



# Filing a Complaint to Ask for Your Security Deposit Back

**Note:** Use these instructions and forms to sue your past landlord to get your security deposit back. Before you sue, it may be a good idea to send a letter. Read about sending a letter on page 3 of this packet.

These instructions and forms may not be right for your case. They cannot take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Print the forms in this packet single-sided, with writing on only one side of the page. Do not change the forms. If you change the forms, you might lose language you need.

## Who Can Use These Forms?

You can use the forms if you moved out of a rental property more than 30 days ago, and you disagree with your past landlord about the security deposit because the landlord:



- Did not send you anything at all; **OR**
- Sent you less than the amount you think the landlord owes you; **OR**
- Did not refund your full deposit and did not send you a list of deductions made from your security deposit within 30 days of when you moved out.

**WARNING:** Do NOT use this packet if you choose to file your case under the court rules for small claims.

## What Words Do I Need to Know?



A **Plaintiff** is someone who files a lawsuit in court. If you use these forms to ask the court to return your security deposit, you are the Plaintiff.

A **Defendant** is someone who is being sued. If you use these forms to sue your past landlord for your security deposit, the landlord is the Defendant. There could be more than one Defendant.

## What Forms Will I Need To Get my Security Deposit Back?

You will need to fill in and file the following forms to sue your past landlord:

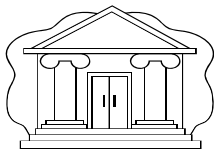
- Complaint
- Summons
- Request to Serve Documents
- Order Setting Hearing
- Judgment
- Affidavit of Inability to Pay (not included in this packet, so ask the clerk of court for this form if you cannot afford to pay the filing fee)



The **Complaint** asks the court to make the defendant give your security deposit back. It also tells why you think you should get your security deposit back. You will file the Complaint and have each defendant served with a copy.

The **Summons** is the notice from the court to each defendant. The Summons tells the defendant that you are suing him or her, and how long the defendant has to file an Answer with the court. The judge or clerk of court will sign the Summons. You are responsible for having each defendant served with the Summons, along with the Complaint.

The **Request to Serve Documents** asks the sheriff's office to personally deliver copies of the court papers you filed to the defendant. You will write the defendant's name, contact information, and papers to be served.



The **Order Setting Hearing** is for the judge to fill in, except for the caption that you will fill in. After the judge fills it in, the court will send a copy of it to you and to each defendant (if the defendant files an Answer) to tell you when and where the hearing will happen.

The **Judgment** is for the judge to fill in, except for the caption that you will fill in. It tells you the judge's decision. After the judge decides your case, the judge

may fill out the Judgment that is part of this packet. Or the judge may choose to write out his or her own Judgment and not use this form.

Use the **Affidavit of Inability to Pay** to ask the court to not pay the fees the court charges to file your Application. The form is not included in this packet. If you cannot afford to pay the filing fee for the Application, ask the clerk of court for an Affidavit of Inability to Pay. Courts may use different names for this form. The Affidavit will require you to provide information about your income and expenses. The court will review your Affidavit and decide if you have to pay the filing fee.



**Important:** File your Affidavit of Inability to Pay early! You must file your Affidavit before you can file your Complaint without paying the filing fee. You need to allow the judge enough time to review your Affidavit. If the judge has not approved your Affidavit, the clerk of court may not accept your Complaint for filing without payment of the fee.

### **Should I Send a Letter to my Past Landlord Before I Sue?**



You can use a separate packet, “Asking Your Landlord for Your Security Deposit Back,” to write your past landlord a letter asking for your security deposit back. You can find the form letter at [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org) or at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). You do not have to send a letter before you sue, but it may be a good idea. If you send a letter, you might work something out with your past landlord without filing a lawsuit.

### **What CAN My Past Landlord Deduct From My Security Deposit?**

In general, the law allows a landlord to deduct from your security deposit what it costs to get your rental back to the condition it was in when you moved in. Some things the landlord can deduct for include:

- ✓ Cleaning expenses needed to get your rental back to the condition it was in when you moved in;
- ✓ Any damages to any part of the rental caused by you or your family or guests, even if it was by accident;

- ✓ Unpaid rent;
- ✓ Unpaid late charges;
- ✓ Unpaid utility bills;
- ✓ Penalties due under your rental agreement; and
- ✓ Any other money you owe the landlord.



## What Is My Past Landlord NOT Allowed to Deduct?

Your landlord can't deduct costs of normal maintenance the landlord does on a cyclical basis, unless the landlord is forced to do the maintenance because of your negligence or carelessness.

## Who Do I Sue?

Sue the person or business that has the power to make decisions about your security deposit. The general rule is to sue whoever signed your rental agreement as your landlord. Sometimes you may want to sue more than one person or business. For example, you may have rented a place from a property management company. In that case, you may need to sue the owner of the property, the property management company, and the property management company employee who signed your rental agreement. You can always sue the owner, whether or not there is a property manager. You do not need to sue everyone who works for the landlord, such as maintenance workers. Sue the people or businesses that make decisions about the security deposit.



## Where Should I File These Forms?

You need to file these forms either:

- (1) In the county where the defendant lives; **OR**
- (2) In the county where the rental property sits.

After you find the right county, you may choose to sue in a district court or a court of limited jurisdiction. Courts of limited jurisdiction include city courts, municipal courts, and justice courts. District courts and courts of limited jurisdiction all have

the power to decide about your security deposit. Generally, if the security deposit is \$7,500 or less, it may be a good idea to sue in a court of limited jurisdiction. If you sue in a district court, it may take longer to get a decision.

### **What Can the Defendant(s) Do After I File My Complaint?**

Each defendant has 20 days after being served to file an Answer. In the Answer, the defendant will respond to what you say in the Complaint.

In the Answer, the defendant may also sue you for any damages to the rental that were not covered by your security deposit. This is called a counterclaim. For example, suppose you paid a security deposit of \$250, but your dog ate the landlord's \$300 drapes. The landlord could file a counterclaim saying you owe \$50 for the damage that was more than the security deposit. It is a good idea to think about counterclaims the defendant may have against you before you file a Complaint.

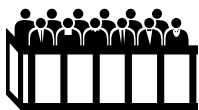


Also, if a defendant hires an attorney and then wins, the judge can order you to pay the defendant's attorney fees. Do not file a Complaint unless you are pretty sure that you can prove that the landlord owes you money.

### **What If the Defendant Does Not Respond to My Complaint?**

If the defendant does not file an Answer within 20 days after the defendant is served, you may file a Motion for Default Judgment. This packet does not contain a form for that Motion. If the court gives you a default judgment, you win against that defendant because the defendant did not respond to your Complaint.

### **Can I Have a Jury Trial?**



You have a right to a jury trial, but you do not have to have one. If you tell the court you want a jury trial, you may have to pay for the costs of the jury trial. Costs of a jury trial include a stipend and travel expenses paid to each juror. Jury trials can be expensive. The State will not pay for the cost of the jury for you. It may also take longer to get a hearing if

you request a jury trial. If you do not have a jury trial, a judge will decide the case. If you want a jury trial, print "I REQUEST A JURY TRIAL" under the word "Complaint" on the first page of your Complaint. If you write this, you are telling the court that you can and will pay the jury costs for the hearing. The court may ask you about this, especially if you filed an Affidavit of Inability to Pay.

## How Do I Use These Forms?



### 1 Fill in the Forms

- Fill in all blanks on the Complaint and Request for Service.
- Attach to the Complaint any papers you need to support your Complaint (like a copy of the written rental agreement).
- Sign and date the Complaint and Request for Service.
- Fill in just the caption on the Summons, Order Setting Hearing, and Judgment. The caption looks like this:

<p><b>In the</b> (check <b>one</b> box and fill in the blank for the court where you are filing):</p> <p><input type="checkbox"/> <b>Justice Court of</b> _____ <b>County,</b>  <small>(county of court where you are filing)</small></p> <p><input type="checkbox"/> <b>City Court of</b> _____,  <small>(city of court where you are filing)</small></p> <p><input type="checkbox"/> <b>Municipal Court of</b> _____,  <small>(city of court where you are filing)</small></p> <p><input type="checkbox"/> _____ <b>Judicial District Court of</b> _____ <b>County,</b>  <small>(number) (county of court where you are filing)</small></p> <p style="text-align: center;"><b>State of Montana</b></p>	
<p>_____,  <small>(your name)</small></p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>_____,          _____,          _____,          _____,  <small>(name(s) of property owner and/or property management company and/or person who signed rental agreement)</small></p> <p style="text-align: right;">Defendant(s).</p>	<p>Cause No.: _____</p> <p>Dept. No.: _____  <small>(filled out by court)</small></p> <p><b>Name of Form</b></p>


## 2 Make copies

**Note:** If you are suing more than one defendant, you need to make more copies than what is listed below. Add one copy for each additional defendant.

- Summons: 2 copies
- Complaint (including any attachments): 2 copies
- Request to Serve Documents: 1 copy
- Order Setting Hearing: 3 copies
- Judgment: 1 copy



## 3 File the Forms at the Courthouse

- Go to the office of the clerk for the court where you have decided to file your Complaint. Remember to go to a court in either the county where the landlord lives, or the county where the rental property is located.
- If you cannot afford the fee for filing your Complaint, ask the clerk of court for an Affidavit of Inability to Pay. This form may be called something different in your court.
- File the original Complaint with the clerk.
- Give the original Summons to the clerk.
- Give the clerk your copies of the Complaint and Summons. Ask the clerk to stamp the copies as “Filed” on that date. Keep one copy of each, and serve the other copies on each defendant.
- Give the clerk all copies of the Order Setting Hearing.
- Give the clerk of court a self-addressed stamped envelope, so the clerk can send you a copy of the Order Setting Hearing after the judge fills it in. 
- Give the Judgment form to the clerk. Ask the clerk to lodge the Judgment form. Lodging means that the clerk will not officially file the document, but will just keep the Judgment form inside the court file so

the judge can look at it in the future. If the clerk will not lodge the Judgment form, keep it in a safe place until your hearing.



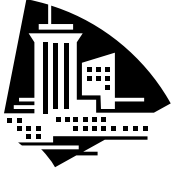
#### **4 Have the Defendant(s) Served**

- Have each defendant served with a copy of the completed Summons and Complaint. You cannot hand the papers to the defendant yourself. Correct service is important. If there is no proof that the defendant was correctly served, the court may refuse to hold a hearing.
- Ask the sheriff's office in the county where each defendant lives to serve the Summons and your Complaint (including any attachments) on the defendant. The sheriff will serve the papers for free if:
  - The defendant lives in Montana:  
AND
  - You have an Order of Inability to Pay Costs from the judge.If one of these two things is not true, you need to pay the sheriff.
- Mail or hand-deliver your original Request to Serve Documents, a copy of your Summons and Complaint (including any attachments) to the sheriff's office in the county where each defendant lives. You need a separate Request to Serve Documents and set of papers to be served for each defendant you sue. If you have an Order of Inability to Pay Costs, give a copy of that to the sheriff's office with your other papers.
- Give the sheriff's office a self-addressed, stamped envelope so they can mail you the Proof of Service after they serve the defendant.
- If a defendant does not live in Montana, you still need to have the court papers served according to Montana law. Contact the sheriff of the county where each defendant lives and ask how much they charge to serve documents on someone. In some states, the sheriff will waive the fee if you have an Order of Inability to Pay from Montana. But some sheriffs may not waive the fee. Mail the Request to Serve Documents and court papers to the sheriff of the county where each defendant lives, along with the fee or your Order of Inability to Pay.



Also give the sheriff's office a self-addressed stamped envelope so they can mail you the Proof of Service after they serve the defendant.

- If a defendant is a corporation or partnership, write one of the following people on the Summons and have that person served:



- (1) name and business address of the manager or person in charge of the business;
- (2) name and address of the corporation's registered agent, which you can get from the Montana Secretary of State's office; or
- (3) names and addresses of any trustees, if the defendant is a corporation no longer authorized to do business in Montana.

**Note:** Serving a corporation or partnership can be hard. Please contact a lawyer if you need advice or help serving a corporation or partnership.

## 5 File the Proof of Service

- After the sheriff's office returns the Proof of Service, make a copy. Take the original and copy to the clerk of court where you filed your Complaint. Ask the clerk to stamp your copy as "Filed." Keep the copy, and bring it with you to your hearing.



## 6 Wait for the Defendant(s) to Answer

- Each defendant has 20 days after being served to file an Answer. After the 20 days have passed, if the defendant has not filed an Answer, you can file a Motion for Default Judgment. There is no form in this packet to file a Motion for Default Judgment.





**Note:** If the defendant files a counterclaim against you, you must file a written Answer to the Counterclaim. This packet does not cover how to answer a counterclaim. Talk to a lawyer if the defendant files a counterclaim against you. Read more about counterclaims on page 5 of this packet.

- After each defendant files an Answer, the court will fill out and sign the Order Setting Hearing. The clerk of court will mail a copy of the Order to you and each defendant that has filed an Answer.

- If you want any witnesses to testify at your hearing, you may need to subpoena them before the hearing. A subpoena orders a person to come to court even if the person does not want to. When you get the Order Setting Hearing, you can ask the clerk for subpoena forms.

## 7 Go to Your Hearing

- Bring the stamped copies of your Complaint and any other papers you filed with the court to your hearing. Also bring the Judgment form if the clerk would not let you lodge it when you filed your Complaint.
- Arrive at the courthouse at least 15 minutes before your hearing will start. Dress like you were going to an important job interview. 
- To find the right courtroom for your hearing, ask the clerk of court's office. In some courts, you must check in with the clerk before going into the courtroom. After you talk with the clerk, go to your courtroom and wait for the judge to say your name and case number. Call the judge "Your Honor."
- Be prepared to tell the judge how much of your security deposit your past landlord owes you and why. Bring witnesses who can testify that you left the rental clean and undamaged when you moved out. Tell the judge if you have brought any witnesses who will testify. Show the judge any photos and papers that help prove why you should get your security deposit back. 
- If the clerk would not let you lodge the Judgment form when you filed your Complaint, you may need to give it to the judge. At the beginning of the hearing, when the judge asks if you are ready, say "Your Honor, I have a proposed judgment form for your consideration." Then ask if the judge wants you to hand the Judgment form to him or her. The judge may or may not take the Judgment form from you. It is okay if the judge does not want the Judgment form.

## Where Can I Get More Information?



The laws of Montana are called the Montana Code Annotated or “MCA.” The laws about getting your security deposit back begin in the MCA at Title 70, Chapter 25, Section 101. An easier way to write one of those laws is: § 70-25-101, MCA. The symbol § means section. You can find the MCA at your local library or on the Montana State Law Library website at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). Click on the “Laws” option near the top of the page and then click on “MCA.”

## Where Can I Get Legal Help?



These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). Or you can contact a Reference Librarian at (800) 710-9827 or by email at [mtlawlibrary@mt.gov](mailto:mtlawlibrary@mt.gov).

## Please take a short survey about this form.

When you are done with the form, please take our online survey at this address:

[http://www.surveymonkey.com/s.aspx?sm=fCBbhbbJj4MdOWw\\_2fjsCilg\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=fCBbhbbJj4MdOWw_2fjsCilg_3d_3d)



Or you can access the survey on the “Forms” page of the State Law Library website, at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). Your answers will help make the form better. Thank you!

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your mailing address)

\_\_\_\_\_  
(city) (state) (zip)

\_\_\_\_\_  
(your phone number—optional)

**Plaintiff Pro Se**

**In the** (check **one** box and fill in the blank for the court where you are filing):

**Justice Court of** \_\_\_\_\_ **County,**  
(county of court where you are filing)

**City Court of** \_\_\_\_\_,  
(city of court where you are filing)

**Municipal Court of** \_\_\_\_\_,  
(city of court where you are filing)

\_\_\_\_\_ **Judicial District Court of** \_\_\_\_\_ **County,**  
(number) (county of court where you are filing)

**State of Montana**

<p>_____, (your name) Plaintiff, v. _____, _____, _____, (name(s) of property owner and/or property management company and/or person who signed rental agreement) Defendant(s).</p>	<p>Cause No.: _____ Dept. No.: _____ (filled out by court)</p> <p style="text-align: center;"><b>Complaint</b></p>
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I am the Plaintiff in this case. I am complaining that the Defendant(s) did not return my security deposit to me after I moved out. I am asking for relief. I state the following facts to support of my claim:

**1 Information about Me**

My name is: \_\_\_\_\_ . I currently  
(your full name)  
live in: \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_ County.  
(city) (state) (county)

**2 Information about the Defendant(s)** (check **all** that are true about the Defendants you name in the caption and are having served):

My former landlord is a Defendant. My former landlord's name is:  
\_\_\_\_\_. My former landlord's address is:  
(landlord's name)  
\_\_\_\_\_,  
(landlord's address)  
\_\_\_\_\_ in \_\_\_\_\_ County.  
(city) (state) (county)

My former property manager or management company is a Defendant. My former property manager or management company's name is: \_\_\_\_\_.  
(name of property manager or company)  
The address for the property manager or management company is:  
\_\_\_\_\_,  
(property manager or management company's address)  
\_\_\_\_\_ in \_\_\_\_\_ County.  
(city) (state) (county)

The employee of the property management company who signed my rental agreement is a Defendant. The employee's name is:  
\_\_\_\_\_.  
(name of employee)

**3 Our Rental Agreement**

The Defendant(s) and I had a rental agreement that was (check **one** box):

In writing. A copy of the written rental agreement is attached to this Complaint (attach written rental agreement to Complaint).

**OR**

In writing. I do not have a copy of the rental agreement.

**OR**

Not in writing.

The rental agreement was for the rental property located at:

\_\_\_\_\_  
(street address of the property you rented)  
\_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_ County.  
(city) (state) (county)

#### **4 My Security Deposit**

I paid a security deposit of \$ \_\_\_\_\_ when I moved in.  
(amount you paid)

#### **5 Moving Out**

I moved out of the rental more than 30 days ago, on: \_\_\_\_\_.  
(mm/dd/yyyy)

#### **6 Defendant(s)'s Violation of the Law**

The Defendant(s) violated the law by (*check all boxes that are true*):

- Deducting for cleaning charges that are regular maintenance;
- Deducting for cleaning charges without giving me a 24-hour written notice of the cleaning that needed to be done;
- Deducting for charges not included in § 70-25-201, MCA (*read pages 3 and 4 to learn about charges the landlord can deduct*);
- Returning part of my security deposit, but not all the law requires;
- Keeping all of my security deposit without a lawful reason;
- Not giving me a list of deductions that were taken from my security deposit;
- Keeping part or all of my security deposit for cleaning charges or damages, without giving me a written list of damage and cleaning charges within 30 days of when I moved out.

Because of Defendant(s)' violation of the law, Defendant(s) owe(s) me  
(write the amount the Defendant(s) owe(s) you) \$\_\_\_\_\_,  
calculated as follows (write how you came up with the amount the  
Defendant(s) owe(s) you):\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

**7 Written Notice of Violation** (check **one** box)

I sent a letter to the Defendant(s) asking for my security deposit  
on \_\_\_\_\_.  
(mm/dd/yyyy)

**OR**

I did not send a letter to the Defendant(s) asking for my security  
deposit. The law does not require me to send a letter before filing  
this Complaint.

**Request for Relief**

I respectfully ask the Court to order:

1. That the Defendant(s) refund the part of my security deposit that  
was wrongfully withheld. The amount that was wrongfully withheld  
is (write the amount of your security deposit the landlord owes you):  
\$\_\_\_\_\_.
2. For any other relief the court feels is proper, including awarding  
court costs to me, if I paid any court costs.

Date: \_\_\_\_\_  
(mm/dd/yyyy)

Signature: \_\_\_\_\_  
(sign your name)

Print Name: \_\_\_\_\_  
(print your name)

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your mailing address)

\_\_\_\_\_  
(city) (state) (zip)

\_\_\_\_\_  
(your phone number—optional)

**Plaintiff Pro Se**

**In the** (check **one** box and fill in the blank for the court where you are filing):

**Justice Court of** \_\_\_\_\_ **County,**  
(county of court where you are filing)

**City Court of** \_\_\_\_\_,  
(city of court where you are filing)

**Municipal Court of** \_\_\_\_\_,  
(city of court where you are filing)

\_\_\_\_\_ **Judicial District Court of** \_\_\_\_\_ **County,**  
(number) (county of court where you are filing)

**State of Montana**

<p>_____ (your name) Plaintiff,</p> <p>v.</p> <p>_____ _____ _____ (name(s) of property owner and/or property management company and/or person who signed rental agreement) Defendant(s).</p>	<p>Cause No.: _____</p> <p>Dept. No.: _____ (filled out by court)</p> <p><b>Summons</b></p>
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The State of Montana summons you to answer the Complaint in this action. The Complaint is filed in the office of the court named above. A copy of



the Complaint is attached to this Summons and is now served on you. If you deny any or all of the facts in the Complaint, you must file your written Answer with the court named above. You must also pay any fee the court requires for filing an Answer, unless you get the court's permission to file the Answer without paying the fee. You must also send a copy of your Answer to the Plaintiff or the Plaintiff's attorney at the address on the Complaint.

The Answer must have a denial of any or all of the facts in the Complaint that you believe are not true. The Answer must also have a plain, direct statement of any facts that make up a defense. Any facts in the Complaint that you do not deny in your Answer will be considered admitted. If you do not file an Answer or Counterclaim within 20 days after service of the Complaint and Summons, the Plaintiff may ask the court to enter a judgment against you by default.

*(Rest of form to be filled out by court.)*

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

\_\_\_\_\_  
Clerk of Court

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your mailing address)

\_\_\_\_\_  
(city) (state) (zip)

\_\_\_\_\_  
(your phone number—optional)

**Plaintiff Pro Se**

**In the** (check **one** box and fill in the blank for the court where you are filing):

**Justice Court of** \_\_\_\_\_ **County,**  
(county of court where you are filing)

**City Court of** \_\_\_\_\_,  
(city of court where you are filing)

**Municipal Court of** \_\_\_\_\_,  
(city of court where you are filing)

\_\_\_\_\_ **Judicial District Court of** \_\_\_\_\_ **County,**  
(number) (county of court where you are filing)

**State of Montana**

<p>_____ (your name) Plaintiff,</p> <p>v.</p> <p>_____ _____ _____ (name(s) of property owner and/or property management company and/or person who signed rental agreement)</p> <p>Defendant(s).</p>	<p>Cause No.: _____</p> <p>Dept. No.: _____ (filled out by court)</p> <p><b>Request to Serve Documents</b></p>
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(Fill out a Request for each Defendant. Make copies of blank form as needed. Give the Sheriff a set of copies of court papers to be served on each Defendant.)

To the Sheriff of \_\_\_\_\_ County:  
(write the Defendant's county)

Please serve \_\_\_\_\_ as soon as possible with  
(write name of Defendant to be served)

the following documents: 1) Summons, and 2) Complaint. Please return proof of service to me at the address at the top of this document. Thank you.

With these documents I am also sending (check **one** box and attach either the court's order waiving your filing fee, or your check or other form of payment):

Order of Inability to Pay Filing Fees, which waives the fee for service

**OR**

\$ \_\_\_\_\_ to cover the fee for service.  
(amount of service fee)

1. Here is a description of Defendant, the person to be served (describe how the person looks): \_\_\_\_\_  
\_\_\_\_\_.

2. Defendant can be found (check and fill in the blanks for **any** box that you can give information for):

At Defendant's home: \_\_\_\_\_.  
(address where Defendant lives)

Times Defendant is at this address: \_\_\_\_\_.  
(times Defendant is usually at home)

At Defendant's workplace: \_\_\_\_\_.  
(address or place where Defendant works)

Times Defendant is at this address: \_\_\_\_\_.  
(times Defendant is usually at work)

At some other place: \_\_\_\_\_.  
(address of another place Defendant can be found)

Times Defendant is at this address: \_\_\_\_\_.  
(times Defendant can be found there)

Date: \_\_\_\_\_  
(mm/dd/yyyy)

Signature: \_\_\_\_\_  
(sign your name)

Printed Name: \_\_\_\_\_  
(print your name)

**Proof of Service**  
*(for Sheriff's use only)*

I hereby certify that:

I personally served the Summons and the Complaint on the Defendant by delivering a copy of said Summons and Complaint to Defendant \_\_\_\_\_ personally on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M. at this address \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_.

**OR**

After due effort, I was unable to locate or serve the Defendant \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Sheriff

By: \_\_\_\_\_  
Deputy Sheriff

**In the** (check **one** box and fill in the blank for the court where you are filing):

**Justice Court of** \_\_\_\_\_ **County,**  
(county of court where you are filing)

**City Court of** \_\_\_\_\_,  
(city of court where you are filing)

**Municipal Court of** \_\_\_\_\_,  
(city of court where you are filing)

\_\_\_\_\_ **Judicial District Court of** \_\_\_\_\_ **County.**  
(number) (county of court where you are filing)

**State of Montana**

<p>_____, (your name) Plaintiff, v. _____, _____, _____, (name(s) of property owner and/or property management company and/or person who signed rental agreement) Defendant(s).</p>	<p>Cause No.: _____ Dept. No.: _____ (filled out by court)</p> <p><b>Order Setting Hearing</b></p>
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(Rest of form to be filled out by court.)

The hearing on the Complaint for return of a security deposit filed in this case is set for the following date: \_\_\_\_\_, time \_\_\_\_\_ (a.m./p.m.), and place: \_\_\_\_\_.

Date signed: \_\_\_\_\_ Judge: \_\_\_\_\_

**In the** (check **one** box and fill in the blank for the court where you are filing):

**Justice Court of** \_\_\_\_\_ **County,**  
(county of court where you are filing)

**City Court of** \_\_\_\_\_,  
(city of court where you are filing)

**Municipal Court of** \_\_\_\_\_,  
(city of court where you are filing)

\_\_\_\_\_ **Judicial District Court of** \_\_\_\_\_ **County.**  
(number of district) (county of court where you are filing)

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**State of Montana**

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\_\_\_\_\_,  
(your name)

Plaintiff,

v.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(name(s) of property owner and/or  
property management company and/or  
person who signed rental agreement)

Defendant(s).

Cause No.: \_\_\_\_\_

Dept. No.: \_\_\_\_\_  
(filled out by court)

## Judgment

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(Rest of form to be filled out by court.)

A Complaint for return of a security deposit was filed in this case. The final hearing was held on:\_\_\_\_\_.

Plaintiff appeared in person, and  
Defendant:  Appeared in person  Did not appear.

With counsel.

Without counsel.

Based on the testimony and evidence presented, the court makes the following:

**Findings of Fact:**

1 The Plaintiff rented the Defendant's property located at this address: \_\_\_\_\_  
\_\_\_\_\_.

2 Plaintiff paid Defendant a security deposit of \$ \_\_\_\_\_.

3 The rental agreement between Plaintiff and Defendant ended on this date: \_\_\_\_\_.

4 More than 30 days have passed since the rental agreement ended.

5 The Defendant:

- Has not returned the security deposit to the Plaintiff.
- Has returned \$\_\_\_\_\_ of the security deposit, but this is not the correct amount.
- Has returned \$\_\_\_\_\_ of the security deposit but did not give the Plaintiff a list of deductions from the security deposit.
- Has returned the security deposit to the Plaintiff.

**Conclusions of Law:**

1 The Defendant:

- Owes the Plaintiff the full amount of the security deposit because the Defendant failed to provide the Plaintiff with a written list of cleaning and damage charges within 30 days after the Plaintiff's tenancy ended, and there were no deductions for anything other

than cleaning and damage, in violation of §§ 70-25-203 and -204, Montana Code Annotated.

Owes the Plaintiff a partial refund of \$\_\_\_\_\_. Here is how this refund was calculated:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Does not owe the Plaintiff any part of the security deposit because all of the Defendant's deductions were proven and allowed under Montana Code Annotated § 70-25-201.

**Order:**

This Court Orders that:

The Defendant must pay the Plaintiff \$\_\_\_\_\_ as indicated above, and the costs of suit in the amount of \$\_\_\_\_\_, for a total judgment of \$\_\_\_\_\_, together with interest at the rate of ten percent (10%) per annum from the date of this judgment until paid in full. Plaintiff is granted the right of execution on the judgment.

The Plaintiff takes nothing by this lawsuit.

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This is a final judgment.

Date signed:\_\_\_\_\_ Judge: \_\_\_\_\_