

**COMPLAINT (EJECTMENT, DAMAGES);
DECLARATION; EXHIBIT; SUMMONS**

Form#5DC57

**IN THE DISTRICT COURT OF THE FIFTH CIRCUIT
LIHUE DIVISION
STATE OF HAWAI'I**

Plaintiff

Reserved for Court Use

Civil No.

Defendant

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

Premises Address:

COMPLAINT FOR EJECTMENT

1. This Court has jurisdiction over this matter and venue is proper.
2. The premises is located in this division of this Court.
3. Plaintiff is the owner or the agent for the owner of the premises.
4. Defendant is in possession of the premises without legal authority or permission.
5. If title was obtained through a non-judicial foreclosure action:
 - Plaintiff did not initiate the non-judicial foreclosure action.
 - Plaintiff did initiate the non-judicial foreclosure action and acquired title at auction as the highest bidder. Plaintiff asserts that the sale of the property was conducted in a manner that was fair, reasonably diligent, in good faith, and the price at auction was an adequate price.
6. If a written notice to vacate was given to Defendant a copy is attached.
7. 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 a 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 a separate page indicating what attempts were made to determine Defendant's military status.

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)

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

C. Judgment against Defendant for \$ _____.


In addition, the Court may award other damages, court costs, interest, and reasonable attorney's fees, as allowed by statute.

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

I DECLARE UNDER PENALTY OF LAW THAT WHAT IS STATED IN THE COMPLAINT 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. 482-2347, FAX 482-2509, or TTY 482-2533 at least ten (10) working days before your proceeding, hearing, or appointment date. **For all Civil related matters, please call 482-2303 DC Civil Division or visit the Self Help Center at 3970 Kā'ana Street, Līhu'e, Hawai'i 96766.**

SUMMONS

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

SUMMONS

THE STATE OF HAWAI'I:

TO: The Director of Public Safety of the State of Hawai'i, the Director's deputy, or any police officer or other person authorized by the laws of the State of Hawai'i:

This Summons 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 permits, in writing on this Summons, personal delivery during those hours.

TO THE DEFENDANT:

You are required to file a written answer or appear before the District Judge of this Court, in the Judge's Courtroom, on the day and at the time designated below. If the Defendant is a corporation or limited liability company, Hawai'i law requires it to be represented by an attorney licensed to practice in the State of Hawai'i.

IF YOU OR YOUR ATTORNEY FAIL TO ATTEND THE COURT HEARING AT THE TIME AND PLACE DESIGNATED OR FILE A WRITTEN ANSWER A DEFAULT JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

District Court Division 3970 Kā'ana Street, Courtroom #2, Līhu'e, Hawai'i 96766 at 8:00 a.m. on the third **Monday** following date of service and should said **Monday** be a legal holiday then upon the next **Monday**.

Mailing address: District Court Division - 3970 Kā'ana Street, Suite 207, Līhu'e, Hawai'i 96766

Date:	Clerk
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