42 FORCIBLE ENTRY AND DETAINER
KRS 383.200 – 383.275

District Court

Process Map

> ➢ Forcible entry is an action by the tenant who claims that the landlord has entered the premises unlawfully.

> ➢ Forcible detainer is an action by the landlord who claims that the tenant refuses to move.

42.1 *Petition*

1. Upon receipt of AOC Form 216 forcible entry petition or a forcible detainer complaint, affirm the petitioner's signature.

2. Collect filing fees as set forth in the Accounting Manual and give a receipt.

   EXCEPTIONS:

   - In Forma Pauperis

   - Petitioner is the Commonwealth. KRS 453.010.

3. Apply the **FILED** stamp to the petition; add the date and your initials.

4. Refer to Case Add section of KyCourts Manual for instructions on opening the case. Use case type **FD**.

5. Generate the next case number for district civil **C** cases or use the next pre-numbered file folder.

6. Assign to a division using the procedure in your local court rules.

7. Have the judge assign a trial date (or do this yourself if the judge has delegated this duty to you) and note on the calendar by completing a scheduled events screen.

Quick Reference
AOC Form 216
File, date, initial
Case type **FD**
Civil **C** Case
Schedule event

42.2 *Eviction Notice*

1. Issue eviction notice AOC Form 215 using **EN** as summons type instead of civil summons **CI**.

2. Make a copy of the eviction notice. Give the plaintiff the two notices with a copy of the complaint and/or other documents to be served attached to the copy of the notice and instruct the plaintiff to deliver them to the officer for service. The plaintiff will pay the officer directly. CR 4.01(1)(b). KRS 23A.200(2), 24A.170(2).

AOC Form 216
Summons type **EN**
Make copy of notice

3. When a return of service is received, apply the **FILED** stamp to the notice; add the date and your initials. Enter the date the officer served the defendant in the service date field of the summons screen.	File, date, initial Enter date served

42.3 *Forcible Detainer Order*

1. Upon receipt of a signed judgment or order (AOC 217 Form), apply the **ENTERED** stamp; add the date and your initials. 2. Enter the judgment or order on the document screen. Use document type **JDF** Judgment for Defendant or **JPF** Judgment for Plaintiff. 3. Serve notice of entry on every party who is not in default or who has not filed a written waiver of notice. Make an entry on the document screen showing the manner and date of the service of notice of entry of the judgment or order. **NOTE**: You may choose to notify all parties, namely the tenant even when in default. 4. When the order closes the case, complete the disposition date, disposition type **JCT**, and judge at disposition fields on the case screen.	**Quick Reference** AOC Form 217 Enter, date, initial Judgment for Defendant: **JDF** Judgment for Plaintiff: **JPF** NOE Disposition type: **JCT**

42.3.1 **Appeal**

1. The defendant has seven days after the entry of the judgment in which to file an appeal. KRS 383.255(1). See Appeals for additional information. 2. Appellant must deposit with you the amount of rent now due and future rents, as they become due, during the pendency of the appeal. KRS 383.255(1). See Accounting Manual. **NOTE**: Do not accept filing fee without rent deposit, per AOC Form 216, **unless** you receive a motion to proceed In Forma Pauperis. If the motion to proceed In Forma Pauperis is granted the appellant is not required to pay filing fees or rent which may otherwise be due. Boddie v. Connecticut, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113 (1971). 3. You have (10) days from the date of the deposit with you of past-due rents by the appellant to prepare the record and deliver to circuit court. KRS 383.255(2). See Appeals.	AOC Form 216

42.4 *Warrant for Possession*

KRS 383.245

1. If no appeal is filed after 7 days and the plaintiff requests that a warrant for possession be issued, prepare AOC Form 220, Notice of Eviction and Warrant for Possession for judge's signature. The judge will complete the return date on the form.

2. After the judge has signed the warrant, apply the **ENTERED** stamp; add the date and your initials.

3. Enter on a document screen using document type **EW**.

4. Give the warrant to the plaintiff with instructions to deliver to the sheriff or other serving officer for service on the defendant(s).

5. When a return of service is made, enter the return date information in the memo field of the same document screen.

Quick Reference
AOC Form 220
Enter, date, initial
Document type **EW**
Enter return date in memo field

42.5 *Forcible Detainer Settlement Agreement*

1. Upon receipt of AOC Form 218, apply the **FILED** stamp; add the date and your initials.

2. Enter the agreement as a document using document code **FDSA**.

3. Provide copies of the filed agreement per the distribution list at the bottom of the form.

4. Close the case by completing the disposition date, disposition type using **SBT** (settled before trial), and judge at disposition fields on the case screen.

AOC Form 218
File, date, initial
Document code **FDSA**
Disposition type **SBT**