Small Claims – Statement of claim and notice for security deposit disputes (#1DC05)

In the Small Claims Division of the District Court of the First Circuit Division

State of Hawai'i

Please read these instructions before you start the form

How to use this form

Use this form to file a small claims case if you want your landlord to return the security deposit from a residential lease.

When you file this form, you are called the **Plaintiff**. Your landlord will be the **Defendant**.

This form is 3 pages and has 2 parts:

Case number:

- **Part I:** The **Statement of Claim**, including your sworn statement about your situation (called a **Declaration**). Fill out Part I to give the Court the details about your case and to tell the Court what you would like to happen.
- **Part II:** A **Notice of Hearing**. The Court Clerk will use this part of the form to schedule a hearing for your case. At the hearing, you will be able to present evidence and tell the Judge why you should win this case. The Defendant will have the same opportunity.

When you have finished the form and the Court has scheduled a hearing, you must deliver a copy of the full form to the Defendant. You can find more information on the **Service of Process Information Sheet**.

Part 1

	<u> </u>	art 1	
	STATEME	NT OF CLAIM	
1 Give t	the Court your contact information and as mu	ch of your land	lord's contact information as you can.
Your name:		Landlord's name:	
Your full address, telephone number, and email:		Landlord's full address, telephone number, and email:	
2 Give t	the Court information about the money that y	our landlord ov	ves you.
My landlord	owes me this much of my deposit:	I moved	out on this date:
This is why landlord ov me the mon (Add another sh if necessa	wes ney: neet		

Read the information below and then sign the Declaration.

I would like the Court to order my landlord to pay me the amount I listed on the first page.

I would also like the Court to order my landlord to pay me interest, costs, and fees that the Court believes are just and reasonable. I understand that if the Judge finds that my landlord wrongfully and willfully kept all or part of my security deposit, the Judge may order the landlord to pay me three times the security deposit, which is allowed by Hawai'i Revised Statutes § 521-44(h).

Your ignature:			Today's date:		
		Part II			
		NOTICE OF HEARING			
/	andlord's name below and ther I out the rest of Part II.	take or mail the form to the 0	Court. Court sta	ff will schedule a hearing	
To: (Landlord's name)					
	iled this Statement of Claim. A Jon at the place and time stated h	_	hear argumen	ts from both the Plaintif	
Place:		Kauikeaouli Hale - 1111 Alakea Street, Honolulu – 10 th Floor			
Place:	Honolulu Division	Kauikeaouli Hale - 1111 A	Alakea Street,	Honolulu – 10 th Floor	
Place:	Honolulu Division Ewa Division	Kauikeaouli Hale - 1111 A 870 Fourth Street, Pearl C			
Place:			ity, Honolulu,	Hawai'i, 96782	
Place:	Ewa Division Koʻolaupoko/Koʻolauloa	870 Fourth Street, Pearl C	ity, Honolulu, āneʻohe, Haw	Hawaiʻi, 96782 aiʻi, 96744	
Place:	Ewa Division Koʻolaupoko/Koʻolauloa Division Wahiawā or Waialua	870 Fourth Street, Pearl C 45-939 Po'okela Street, K	ity, Honolulu, āneʻohe, Haw iawā, Hawaiʻi	Hawaiʻi, 96782 aiʻi, 96744 i, 96786	
Place: Date & time:	Ewa Division Koʻolaupoko/Koʻolauloa Division Wahiawā or Waialua Division	870 Fourth Street, Pearl C 45-939 Po'okela Street, K 1034 Kilani Avenue, Wah	ity, Honolulu, āneʻohe, Haw iawā, Hawaiʻi	Hawaiʻi, 96782 aiʻi, 96744 i, 96786	

Here is more information to help both parties prepare for the hearing.

What if I don't come to the hearing?

If you are the landlord and you do not come to the hearing, the Court may order you to pay the Plaintiff the amount requested in the Statement of Claim. This is called a Default Judgment.

If you are the Plaintiff and you do not come to the hearing, the Court may dismiss your case.

May I hire an attorney?

No. An attorney may not represent either party in the Small Claims Division for security deposit cases.

May I bring witnesses and documents to support my case to the hearing?

Yes. If you plan to question witnesses, they must come to the hearing at the date and time shown above.

You may also ask the Judge to look at documents that support your case. You must bring those documents, with at least 2 copies, to the hearing.

How can I make sure my witnesses show up for the hearing?

The Court can help you make sure a witness comes to the hearing by issuing a subpoena. If you wish to subpoena witnesses, contact the Court Clerk as soon as possible before the hearing.

If I lose the case, may I appeal it?

No. In a small claims action, the Judge's decision is final. You **MAY NOT** appeal a judgment of the Small Claims Division.

Instructions to the Plaintiff about delivering this form your Landlord.

You must deliver a full copy of this form to the Defendant, either by registered or certified mail, with restricted delivery, or by personal service. Please read the Instructions on the **Service of Process Information Sheet** carefully before you try to serve the Landlord.

Restriction on personal service: This claim may not be personally delivered between 10:00 p.m. and 6:00 a.m. unless it is served at a location that is open to the public or unless a Judge of this Court, by written order, permits personal delivery during those hours.

If you need **help** with this document, please contact the District Court Service Center at **PHONE NO.** (808) 538-5629 or visit the service center at **1111 Alakea Street**, **Honolulu**, **Hawai`i 96813 – Third Floor**

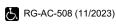


Americans with Disabilities Act Notice

If you need an accommodation for a disability when participating in a court program, service or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:

- Call (808) 538-5121; or
- Send an e-mail to adareguest@courts.hawaii.gov

The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.



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