

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of
Forms for Use in the District Courts
of the State of Hawaii

ENRIQUANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2008 SEP - 8 AM 9:42

FILED

ORDER AMENDING FORMS

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that the attached forms are adopted for use in the District Courts of the State of Hawaii, effective January 1, 2009. The forms replace the prior forms bearing the same "DC" number.

IT IS FURTHER ORDERED that the district courts are authorized to insert circuit identifiers, addresses and contact information and to publish the form in print or electronic format.

DATED: Honolulu, Hawaii, September 8, 2008.

[Signature]

Steven H. Levinson

Hana Nakayama

[Signature]

James E. Duffy, Jr.

**COMPLAINT (ASSUMPSIT-MONEY OWED);
DECLARATION; EXHIBIT(S); SUMMONS**

IN THE DISTRICT COURT OF THE _____ CIRCUIT
_____ DIVISION
STATE OF HAWAI'I

Plaintiff(s)

Reserved for Court Use
Civil No.

Defendant(s)

Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Fax Numbers

Amount Claimed by Plaintiff:

Last Date of Indebtedness:

COMPLAINT

1. This Court has jurisdiction over this matter and venue is proper.
2. On or about _____, Defendant(s) owed money to Plaintiff(s) as follows:

3. A copy of the written instrument on which the debt is based is attached as Exhibit 1.
4. Plaintiff(s) asks for Judgment in the principal amount of \$ _____
In addition, the Court may award court costs, interest and reasonable attorney's fees.
5. The Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 may apply to a Defendant who is classified active duty as defined in the Act. Please check all that apply.
 - To the best of my knowledge, the Defendant is not an active duty member of the Military.
 - The following Defendant is an active duty member of the Military. Name: _____.
 - I am unable to determine whether the Defendant is an active duty member of the Military. Please attach separate sheet indicating what attempt was made to determine Defendant's military status.

Date:	Signature of Plaintiff(s)/Plaintiff(s)' Attorney: Print/Type Name:
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DECLARATION

I have read this Complaint, know the contents and verify that the statements are true to my personal knowledge and belief. **I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE IS TRUE AND CORRECT.**

Date:	Signature of Declarant: Print/Type Name:
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In accordance with the Americans with Disabilities Act, and other applicable State and Federal laws, if you require an accommodation for a disability when working with a court program, service, or activity please contact the District Court Administration Office at PHONE NO. _____, FAX _____, or TTY _____ at least ten (10) working days before your proceeding, hearing, or appointment date.

I certify that this is a full, true, and correct copy of the original on file in this office.

Clerk, District Court of the above Circuit, State of Hawai'i

**COMPLAINT (SUMMARY POSSESSION/
LANDLORD-TENANT, DAMAGES); DECLARATION;
EXHIBIT(S); SUMMONS**

IN THE DISTRICT COURT OF THE _____ CIRCUIT DIVISION STATE OF HAWAI'I	Reserved for Court Use
Plaintiff(s)	Civil No.
Defendant(s)	Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Fax Numbers
Premises Address:	

COMPLAINT

1. This Court has jurisdiction over this matter and venue is proper.
2. Plaintiff is the landlord or the agent for the landlord of the premises.
3. The premises are located in this division of this Court.
4. Defendant rents and/or is in possession of the premises and/or is a personal guarantor under the rental agreement of the premises.
5. There is a written rental agreement for the premises. **A COPY OF THE WRITTEN RENTAL AGREEMENT FOR THE PREMISES (AND ANY AMENDMENTS TO THE RENTAL AGREEMENT) IS ATTACHED.**
 - There is no written rental agreement for the premises, only an oral agreement.
 - There is an expired written rental agreement for the premises. **A COPY OF THE WRITTEN RENTAL AGREEMENT (AND ANY AMENDMENTS TO THE RENTAL AGREEMENT) IS ATTACHED.**
 - Defendant is a month-to-month tenant.
6. Defendant has broken the rental agreement because:
 - Unpaid rent \$ _____
 - Other: _____
7. Written notice was given to Defendant on (date): _____ to correct this situation as follows: 5-day non-payment 10-day non-monetary default 45-day termination of month-to-month tenancy or as specified in the rental agreement or statute(s). **A COPY OF THE WRITTEN NOTICE IS ATTACHED.**
8. Despite the notice, Defendant has failed to correct this situation and is still in possession of the premises.

SEE PAGE 2

I certify that this is a full, true and correct copy of the original on file in this office.
_____ Clerk, District Court of the above Circuit, State of Hawai'i

COMPLAINT (continued)

9. The Servicemembers Civil Relief Act, 50 U.S.C. App. §501 may apply to a Defendant who is classified active duty as defined in the Act. Please check all that apply.

- To the best of my knowledge, the Defendant is not an active duty member of the Military.
- The following Defendant is an active duty member of the Military. Name _____
- I am unable to determine whether the Defendant is an active duty member of the Military. Please attach separate sheet indicating what attempt was made to determine Defendant's military status.

10. As of (date): _____ Defendant(s) owed Plaintiff(s) \$ _____ for:

Rent itemized as follows: _____

Other: _____

Plaintiff is asking the Court for the following:

A. A Judgment giving Plaintiff possession of the premises.

B. A Writ of Possession directing the Sheriff or Police Officer to:

1. Remove the Defendant from the premises and all persons possessing the premises through the Defendant;
2. Remove from the premises all personal belongings of the Defendant and of any other person; and
3. Put Plaintiff in possession of the premises.

C. Judgment against the Defendant for \$ _____


In addition, the Court may award additional rent and other charges owed under the rental agreement, damages, court costs, interest and reasonable attorney's fees.

Date:	Signature of Plaintiff/Attorney:
	Print/Type Name:

DECLARATION

I DECLARE UNDER PENALTY OF PERJURY THAT WHAT IS STATED IN THE COMPLAINT IS TRUE AND CORRECT.

Date:	Signature of Declarant:
	Print/Type Name:

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JUDGMENT

IN THE DISTRICT COURT OF THE _____ CIRCUIT
DIVISION
STATE OF HAWAI'I

Plaintiff(s)

Reserved for Court Use

Civil No.

Defendant(s)

Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Fax Numbers

JUDGMENT

JUDGMENT is entered in favor of

- Plaintiff _____
- Defendant _____, based on the following (check one):

- Confession Trial Stipulation
- Default: The Defendant failed to plead or otherwise defend and a default was entered upon proof that Defendant is indebted to Plaintiff.
- Other (Specify: _____)
- DISMISSED AS TO (LIST DEFENDANTS):**

JUDGMENT

Principal Amount.....

Interest.....

Attorney's Fees.....

Filing Fees.....

Service Fees.....

Mileage for Service.....

Other Costs.....

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

TOTAL JUDGMENT AMOUNT.....

\$ _____

- Clerk Judge

I certify that this is a full, true and correct copy of the original on file in this office.

Clerk, District Court of the above Circuit, State of Hawai'i



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EX PARTE MOTION FOR SERVICE OF PROCESS BY POSTING AND BY CERTIFIED MAIL; DECLARATION; DECLARATION OF PROCESS SERVER; ORDER DIRECTING SERVICE OF PROCESS AND SUMMONING DEFENDANT(S) TO APPEAR (FOR SUMMARY POSSESSION COMPLAINTS ONLY)

IN THE DISTRICT COURT OF THE _____ CIRCUIT
 _____ DIVISION
 STATE OF HAWAI'I

Plaintiff(s)

Reserved for Court Use
 Civil No.

Defendant(s)

Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Fax Numbers

Premises Address:
 Attempted Service Dates: _____

Other Address(es):
 Attempted Service Dates: _____

Complaint Filing Date:

EX PARTE MOTION FOR SERVICE OF PROCESS BY POSTING AND BY CERTIFIED MAIL

Plaintiff(s) request(s) that this Motion be granted for the reasons stated in the Declaration below. This Motion is based on the District Court Rules of Civil Procedure, Rule 4(e) and Hawai'i Revised Statutes §666-8.

DECLARATION

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOLLOWING IS TRUE AND CORRECT: I am Plaintiff or the attorney for Plaintiff. I caused the Complaint for Summary Possession to be filed on the Complaint Filing Date listed above. Based upon the Declaration of the Process Server below, service by posting and certified mail is necessary as described in Hawai'i Revised Statutes §666-8.

Date:

Signature of Declarant:
 Print/Type Name:

SEE PAGE 2

DECLARATION OF PROCESS SERVER

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOLLOWING IS TRUE AND CORRECT: I am a person authorized to serve process in the State of Hawai'i. I have personal knowledge of the statements in this declaration and am competent to testify to these matters. I was engaged by Plaintiff to serve a certified copy of the Complaint for Summary Possession on Defendant. I attempted service on the Attempted Service Dates at the Premises Addresses and Other Addresses listed on page 1, that are the only known addresses for Defendant. I have checked the telephone directory of this circuit and I have not been able to find any other address for Defendant. Despite my efforts, I have not been able to locate and serve Defendant. I am informed and believe that Defendant continues to reside and/or do business in the State of Hawai'i but is avoiding service of process. (Attach continuation page, if necessary).

Signature of Process Server:

Date:

Print/Type Name:

ORDER DIRECTING SERVICE OF PROCESS AND SUMMONING DEFENDANT TO APPEAR

THE STATE OF HAWAI'I

TO THE SHERIFF, OR THE CHIEF OF POLICE OF THIS CIRCUIT, OR THEIR DEPUTY, OR THEIR DULY AUTHORIZED SUBORDINATES IN THIS CIRCUIT OR ANY PERSON AUTHORIZED TO SERVE PROCESS IN THE STATE OF HAWAI'I:

WHEREAS, the Plaintiff has moved this Court for a special Order Directing Service of Process on Defendant by Posting Complaint for Summary Possession on the Premises and by Certified Mail at the Premises Address listed on page 1;

NOW, THEREFORE, YOU ARE COMMANDED to leave certified copies of **this Motion and** the Complaint for Summary Possession with some agent or employee of Defendant, provided an agent or employee can be found upon the premises or elsewhere within the circuit, and also to affix in a conspicuous place upon that certain premises located at Premises Address listed on page 1, certified copies of this Motion and the Complaint for Summary Possession, such posting to be not less than ten (10) days before the return date, and make due return of this Order with what you have done endorsed thereon.

IT IS FURTHER ORDERED that Plaintiff shall send to Defendant, by certified mail, return-receipt requested, certified copies of this Motion and the Complaint for Summary Possession and file in these proceedings a declaration of the certified mailing in the appropriate form.

IT IS FURTHER ORDERED that Defendant shall appear before the Presiding Judge of this Court in his/her Courtroom, at the address indicated below on _____, 20____ at _____ a.m. to respond to the Complaint for Summary Possession.

*** * * * * THE PROCESS SERVER MUST POST BOTH THIS MOTION * * * * ***
AND THE COMPLAINT FOR SUMMARY POSSESSION

COURT ADDRESS

Mailing address for the Court:

Date:

Judge



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**EX PARTE MOTION FOR EXAMINATION OF
 JUDGMENT DEBTOR(S) OR PERSON HAVING
 KNOWLEDGE OF JUDGMENT DEBTOR(S);
 DECLARATION; ORDER FOR EXAMINATION; EXHIBIT(S)**

IN THE DISTRICT COURT OF THE _____ CIRCUIT
 _____ DIVISION
 STATE OF HAWAI'I

Plaintiff(s)

Reserved for Court Use
 Civil No.

Defendant(s)

Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Fax Numbers

Select one: Judgment Debtor(s): Person having knowledge & Relationship to Judgment Debtor(s):

**EX PARTE MOTION FOR EXAMINATION OF JUDGMENT DEBTOR(S) OR
 PERSON HAVING KNOWLEDGE OF JUDGMENT DEBTOR(S)**
 TO THE JUDGE OF THE ABOVE-ENTITLED COURT: Judgment Creditor(s) moves the Court to enter an Order directing Judgment Debtor(s) or Person having knowledge of the affairs or property of Judgment Debtor(s) listed above to appear before this Court at a time certain, to be examined under Oath as to what property the Judgment Debtor(s) own(s) or has/have an interest in and what debts are owing to Judgment Debtor(s), and for such other and further relief as the Court may require.

Date:

Signature of Filing Party/Attorney:
 Print/Type Name:

DECLARATION
 I have read this Motion, know the contents and verify that the statements are true to my personal knowledge and belief. **I DECLARE UNDER PENALTY OF PERJURY THAT THE FOLLOWING IS TRUE AND CORRECT:**

1. I am Judgment Creditor or Judgment Creditor's attorney;
2. The Judgment (a copy of which is attached as Exhibit A) was entered in favor of Judgment Creditor(s) and against Judgment Debtor(s);
3. The Judgment has not been appealed (or if appealed, no bond has been filed), reversed, modified, set aside or satisfied except as aforesaid and otherwise remains in full force and effect;

CONTINUED TO PAGE 2

I certify that this is a full, true, and correct copy of the original on file in this office.

 Clerk, District Court of the above Circuit, State of Hawai'i

DECLARATION (continued)

- 4. The Judgment Creditor(s) is/are still the owner(s) and holder(s) of said Judgment; and
- 5. I am informed and believe that the person having knowledge of the affairs of Judgment Debtor(s) is acquainted with the financial and business affairs of Judgment Debtor(s).

Signature of Declarant:

Date:

Print/Type Name:

ORDER FOR EXAMINATION

TO: JUDGMENT DEBTOR(S) AND/OR PERSON HAVING KNOWLEDGE OF JUDGMENT DEBTOR(S)

YOU ARE HEREBY ORDERED TO:

- 1. **BRING WITH YOU** all books, papers and documents you have showing or tending to show what property said Judgment Debtor(s) may own or has/have an interest in and what debts are owing to said Judgment Debtor(s) and for such other and further relief as the Court may require; **AND**
- 2. **APPEAR AT THE COURT INDICATED BELOW AND AT THE TIME AND DAY SPECIFIED:**

THIS ORDER SHALL BE VOID AND OF NO EFFECT IF IT IS NOT SERVED WITHIN 6 MONTHS OF THE DATE OF THIS ORDER.

IF YOU DO NOT COME TO COURT AS ORDERED, YOU MAY BE ARRESTED FOR CONTEMPT OF COURT.

This Order shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the above-entitled court permits, in writing on this Order, personal delivery during those hours.

Date:

Judge of the above-entitled Court



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