



General Information Publication

Prepared by the Office of the Kitsap County Clerk®

* **Pro se.** For himself; in his own behalf; in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself in court.

~ Black's Law Dictionary

UNLAWFUL DETAINER ACTIONS

For Landlords and Tenants in the State of Washington

WASHINGTON STATE LAW PROHIBITS

Employees Of The Kitsap County Clerk's Office

From Giving Legal Advice

The Kitsap County Clerk's Office sells forms used in Unlawful Detainer actions for \$7.50. (Cash only)

Legal forms may be purchased at some larger stationary or office supply stores, or you may call *Washington Legal Blanks* to inquire where forms can be purchased.

(Washington Legal Blanks: 1-503-223-3137).

IMPORTANT NOTICE:

The information contained in this paper is not intended for use as legal guidance or advice in any individual case. Rather, the information is intended as an overall guide to assist you in understanding the Unlawful Detainer process and is descriptive of the general statutory provisions for Unlawful Detainer actions. For questions or advice on the unique facts and circumstances of any particular case, you should consult with a licensed attorney to answer specific questions you may have regarding your rights and obligations as a landlord or a tenant in the State of Washington.

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| COSTS: |
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COSTS:

All fees referenced in this paper are subject to change based on legislative changes, policy changes, and/or administrative review.

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| Filing Fees: | |
| Unlawful Detainer – No Answer/Response Filed: | \$ 85.00 |
| Unlawful Detainer – With Answer/Response: | 197.00 |
| Subsequent filing of an answer or Show Cause Order where an action has been filed with the \$85 fee requires payment of the balance of filing fee. | 112.00 |
| Writ of Restitution: | 20.00 |
| Charge for Copies (per page uncertified): | .25 |
| Filed With Seal – First Page | 5.00 |
| Per Page Thereafter, (per document): | 1.00 |
| Service Fees: Contact the agency for the cost of service. | |
| Kitsap County Sheriff's Office: 360-337-7104 | |

HEARING SCHEDULE:

HEARINGS:

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|-----------------------------------------------------|-----------------|-----------|
| Ex Parte (No notice required, Check in at | Monday – Friday | 8:30 a.m. |
| Clerk’s Office at least 15 min. prior to appearing) | Monday - Friday | 3:30 p.m. |
| Civil Motions (Notice required) | Friday | 9:00 a.m. |

UNLAWFUL DETAINER OVERALL PROCESS:

An Unlawful Detainer Action **CAN BE FILED** with the Kitsap County Superior Court,

AFTER the Tenant (Renter) Has Received:

→ ***A Three-Day Notice to Pay or Vacate,***

OR

→ ***A Twenty-Day Notice to Vacate,***

AND

→ ***The Time Period Has Expired.***

An Unlawful Detainer Action begins with a **Summons** and **Eviction Complaint**. The landlord (Plaintiff) must complete **Both** of these forms. It is important that the response date be written on the Summons. This is the date that the tenant (Defendant) must respond in writing to the Court and/or Landlord (Plaintiff). The response date should be ***No Less than Six Days***, and ***No More than Twelve Days***, from the date of service.

An Unlawful Detainer action may be filed with the Clerk’s office either before or after the tenant is served with the Summons and Unlawful Detainer Complaint. If you receive a response/answer from the tenant, **it is your responsibility to file that response with the Clerk’s office**. This is especially true if you have not yet filed the case, because the **Clerk’s office cannot accept an answer/response from the tenant unless a case has been filed**.

FILING PROCEDURE:

The original Summons and Eviction Complaint is filed with the Kitsap County Clerk's Office, Room 202, in the Kitsap County Courthouse. The landlord (Plaintiff) should have a minimum of two copies and the original of each pleading. The clerk's office will keep the original. The copies will be conformed with the cause number and the filing date to show the date the document(s) were submitted for filing. If you forget to bring copies, the clerk's office can make copies of unfiled documents for \$.25 per page or copies of filed documents for \$.50 per page (without court seal). You will save money and time by bringing copies with you.

The filing fee for filing an Unlawful Detainer action is either \$85.00 or \$197.00.

\$85.00 Filing Fee:

When filing under this fee, the only orders that can be signed by the Judge/Court Commissioner are the Order of Default and/or Judgment and Order Issuing Writ. This filing fee is appropriate for cases where no answer has been filed or where the landlord (Plaintiff) anticipates the tenant (Defendant) will not file an answer/response. If the tenant (Defendant) files an answer/response it will be necessary to obtain an Order to Show Cause. If the cause of action requires an Order to Show Cause, the landlord must pay the balance of the filing fee.

\$197.00 Filing Fee:

The landlord (Plaintiff) can pay this full filing fee when first filing an Unlawful Detainer action. The landlord would obtain an Order to Show Cause prior to serving the tenant (Defendant) with the Summons and Eviction Complaint. To obtain an Order to Show Cause the landlord would need to complete a Motion to Show Cause and an Order to Show Cause. The Order to Show Cause can be presented to the Judge for signature at the ex parte calendar. The Summons, Complaint and Order to Show Cause would all be served on the tenant (Defendant) at the same time. Those choosing to file an Order to Show Cause usually expect the tenant (Defendant) to respond to the Complaint or want the tenant to appear before the Judge because of the probability of some dispute as to the money due or damage to the property.

SERVICE:

The Summons and Eviction Complaint must be served personally, by someone over the age of 18 who is not a party to the action. The Plaintiff(s) may not serve the papers. A sheriff or professional process server may be used or you may find it less expensive to have a friend or relative provide the service. If you have a friend or relative serve the papers, they must complete and sign a paper stating they served the Summons and Eviction Complaint. The document is called an Affidavit of Service. The Affidavit of Service must be signed in the presence of a Notary Public. The Clerk's Office does not have a Notary Public. Please have all documents requiring a notary seal notarized before filing with the clerk's office. If you use a process server or law enforcement office to serve the papers, they will probably have their own Affidavit of Service or Return of Service form. **Proof of service is required for the Judge/Court Commissioner to sign an Order of Default.**

ORDER OF DEFAULT:

The Plaintiff may present a Motion and Order for Default to the Judge/Court Commissioner if the tenant (Defendant) does not respond/answer the complaint by the deadline for responding. The Motion and Order for Default can be presented ex parte any day after the response date has expired. To attend an ex parte court session first go to the Clerk's Office at the appropriate time and tell the clerk you will be going to the ex parte session of court. The clerk will tell you which courtroom to go to. The clerk will also make sure your court file is sent to the proper courtroom. In addition to presenting the Order for Default, you will also want to present the Judgment and the Order Issuing Writ of Restitution to the Judge/Court Commissioner for approval and signature.

MOTION AND ORDER TO SHOW CAUSE:

If the tenant (Defendant) answers the complaint, it will be necessary to obtain an Order to Show Cause. The Motion for an Order to Show Cause and the Order to Show Cause can be presented ex parte any day after the response has been filed or prior to serving the Summons and Eviction Complaint. This is also done on the ex parte calendar. The Order to Show Cause will set a show cause hearing on the Civil Motion Calendar which is heard every Friday at 9:00 a.m.

SHOW CAUSE HEARING:

It is necessary for the Plaintiff to appear at the Show Cause hearing. The Defendant needs to know about this hearing date at least five days in advance of the hearing. The landlord should have proof of service showing when the tenant received notice of the hearing. The hearing should be confirmed and bench copies provided to Superior Court. At the Show Cause hearing the court will hear argument from both the landlord and tenant. The court will then make a decision regarding the judgment and the writ of restitution. If the court does not have sufficient time to hear the matter on the civil motion calendar or is unable to make a decision, it will set the matter over for trial. If the court decides in favor of the landlord (Plaintiff), the landlord should be prepared to present the final orders to the Judge for signature.

WRIT OF RESTITUTION:

After the Judge has signed the Order Directing Issuance of Writ and/or Judgment, the Clerk's Office can issue the Writ of Restitution. The cost to obtain a Writ of Restitution is \$20.00. Please have the original Writ of Restitution and four copies. The Sheriff's Office will require three copies of the writ (as well as a copy of the Judgment entered) and the landlord (Plaintiff) should have a copy for his/her records. The sheriff must serve the Writ of Restitution upon the tenant (Defendant). The sheriff will charge a fee for the service. You will need to consult the sheriff's office regarding their fee for serving the Writ of Restitution.

All costs incurred in the Unlawful Detainer action can be added to the judgment amount. The costs include costs of service (if any), costs for the forms, filing fees, and/or fee for obtaining the Writ.

If You Do Not Understand The Unlawful Detainer Process Or Have Legal Questions, You May Wish To Consult With An Attorney.

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