to the lessor's interest in the property.) as described below:

Dated:	
	Signature of Owner / Lessor/ or Agent for Owner or Lessor
	Print or Type Name
	Address
	City, State, Zip Code
	Telephone Number

 $Court\ Form\ UD-02\quad 2021$ 

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3	IN THE TRIBA	AL COURT
4	FOR THE LUMMI NAT	
5		
6		Case No.: CVUD
7	Plaintiff	
8	vs.	COMPLAINT FOR WRIT OF EVICTION AND RESTITUTION
9	,	(UNLAWFUL DETAINER ACTION)
10		
11	,	
12	Defendant(s)	
13 14	Plaintiff(s) requests the Defendant(s) be evicted pursuant to Lummi Code of Laws Titles 38 and the property. In support of this complaint, the Pla	39, and restore the Plaintiff(s) to possession of
15	I. PROPERTY	
16	The Defendant(s) are unlawfully occupying the fo	ollowing property:
17	Address or describe the property so that it can	n be identified with reasonable certainty:
18		
19	II. IDENTIFICATION OF OWNER, LESSOR,	OR AGENT:
20	Plaintiff's interest in the property is  owner	lessor
21	Defendant(s).	other documents governing occupancy by the
22	<u>If there is no lease, rental agreement, or ot</u> lessor's legal status with respect to the property.	her documents, attach proof of the owner's or
23	lessor s legar status with respect to the property.	
24		
25		
	COMPLAINT FOR WRIT OF EVICTION AND RESTITUTION OF PROPERTY Page 1 Court Form UD – 03 2021	Lummi Tribal Court 2665 Kwina Road Bellingham, WA 98226 (360) 312-2239

1	III. IDENTITY OF TENANT(S) OR OTHER PERSONS OCCUPYING DWELLING UNIT OR
2	REAL PROPERTY
3	
4	
5	IV. The tenant or other occupier of the dwelling unit and/or real property is guilty of unlawful detainer as follows: (check one of the notice requirements below)
6 7	□ 14 DAY NOTICE REQUIRED AND PROVIDED
8	Defendant(s) was provided with a 14 day notice of termination of their lease, rental agreement, or other documents governing their occupancy. Fourteen (14) days have passed since Defendant's
9	received the 14 day notice of termination and they continue to occupy the premises. The termination of the lease is based on:
10	Date the Defendant(s) was served a 14 day notice of termination of their lease, rental
11	agreement, or other documents governing their occupancy: Date:202
12	☐ Failure to pay rent as agreed. Rent was last paid on/ The total back rent as of today's date is \$
13 14	☐ Failure to keep or maintain any other condition or covenant of the lease, rental agreement, or other documents governing their occupancy, as described in Section VI.
15 16	$\Box$ Waste ("Waste" is spoil or destruction by a tenant of land, buildings, gardens, trees, or other improvements which result in substantial injury to the lessor's interest in the property), as described in Section VI.
17	□ 14 DAY NOTICE NOT REQUIRED
18 19	Plaintiff(s) requests eviction of the Defendant(s) and a Writ of Restitution of the property without the requirement of giving notice. The 14-day notice IS NOT required under LCL 39.04.010(a) because: (check all that apply)
20	The term of a lease, rental agreement, or other documents governing occupancy has expired.
21	The Defendant(s) have entered or remained on the property without the permission of
22	the owner and have no substantial claim of a lease or title to the property. The tenancy has terminated in accordance with the terms of the lease, rental agreement,
23	or other documents governing occupancy.
24	The tenant's interest has been foreclosed upon in conformance with Title 36 (Leasehold Mortgages) of the Lummi Code of Laws.
25	
	COMPLAINT FOR WRIT OF EVICTION ANDLummi Tribal CourtRESTITUTION OF PROPERTY2665 Kwina RoadPage 2Bellingham, WA 98226
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1	
2	V. CLAIM FOR DAMAGES The plaintiff requests the defendant(s) pay for:
3	\$Unpaid back rent;
4	\$Unpaid utilities;
5	\$Charges due the lessor or owner under any lease, rental agreement, or other documents governing the defendant(s) occupancy; and
6	\$Damages caused by the defendant(s) to the property other than ordinary wear and
	tear.
7 8	VI. FACTUAL ALLEGATIONS ( <i>Attach more pages if needed and supporting documents.</i> ) Write the factual statements that support the request for eviction, and claim for damages:
9 10	
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	COMPLAINT FOR WRIT OF EVICTION ANDLummi Tribal Court 2665 Kwina RoadRESTITUTION OF PROPERTY2665 Kwina RoadPage 3Bellingham, WA 98226 (360) 312-2239Court Form UD - 03 2021(360) 312-2239

1						
2	RELIEF REQUESTED					
3	The Plaintiff requests the court to order the following:					
4	☐ Issue a Writ of Restitution evicting the defendants and their property from the premises which are unlawfully occupied.					
5	$\Box$ Order the defendant(s) to pay damages.					
6	$\Box$ If petitioner prevails, order the defendant(s) to pay costs and reasonable attorney's fees in bringing this suit.					
7	the second s					
8	And that the Court grant such other relief as the Court may deem just and proper.					
9	DECLARATION					
10	I declare under penalty of perjury of all applicable civil and criminal laws that 1) I have read this Complaint or it has been read to me; and 2) I understand the contents of the Complaint and					
	believe the contents to be true and correct to the best of my knowledge, information, and belief,					
11 12	formed after reasonable inquiry. Below is the address at which I can receive all legal documents, and I understand I have the duty to update this address with the court if it changes.					
13	Dated:					
	Signature of Owner / Lessor/ or Agent for Owner or Lessor					
14	Signature of Owner / Lesson of Agent for Owner of Dessor					
15	Print or Type Name					
16						
17	Address					
18						
19	City, State, Zip Code					
20	T. L. Leve Newbor					
21	Telephone Number					
22						
23						
24						
25						
	COMPLAINT FOR WRIT OF EVICTION AND RESTITUTION OF PROPERTY Page 4Lummi Tribal Court 2665 Kwina Road Bellingham, WA 98226 (360) 312-2239					
	Court Form UD – 03 2021					

## LUMMI TRIBAL COURT CONTACT INFORMATION SHEET

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DATED

SIGNATURE

IT IS YOUR RESPONSIBILITY TO NOTIFY THE COURT OF ANY CHANGES IN YOUR ADDRESS OR CONTACT PHONE NUMBERS. IF YOU DO NOT, AND A DOCUMENT OR NOTICE IS SENT TO THE WRONG PLACE AS A. RESULT, AN ACTION COULD BE TAKEN IN THE CASE WITHOUT YOUR KNOWLEDGE OR ABILITY TO OBJECT.

CONTACT INFORMATION FORM

Court Form AA - 02 2021

Lummi Tribal Court 2665 Kwina Road Bellingham, WA 98226 (360) 312-2239

1		
2		TRIBAL COURT
3	FOR THE LUMIN	11 NATION, WASHINGTON
4   .	Plaintiff	, Case No.:CVUD
5		SUMMONS FOR WRIT OF EVICTION
6	VS.	AND RESTITUTION
7		, (UNLAWFUL DETAINER ACTION)
8		
9		,
0	Defendant(s)	
[1]	TO: (Write name of defendant(s))	
12	YOU ARE HEREBY GIVEN NOTICE the	hat a complaint for writ of eviction and restitution Lummi Tribal Court, a copy is attached to this summons.
14	A hearing will be held regarding the unlawf	ul detainer/eviction at least five (5), but no more that ten complaint, and you will be provided notice of this
15    16	0	rt prior to the initial hearing, but the written answer will ppear before the court.
17		cordance with the terms of the complaint, unless you
18	For your convenience, an Answer form is a	vailable at the Lummi Tribal Court. If you wish to seek
19	the advice of an attorney/spokesperson in the response, if any, may be made by the deadline	nis matter, you should do so promptly so that your ine.
20		
21	Dated:	Signature of Plaintiff
22		Print or Type Name
23		Address
24		
		City, State, Zip Code
25		
	Summons for Writ of Eviction and Restitution	Lummi Tribal Court 2665 Kwina Road
	Court Form UD – 2021	Bellingham, WA 98226
		(360) 312-2239

	N THE TRIBAL COURT
FOR THE ]	LUMMI NATION, WASHINGTON
	, Case No.: CVUD
Plaintif	
S.	PROOF OF SERVICE
	, (UNLAWFUL DETAINER ACTION)
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	I am NOT a party in this case, I am ov documents by:	er the age	of 18, a	nd declare	e I served	the chec	ked listed
	CHECK ONE:						
4	[] by delivering to and leaving with him/			y of the c	hecked lis	sted docur	nents at
5	the following address:	nts with a r	person of	suitable a	ge and dis	cretion at	the being
6	residence of the person to be served, with served at the following address:		to delive			ine person	
7			i de sé Statut				
	I DECLARE under penalty of perjury und and correct.	der the law	s of the L	ummi Na	tion that t	he foregoi	ng is true
9	Dated this day of	, 20	, in			, v	WA.
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11				- D D			
12	Signature of Server		Print Na	me of Ser	ver		
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