

EVICTION

Information for Landlords and Tenants about Forcible Entry and Detainer (F.E.D.) Actions

This booklet describes the procedure for evictions from residential property (houses, apartments, etc.). It does not discuss evictions from commercial or agricultural property or evictions after foreclosure of a mortgage.

The primary focus of the booklet is evictions for failure to pay rent. Evictions for other reasons are not discussed in detail, although the procedure for these evictions is similar.

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Alaska Court System

Most of the forms referenced in this booklet are available on the court system's website: <http://www.courts.alaska.gov/forms/index.htm>

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Alaska Court System

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How F.E.D. Cases Work (Sequence of Events)

1. Notice To Quit given to tenant. Before a lawsuit to evict a tenant may be filed, the landlord must give the tenant written notice of the reason the landlord intends to evict the tenant ("terminate the tenancy"). The notice must give the tenant time to correct the problem (or move out) in order to avoid eviction.
2. F.E.D. lawsuit is filed. The landlord files a complaint with the court if the tenant does not fix the problem by the deadline set in the *Notice To Quit*.
3. Tenant is given notice of the lawsuit. The tenant is served with a copy of the complaint and a court summons. The summons orders the tenant to:
 - a. appear at an eviction hearing, and
 - b. file a written answer to any claim of damages made in the complaint.
4. Eviction hearing. The court holds an eviction hearing within 15 days after the case is filed in court and at least 2 days after the summons is served on the tenant. At this hearing, the judge decides who gets possession of the property.
5. Judgment on damages. If the complaint asks for damages, one of the following two things happens after the eviction hearing:
 - a. **Damages Trial.** This trial will only be held if, within 20 days after the complaint is served on the tenant, the tenant files an answer disagreeing with the claims for money damages made in the complaint.
 - b. **Default Judgment.** This will happen if the tenant fails to file an answer and the landlord requests a default judgment against the tenant for money.

I. INTRODUCTION

A. What is "Forcible Entry and Detainer"?

"Forcible Entry and Detainer" (F.E.D.) is a type of court case in which a property owner asks for possession of the owner's real property (like land, a house, or an apartment) currently being occupied by another person. Sometimes this type of case is referred to as an "eviction" or "possession" action.

There are two parts to an F.E.D. court case: the eviction part and the damages part. The eviction part (eviction hearing) happens soon after the case is filed. The damages part is handled at a later date.

1. The Eviction Part. During this part, the judge will decide whether to give the landlord possession of the property. Other issues (for example, how much money the tenant owes to the landlord) will not be decided yet.
2. The Damages Part. During this part, the court will decide whether the landlord will get a judgment against the tenant for money. This part is only needed if the landlord asks the court for money damages (for example, unpaid rent, or reimbursement for damage to the property). If the tenant files a counterclaim, it will be decided in this part.

B. Legal Advice

It is usually a good idea to talk to a lawyer if you are involved in an F.E.D. case. For help in finding a lawyer who handles F.E.D. cases, you can call:

1. Lawyer Referral Service of the Alaska Bar Association. This service will give you the names of up to 3 attorneys who handle legal problems like yours. Each attorney agrees to charge no more than \$125 for an initial half-hour consultation.
In Anchorage: 272-0352
Outside Anchorage: 800-770-9999 (toll-free within Alaska)
Website: www.alaskabar.org (click on "Find An Attorney" under the "For Our Community" section)
2. Alaska Legal Services. This agency provides free legal assistance in some civil matters to low-income Alaskans.
In Anchorage: 272-9431
Outside Anchorage: 888-478-2572 (toll-free within Alaska)
ALSC website: www.alsc-law.org
Free Legal Resources website: www.alaskalawhelp.org
3. Alaska Native Justice Center. This non-profit organization helps Alaska Natives with legal issues. The Center does not have attorneys, but can refer cases to attorneys if necessary.
In Anchorage: 793-3550
Outside Anchorage: Collect calls will be accepted.
ANJC website: www.anjc.org

C. Where to Find More Information

1. **Landlord Tenant Booklet.** This booklet explains the rights and obligations of landlords and tenants. It also provides information about the eviction process. There are two versions of it:
 - a. The Alaska Real Estate Commission version, called *What the Landlord and Tenant Act Means to You*. You may review or print a current copy of the handbook :
 - (1) On the Alaska Department of Law’s website:
<http://www.law.state.ak.us/departement/civil/consumer/landlord-tenant.html>
 - (2) You may ask for a hard copy of the handbook to be mailed to you by calling (907) 269-2500 (in Anchorage) or (888) 576-2529 (outside Anchorage), or you may pick up a copy at:
Alaska Department of Law - Civil Division
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501-1994
(907) 269-5100
 - b. The court system version. This version, called *The Alaska Landlord and Tenant Act (PUB-30)*, is a copy of the Real Estate Commission’s version with relevant statutes attached. You can get a copy of PUB-30 at most court locations and at the Anchorage Law Library.
2. **Alaska Statutes.**
 - AS 09.45.060 - .160 describe eviction procedure.
 - AS 34.03.010 - .390 is the "Uniform Residential Landlord and Tenant Act", which establishes the rights and duties of landlords and tenants.
3. **Alaska Rules of Court.**
 - Civil Rule 85 describes eviction procedure
 - Civil Rules 3, 4, 5, 6, 45, 55, 76, and others (general rules for procedures in civil cases).
4. **Court Forms.** See Appendix 1 or online at courts.alaska.gov/forms/index.htm
5. **Eviction Diversion Program (EDP).** In March of 2023, the Court System started EDP. The program offers free mediation to landlords and tenants who are having disagreements. Free mediation is available before or after the landlord starts a court case. To learn more about the program see <https://ak-courts.info/edp> or scan the QR code below.



All of these items are available at court law libraries and at some court clerk offices. Most can be found on the court system’s website at www.courts.alaska.gov. They may also be available at public libraries.

II. INFORMATION FOR LANDLORDS: PROCEDURE FOR EVICTING TENANTS

A. Termination of Tenancy

Before filing a court action to evict a tenant, the landlord must give notice to the tenant. This notice is usually called a *Notice of Termination of Tenancy* or *Notice to Quit*. The notice must explain what, if anything, the tenant can do to correct the problem and remain as a tenant. It must also include the deadline (both date and time) for correcting the problem. See AS 09.45.100 - .105.

The court has form notices for non-payment of rent ([CIV-725](#)), non-payment of utilities ([CIV-726](#)), violation of rental agreement ([CIV-727](#)), intentional damage ([CIV-728](#)), and illegal activity ([CIV-729](#)). See AS 09.45.090(a)(2), AS 09.45.105 and AS 34.03.220 for information about the different deadlines and the required contents of these notices.

B. Service of the Notice to Quit

AS 09.45.100(c) explains how the *Notice to Quit* must be given to the tenant:

A notice to quit shall be in writing and shall be served upon the tenant or person in possession by being

- (1) Delivered to the tenant or person;
- (2) Left at the premises in case of absence from the premises; or
- (3) Sent by registered or certified mail.

The notice is normally delivered in person to the tenant by the landlord or property manager. If the landlord or property manager tries to deliver it in person and the tenant is absent, they can leave the notice on the property (usually by taping the notice to the tenant's front door). Whoever delivers or posts the notice should be available to testify at the eviction hearing. Service by mail is rarely used, because the tenant may not pick up the mail or the landlord may not receive the return receipt before the eviction hearing.

C. Proof of Service of the Notice to Quit

The landlord must prove to the court that the *Notice to Quit* was delivered to the tenant as required by the law. The landlord or property manager should record how, when, and by whom the tenant was served. The court forms have space at the bottom for this record of service.

D. Providing Tenant with Time to Correct the Problem or Move

If the problem can be corrected, the landlord must give the tenant time to correct it or move out before the landlord may file a court case. If the eviction is for nonpayment of rent, the tenant gets seven days to pay the rent after receiving the *Notice to Quit*. If the eviction is for another reason, the amount of time will be different. AS 09.45.090.

If the tenant gets notice by registered or certified mail, the tenant has three additional days to correct the problem. AS 09.45.090(c). Therefore, if the eviction is for failure to pay rent and the notice is mailed, the notice must give the tenant ten days instead of seven to pay the rent.

E. When Can a Lawsuit Be Filed?

If the tenant does not correct the problem or move out within the statutory time period stated in the *Notice to Quit*, a lawsuit can be filed. AS 09.45.110. For example, if the *Notice to Quit* is for failure to pay rent and the tenant does not move out or pay the rent within seven days, the landlord can file a lawsuit on the eighth day.

Note: Day 1 of 7 is the day **after** you hand the notice to the tenant, and you should include Saturdays, Sundays and holidays when you count the seven days. Civil Rule 6.

F. Who Can Be Named Plaintiff and Who Can Sign the Complaint?

1. Who Can Be Named as the Plaintiff.

The plaintiff in an F.E.D. action is the person asking to evict the tenant.

The plaintiff can be the owner of the property or a person authorized by the owner to file an F.E.D. action (for example, a property manager or a person acting under a “power of attorney”).¹

2. Who Can Sign the Complaint.

The owner of the property can sign the complaint and represent themselves in court at any hearings. A corporation, a property manager, or a person acting on behalf of the owner under a “power of attorney” must have an attorney sign the complaint, because these persons or entities must always be represented in court by an attorney.² The only exception is a non-profit public housing corporation proceeding under AS 09.45.158, which may appear without an attorney.

¹ Civil Rule 17(a) requires actions to be prosecuted in the name of the real party in interest. This rule also allows, however, that “a party with whom or in whose name a contract has been made for the benefit of another . . . may sue in that person’s own name without joining the party for whose benefit the action is brought.” Also see the statutes concerning Alaska’s statutory form power of attorney, AS 13.26.332 and AS 13.26.344(i).

² AS 22.20.040(a) states that “an action or proceeding may be prosecuted or defended by a party in person or by attorney.” AS 22.20.040(a)(2) requires that corporations be represented in court by attorneys, unless there is an explicit exception in the law.

In *Christensen v. Melinda*, 857 P.2d 345 (Alaska 1993), the Alaska Supreme Court determined that a person with a power of attorney is not entitled to represent the principal (the person who granted the power) in court. If the person who holds the power of attorney files a suit on behalf of the principal,

G. Where to File

The lawsuit to get possession of the property must be filed in the judicial district where the property is located. Civil Rule 3. Information on how to determine where to file your lawsuit is available in Appendix 2 on page 28. If the value of the past due rent and damage to the property is \$100,000 or less, you must file your case in the district court. AS 22.15.030(a)(6) and (b). If it is greater than \$100,000, you must file your case in superior court.³

H. How to File

1. Get the following forms from the court:
 - a. *Complaint for Forcible Entry and Detainer* ([CIV-730](#))
 - b. *Affidavit of Compliance with CARES Act 30-Day Notice* ([CIV-731.1](#))
 - c. *Information Sheet (Eviction Case)* ([CIV-732](#))
 - d. *Summons - Forcible Entry and Detainer* ([CIV-105](#))
(For Anchorage, use [CIV-105ANCH](#); For Fairbanks, use [CIV-105FBKS](#))
 - e. *Case Description Form* ([CIV-125D](#) for district court cases **or** [CIV-125S](#) for superior court cases. This form is **not** required if you are filing using the court's TrueFile eFiling system. See <https://ak-courts.info/truefile>)
 - f. *Service Instructions* ([CIV-615](#))
 - g. *Judgment for Possession* ([CIV-300](#))
 - h. *Writ of Assistance* ([CIV-575](#))
2. Fill out the forms. See Appendix 3 for a sample of how to fill out the top of the forms (called the "case caption"). Type or print neatly using black ink.
 - a. *Complaint* ([CIV-730](#)). Be sure to name as defendants everyone listed on the lease and all other adults living in the home. Fill in all the blanks on both pages except for the case number (the court clerk will fill this in when you file). Attach the *Notice to Quit* to the complaint.
 - b. *Affidavit* ([CIV-731.1](#)). This form is to make sure you are complying with certain federal laws on how much notice to give the defendant. Attach it to the complaint when you file.
 - c. *Information Sheet (Eviction Case)* ([CIV-732](#)). You must provide as much contact information as you have for the tenants. The purpose of this form is to notify the tenants about mediation and other resources available through the court's [Eviction Diversion Program](#). The court will keep this document confidential. Attach it to the complaint when you file.
 - d. *Summons* ([CIV-105](#)). Fill out a separate summons for each named defendant. Fill in the caption, the "To" line (list only one defendant on each summons), and the name and address section in paragraph #2. The court clerk will fill in the date, time, and location of the hearing.

the person holding the power (if that person is not an attorney) must hire an attorney to prosecute the case.

Representing someone else in court is practicing law. It can only be done by licensed attorneys. AS 08.08.210(a) states: "A person may not engage in the practice of law in the state unless the person is licensed to practice law in Alaska and is an active member of the Alaska Bar. ..."

³ Administrative Rule 45.

- e. *Case Description* ([CIV-125D](#) or [CIV-125S](#)). Check the "Eviction" box under the "Landlord/Tenant" section. If you are using TrueFiling (the court's eFiling system), you do not need to fill out this form. You will select this option online when prompted to choose the case type.
 - f. *Service Instructions* ([CIV-615](#)). This form will give the process server the information to find each of the defendants who need to be served with the summons and complaint. Read Section I below before filling out this form.
 - g. *Judgment for Possession* ([CIV-300](#)). Fill in the case caption and the description and location of the property. The court will fill in the rest of the form if you are successful at the eviction hearing.
 - h. *Writ of Assistance* ([CIV-575](#)). You may need this form if the tenant does not move out by the date the judge sets at the eviction hearing. This writ gives a peace officer the authority to remove the tenant. Fill in the case caption and the description and location of the property. The court will fill in the rest of the form if the writ is necessary. If the judge signs this form and the tenant does not move out, you will need to work with your local law enforcement agency to help you enforce the writ. Law enforcement may charge a fee for this.
3. Filing the forms and scheduling the eviction hearing.

File the completed forms at your local court and pay the court filing fee. A list of fees is at <https://ak-courts.info/courtfees>. Also see [Admin Rule 9](#).

The court clerk will schedule a hearing on the eviction part of the case when the complaint is filed. Civil Rule 85 requires the hearing to be held at least two days after the summons and complaint are served on the defendant, and not more than 15 days after the case is filed. The clerk will ask you how soon you think the summons and complaint will be served on the tenant so the clerk can decide when the hearing should be scheduled. If the summons and complaint are not served at least two days before the hearing, the judge will probably postpone the hearing. See section I.6 on the next page for more information.

Note: If your contact information changes after you file the complaint, notify the court immediately (form [TF-955](#), *Notice of Change of Contact Information*). If you do not, you may not receive notices or other important documents.

I. Serving Defendant

Have the summons and complaint served on each of the named defendants by a process server or peace officer. Civil Rule 4.

1. Choose a process server. The clerk's office has a list of process servers in your area. You can also find a list of licensed process servers on the Alaska State Trooper website: <https://dps.alaska.gov/Statewide/R-I/PermitsLicensing/Home>. Click on "Civilian Process Server List." Many parts of the state do not have process servers. In those areas, the summons and complaint must be served by a peace officer (usually by a State Trooper). Check with the clerk's office about local practices.

2. Contact the process server to make arrangements for service of the summons and complaint. Fees are set by the individual process server, however, the maximum amount you may recover from the defendant (if you win your case) is set by [Administrative Rule 11](#).
3. Fill out service instructions. You can use the court's form ([CIV-615](#)) or the form provided by the process server. In the section where you must list the documents to be served, write "F.E.D. summons and complaint." Provide as much information as possible about how to locate each defendant.
4. Deliver completed documents to process server and pay the service fee. The procedures for getting the service instructions and other documents to the process server vary from court to court. Check with the local clerk's office or your process server for additional information.
5. Proof of service. After the process server gives the documents to the defendants, they will give you a document called a *Return of Service*. There will be a separate return for each named defendant served. The return will prove to the court that the defendant knows about the eviction hearing and lawsuit. The process server must file all returns with the court and give copies to you. You should bring your copies of the returns to the eviction hearing.
6. Failure to serve documents. If the process server does not serve the defendants at least two days before the eviction hearing, the hearing will probably be postponed. Civil Rule 85(a)(2) and AS 09.45.120. If this happens, contact the clerk's office for a new hearing date and a new summons.

J. Defendant's Response

The defendant must file an answer within 20 days after being served.

1. **Defendant Files Answer.** If the defendant files an answer, there will need to be a trial to resolve the damages claims. For information about how to request a trial, see Chapter V on page 19. If no trial is set, the court will dismiss your case after 180 days for lack of prosecution. Civil Rule 85(a)(6).
2. **Defendant's Answer Includes a Counterclaim.** If the answer includes a counterclaim, you must respond to the counterclaim within 20 days after the answer is served on you. Civil Rule 12(a). The defendant's counterclaim will be decided at the same trial as your claim for damages. If you do not answer the counterclaim, the defendant can get a default judgment against you.
3. **Defendant Does Not File an Answer.** If the defendant does not file a written answer within the 20-day time limit, you can ask the court for a default judgment against the defendant. You must serve your application on the defendant. See Chapter VI on page 22.

NOTE: If (1) you do not file a default application, and (2) it has been more than 180 days from the date you opened the case, and (3) no future trial or hearing is scheduled, then the court may dismiss the case without further notice to you. If this happens, either party has the right to reopen the case up to one year after dismissal by making a request to the court clerk in writing.

III. INFORMATION FOR TENANTS: DEFENDING AGAINST EVICTION

For additional information about the eviction process, see the introduction and Chapter I (pages 2-4) and the Landlord Tenant Booklet (described on page 4) or talk to an attorney about your rights as a tenant.

A. Notice to Quit

In order to evict you, the landlord must first give you a written notice. This notice, often called a *Notice to Quit*, must tell you what you can do, if anything, to remain as a tenant. See page 5 for more information about this notice.

If you do not fix the problem or move out by the deadline stated in the notice, the landlord can file a case against you in court asking for (1) your eviction and (2) a judgment against you for money (for example, for unpaid rent, reimbursement for damage to the property, and court costs). The landlord may also ask the court for other remedies (for example, return of personal property).

When the landlord files the complaint, the court will give the landlord a summons to serve on you.

B. Summons

Read both the summons and the complaint carefully. The summons will tell you

1. When your eviction hearing will be held, and
2. The time limit for filing a written answer to the plaintiff's claims for rent and other damages.

The eviction and the claim for damages are two separate legal proceedings even though they are included in one complaint. You will have more time to file the answer to the damages claim than you will have to prepare for your eviction hearing. See Section D on page 14 about filing your answer.

C. Preparing for the Eviction Hearing

At the eviction hearing, the judge will decide whether you have to move out. If you want to oppose the eviction, you must attend the hearing and present your side. Bring with you any documents, photographs, or other evidence you want the court to see. Also make sure to tell any witnesses that you want to testify about the hearing date and time. If you do not attend the hearing, the judge will probably decide the eviction without hearing from you. The eviction hearing is described in more detail in chapter IV on page 17.

The eviction hearing is usually scheduled to happen just 2 to 4 days after you receive the summons, so you will have to decide very quickly whether you have any defenses. Some possible defenses are listed below.

1. Defenses for Failure to Pay Rent

The list below includes the main reasons you can defend yourself against eviction for failure to pay rent. You can find out more about these defenses and others in the Landlord Tenant Booklet ([PUB-30](#)) or in Alaska Statutes 34.03. The statutes listed below can be found in the back of PUB-30.

- a. The landlord has failed to maintain fit premises in violation of AS 34.03.100. If the landlord's failure to maintain the property has lowered its fair rental value, you can get a credit for the amount of this lowered value against the rent owed.
- b. The landlord has wrongfully failed to supply heat, water, hot water, or other essential services required by AS 34.03.100. If you gave written notice to the landlord about this, you may get a reduction in the amount of rent owed. See AS 34.03.180 for details.
- c. The landlord has unlawfully removed or excluded you from the property, or willfully diminished essential services. You can get money damages from the landlord for this behavior, which can offset the amount of rent claimed. See AS 34.03.210 & AS 34.03.170 for detail.
- d. After you were given the *Notice to Quit*, you made a partial payment that the landlord accepted. Under the law, this means the landlord has waived (given up) the right to end the lease for that instance of nonpayment. AS 34.03.240.
- e. The landlord increased your rent (or decreased the services provided to you) in retaliation for a complaint about the condition of the property **or** because you tried to enforce your rights under the Alaska Landlord and Tenant Act. You paid the amount of rent that you believe you owe under the law. See AS 34.03.310 for details.

2. Assistance from an Attorney.

If you want to oppose the eviction, it is a good idea to talk to an attorney to find out about your rights as a tenant and any possible defenses you might have. See page 3 for information that may help you find an attorney.

3. How to Ask for Postponement (Delay) of the Eviction Hearing.

If you believe you have a good defense to the eviction, but need a few more days to gather your evidence or get an attorney, you must ask for a “continuance” (a postponement or rescheduling). You can use form CIV-733 to do this. You must show the judge that you have a good reason for delaying the hearing (for example, you need time to speak to your attorney, get receipts, or locate a witness) and that you have made good efforts to prepare already.⁴ The judge will not give you a continuance if it seems like you only need one because of your own fault in delaying or ignoring the notice and court case. Depending on the length of the delay you ask for, the court may require you to deposit cash or a surety bond⁵ equal to the amount of rent due during the period of delay.⁶

To ask for a continuance, file a request (often called a “motion”) with the court and mail or deliver a copy of it to the plaintiff (landlord). If possible, you should do this before the hearing. If you cannot, bring it to the hearing along with copies for yourself and the landlord. **Continuances are not automatic. You must show good reasons why a continuance is necessary. The judge will decide whether to grant the continuance.**

The following instructions are for form [CIV-733](#), *Expedited Motion for Continuance*.

- a. Fill out the top of the form (the location of the court, the names of the parties, and the case number) the same way the complaint is filled out.
- b. Fill in the date of the eviction hearing.
- c. Length of Delay. Check the box or write in how many days you want to postpone the hearing. If you request more than two days, be prepared to deposit cash or a surety bond with the court to cover rent for the length of the continuance. For example, if you ask for a two-week continuance, you should be prepared to post an amount equal to two weeks’ rent; if you ask for a 30-day continuance, you should be prepared to post an amount equal to one month’s rent.

⁴ *Vinson v. Hamilton*, 854 P.2d 733 (Alaska 1993).

⁵ A “surety bond” is a document that guarantees payment of money if certain things occur. The person or company that writes the bond is called the surety. The surety guarantees the payment by becoming liable (responsible) for it. Such bonds are generally available from insurance companies or third parties qualified to write surety bonds. There will be a fee. The court system does not provide forms for surety bonds in civil cases.

⁶ AS 09.45.120 and Civil Rule 85(a)(3).

d. Reasons for Postponement. Describe why you need the continuance. There are two possible reasons:

(1) You need more time to consult an attorney. If you want to talk with or hire an attorney to represent you, and the attorney is unable to meet with you before the eviction hearing, the judge may allow a continuance. Describe what you have already done to try and talk to or hire an attorney.

Example:

I need more time to talk to an attorney. I have made the following efforts to contact an attorney: I called the Lawyer Referral Service and got the names of three lawyers: Scott Turow, John Grisham, and Susan Miller. Mr. Grisham said he would be willing to help me but not on such short notice. He needs at least a week to fit me in.

(2) You need more time to prepare to present your defense. You must state what your defense is and why you need more time to prepare it. Some possible defenses are described in section 1 on page 11.

Example:

I need more time to prepare to present the following defenses: The landlord has failed to maintain fit premises as required by AS 34.03.100. On March 5, a pipe broke in the unit above mine, and water came through the ceiling of my living room and ruined my couch and all the books in my bookcase. I notified the landlord immediately, and the landlord had a plumber stop the leak. I was unable to use the room for the rest of the month while the ceiling was being repaired and the carpet replaced. The landlord said he would not charge me rent for that month, and now he's trying to evict me for not paying that rent.

The reasons I need more time to present these defenses are: (describe why you need more time to gather evidence and/or witnesses) My neighbor, Adam Fleischman, was there when the landlord said I didn't have to pay the rent, but now Adam is away on a job in North Dakota. Adam will be back in two weeks and can testify for me.

D. Answering the Damages Claim

In addition to asking for your eviction, the complaint will usually ask for a judgment against you for damages. This can include things like past due rent, other damages “in an amount to be proved in court,” and costs and attorney fees.

You must file a written answer if you

- a. Disagree with the amount of unpaid rent, or
- b. Disagree with the plaintiff’s claim that you caused other damages, or
- c. Have a counterclaim you want to bring against the plaintiff.

Note: The complaint does not have to specifically say what the additional damages are, because the plaintiff may not be able to see what the damages are until the plaintiff gets possession back of the property. To find out exactly what damages the plaintiff is going to claim, you must file an answer opposing the complaint. When you find out what the plaintiff is claiming as damages, you may be able to defend argue that the “damage” was simply ordinary wear and tear (and not the result of abusive living) or that the damage occurred before you moved in. See page 21 of the Landlord Tenant Booklet for more information about damages.

It is not enough to object at the eviction hearing to the amount of damages claimed. **You must file a written answer** if you don’t want a default judgment against you.

Your answer must be filed within 20 days after you are served with the summons. Even if the eviction hearing is before the 20 days are passed, you still get 20 days. Even though you do not necessarily need to file it before the eviction hearing, you should do it as soon as possible. You may use court form [CIV-735](#), *Answer to F.E.D. (Eviction) Complaint*. Fill out the form as follows (type or print neatly using black ink):

1. Caption. Fill out the top of the form (the location of the court, the names of the parties, and the case number) the same way the complaint is filled out.
2. Paragraph 1. This paragraph is about your eviction. If you do not oppose the eviction, check the “I ADMIT” box. If you oppose the eviction, check the “I DENY” box.
3. Paragraph 2(a). This paragraph is about the plaintiff’s claim for unpaid rent. If you agree that you owe the plaintiff rent, check the “I ADMIT” box and fill in the amount of money you believe you owe. If you disagree with the claim, check the “I DENY” box.
4. Paragraph 2(b). This paragraph is about the plaintiff’s claim for damages. If you agree that you owe the plaintiff money for damage to the property, check the “I ADMIT” box and fill in the amount of money you believe you owe. If you disagree with the claim, check the “I DENY” box. Note: the plaintiff’s complaint may not include the amount of money the plaintiff is claiming. To find out later exactly what damages the plaintiff is going to claim, check the “I DENY” box.

5. Paragraph 3—Defenses. Check the box in front of any defenses you want to claim.

- a. The notice to quit was improper. Explain why the notice didn't follow the law or was otherwise inappropriate. For example, the notice did not explain what you had to do to correct the problem or give you a deadline for correcting it, or the landlord did not properly give the notice to you. See page 27 of the Landlord Tenant Booklet or AS 09.45.100 and .105 for more details.
- b. The plaintiff refused to accept the payment I offered or refused to allow me to fix the problem. Check this box if you tried to correct the situation by the plaintiff's deadline, but the plaintiff didn't allow it.
- c. The amount of rent claimed is incorrect. You can claim this if the plaintiff did not meet obligations under the Landlord Tenant Act or otherwise failed to maintain the property. See the defenses described on page 11, section 1.

You can also use this defense if the plaintiff did not give you credit for (1) payments you already made, or (2) money you spent to fix things or turn on utilities that the plaintiff should have paid for. List the specific payment dates and amounts and what they were for. If you have receipts, be sure to bring them to the hearing as evidence.

- d. No damage was done to the rental property beyond ordinary wear and tear. Check this box if you believe that no damage to the rental property occurred while you lived there. Damage that a tenant would cause from ordinary living (for example, worn down carpeting, faded paint, or appliances working less efficiently due to age and use) does not count. See page 21 of the Landlord Tenant Booklet for more information about damages.
- e. The rental property was fully cleaned prior to departure. Check this box if you cleaned the rental property before you left and you do not want the plaintiff to charge you for cleaning. See page 22 of the Landlord Tenant Booklet for information about what the plaintiff can charge you (or withhold from a security deposit) for cleaning the rental property.

6. Paragraph 4 – Counterclaims. Fill out this section if you believe the plaintiff owes you money. Write in the full amount you believe the plaintiff owes you or check the box saying the exact amount will be decided at trial. Then check the boxes in front of each reason that applies.

Note: Even if you talk about some of these counterclaims but lose the argument at the eviction hearing, you can still talk about them again at the damages trial.⁷

- a. Plaintiff entered my home without notice or permission. If the plaintiff came into your home unlawfully, write in the number of times this happened. Count each time separately, even if it was only for a short period of time.

⁷ *Chilton – Wren v. Olds*, 1 P.3d 693 (Alaska 2000).

- b. Plaintiff's failure to maintain a habitable dwelling. Explain what repairs weren't made or what services the landlord didn't provide (for example, heat or water service, or even things like snow plowing if they were included in the lease). For the money amount, put how much less you believe the rent should be without these repairs made or these services provided. If you paid yourself to fix things or get these services done, subtract that cost from the normal monthly rent.
 - c. Plaintiff has refused to return or account for the security deposit. If the plaintiff did not return your full security deposit and did not provide you a list of reasons for keeping all or part of the deposit, you may get extra damages under the law. Write the amount of your full security deposit on the blank line.
 - d. Other. If there are any other reasons why you believe that the plaintiff owes you money, check this box and explain why.
7. Paragraph 5 – Request for Relief. Check the boxes in this section that describe what you want the court to do.
8. Date and sign the form. You must include a mailing address where you can receive court papers. It is best to also include a phone number and email so the court has a way to contact you on short notice. Let the court know right away if any of this information changes. For example, if you are evicted from the address you put as a mailing address, make sure to get a new one and notify the court as soon as possible. If you do not keep this information current, you could miss important notices and paperwork from the court. You may use form [TF-955](#), *Notice of Change of Contact Information*.
9. Fill out the "Certificate of Service" section. The date and time is when you will mail or hand-deliver a copy of your answer to the plaintiff (or the plaintiff's attorney, if represented). You can email your answer to the plaintiff if (1) the plaintiff has an attorney (email it to the attorney), or (2) the plaintiff agreed anywhere on the court paperwork to accept email service.
10. Make two copies of your completed answer form. Give one copy to the plaintiff (or plaintiff's attorney) in the way you wrote in the certificate of service. Keep one copy for your records. The original is for the court.

File the original of your answer at the court. You can file it in person in the clerk's office or mail it using first-class mail. If mailed, be certain that it arrives within 20 days after you received the summons. Some court locations allow you to either email it to the court or eFile it using the court's TrueFile eFiling system. Read more about these options at <https://ak-courts.info/truefile>.

If you do not file a written answer within 20 days, the plaintiff may ask the court for a default judgment. Even if you objected to the damages claim at the eviction hearing, you must still file a written answer with the court to avoid a default judgment against you. See chapter VI on page 22 and Civil Rule 55.

IV. THE EVICTION HEARING

If you have difficulty hearing, tell the clerk and ask to use the assisted listening equipment available in the courtrooms.

At the eviction hearing, the judge will **only** decide who gets possession of the property. The judge will **not** decide the plaintiff's claims for unpaid rent or other damages at this hearing. However, the defendant may argue how much rent is owed or present other affirmative defenses to eviction.

The plaintiff must be present in court and must prove that they are entitled to possession of the property. The defendant must also be present if the defendant wants to argue against the eviction. The plaintiff and the defendant can each be represented by an attorney, but it is not required (unless the plaintiff is **not** the owner of the property as explained on page 6, Section F.2).

You must have all documents and other evidence (called "exhibits") relating to the eviction part of the case with you in court. If you are appearing by phone or video conference, make sure to file your exhibits with the court ahead of time. Contact your local court for information on filing exhibits by email: <https://ak-courts.info/dir>. For the plaintiff, exhibits may include the rental agreement, notice to quit, return of service, and other evidence relating to the reasons for eviction. For the defendant, exhibits may include receipts or canceled checks showing that rent was paid or repairs were made, photographs, or other evidence that supports the defendant's affirmative defenses or claims for reduced rent.

If you want to have witnesses testify at the eviction hearing, you must bring your witnesses to the hearing or get permission from the court for them to appear remotely (see form [TF-710](#) to ask for you or your witness to be on the phone, or [TF-718](#) to ask that the trial be done over Zoom). If you do not think your witnesses will appear voluntarily, you can ask the court to issue subpoenas ordering them to come to court. A booklet about how to subpoena witnesses (form [CIV-109](#)) is available online or at the clerk's office. There may be a small fee if you use a subpoena.

A. Hearing Procedure

The eviction hearing usually proceeds as follows:

1. On the day of your eviction hearing, make sure to arrive early. In larger court locations, you may need extra time to find parking and get through security. If the courtroom was not already on your hearing notice, check the court calendar for which courtroom you are in.

If you are appearing by telephone, make sure your phone is fully charged and call in a few minutes early. Be prepared to wait up to an hour if your case is delayed. Find a space to use that is quiet and free from distractions.

2. The court may have scheduled more than one case at the same time. The judge or the clerk will ask you to come forward or will take your phone off of "hold" when it is your turn.

3. The plaintiff must present testimony and documentation to prove that they followed the legal requirements for an eviction. This may include a copy of the rental agreement or lease, proof that the summons and complaint were properly served, proof that the notice to quit followed the legal rules, and evidence that the defendant did not correct the problems described in the notice.
4. The defendant has a right to respond with testimony and documentation about any defenses to eviction. This may include receipts or canceled checks showing that the rent was paid or repairs were made, photographs, witness testimony, or other evidence that supports any claim the defendant may have.
5. The judge will make a decision either granting or denying the plaintiff's request for possession of the property.
6. If the judge grants possession to the plaintiff, the judge will order the defendant to leave the property (be evicted) by a specific date and time. If the plaintiff believes the defendant will not move out as ordered, the plaintiff may ask for a *Writ of Assistance* at this time. See page 8, paragraph H.2.h.
7. If the judge denies possession to the plaintiff, the defendant may stay in the property.

B. Hearing Procedure if Defendant Does Not Appear

If the defendant does not appear at the eviction hearing, the judge may rule that the defendant loses the eviction portion of the case by default and order the defendant to leave (be evicted from) the premises. The plaintiff still must testify or provide other documentation that the defendant was properly served with the summons and complaint, that the notice to quit followed the legal rules, and that the defendant did not correct the problems described in the notice. If the judge is satisfied by this evidence, the defendant will be evicted.

V. TRIAL TO DECIDE CLAIMS FOR DAMAGES

If the plaintiff asks for money damages (for example, unpaid rent, damage to the property, etc.) and the defendant files a written answer, there will need to be a trial to decide the amount of damages owed. If the defendant does not file a written answer, see Chapter VI on Default Judgment (page 22).

The “damages” part of the F.E.D. action is a formal civil action using the Civil Rules. Contested civil actions can be very complicated, so it might be helpful to talk to an attorney, especially if the other side has an attorney.

A. Scheduling the Damages Trial

Ask the clerk which of the following procedures applies to your case:

- In some courts, the court will automatically schedule either a pretrial conference or a trial date after the defendant files an answer. The court will send you a notice of the date, time, and location of the trial or next hearing. If this happens, skip to Section B on the next page.
- In other courts, one of the parties must ask for a trial date. See Civil Rule 40(b). The form for asking for a trial is called *Memorandum to Set Civil Case for Trial* ([CIV-200](#)).

Procedure when using form [CIV-200](#):

1. Fill out the top of the form (the location of the court, the names of the parties, and the case number) the same way the complaint is filled out. Type or print neatly using black ink.
 - a. In section two, estimate how long you think the trial will take. Make sure to consider the time that the other side will need. Usually, these trials take one to two hours (30-60 minutes per side) or less.
 - b. In section 3, check the "No" box unless either you or the other side asked for a jury trial.⁸
 - c. In section 4, check the "F.E.D." box.
 - d. In section 5, check the "No" box.
 - e. Fill out the "Certificate of Service" box. On the first blank line, write the date you will mail, hand-deliver, or email (if the other side agreed to email service) a copy of the form to the other side.
 - i. Make two copies of your completed form. Service one copy on the other side (or their attorney, if represented). Keep one copy for your records.
 - j. File the original *Memorandum to Set* with the court in person or by first-class mail.

⁸ The Alaska Constitution (Art. I Sec.16) gives either side the right to a jury trial on claims of more than \$250. See Civil Rule 38 about how to “demand” a jury trial. Note that in *Chilton-Wren v. Olds*, 1 P.3d 693 (Alaska 2000), the Alaska Supreme Court held that the defendant (who properly filed her demand for a jury) did not waive her right to a jury in the **damages trial** by asserting her counterclaims to abate the amount of rent due in the **eviction hearing**.

2. Objections. If the other party objects to any information in the CIV-200, that party must file written objections with the court and serve a copy on all other parties. This must be done within ten days after the CIV-200 was served.
3. Notice of the Trial. The court will set a date and time for the trial and will send notice of the trial to all parties.

B. The Damages Trial

You must bring all evidence relating to the case with you to the trial. This may include “exhibits” such as receipts for rent, invoices or bills for repairs, photographs, video or audio recordings, text messages or other communication between you and the other party, the lease agreement, etc.

Your evidence will usually include your own testimony and can also include witnesses to testify on your behalf. You must arrange for your witnesses to be present and ready to testify at the trial. If a witness needs to appear remotely by telephone or video conference, you need permission from the court ahead of time. You can use form [TF-710](#) to ask for you or your witness to be on the phone. You can use [TF-718](#) to ask that the trial be done over Zoom.

If you think that your witnesses may not come to court voluntarily, you can ask for a subpoena ordering them to appear. See *How to Subpoena a Witness (CIV-109)* for more information. You may have to pay the witness a small fee if they are under subpoena.

All of your evidence (exhibits and witnesses) must follow the [Rules of Evidence](#). Evidence rules can be complicated, but in general, focus on evidence that directly relates to the disagreements about damages and do not get distracted by side issues. Your witnesses must have direct knowledge of what happened (for example, they saw how damage occurred or were present when the other party made statements that support your case). Witnesses usually cannot testify about something someone else told them.

The damages trial will generally proceed as follows:

1. On the day of your trial, make sure to arrive early. In larger court locations, you may need extra time to find parking and get through security. If the courtroom was not already on your hearing notice, check the court calendar for which courtroom you are in.
2. If there is not another hearing already going on, check in with the clerk to let them know you are there. If there is another case happening, wait quietly in the back of the courtroom, and the judge or clerk will ask you to come forward when the judge is ready to hear your case.
3. The judge will ask the plaintiff to show evidence about why the plaintiff should get money damages. The judge will then ask the defendant to show evidence of any defenses or counterclaims. Sometimes, the plaintiff will get another chance to respond to the defendant’s evidence.
4. The judge will make a decision and enter judgment. This could happen right away (an oral decision on record), or the judge may want to think it more and make a decision later (take the case under advisement). In either case, the judge will issue a written order that either dismisses the case (no one wins any money) or gives a money judgment to one side.

C. TIPS FOR PREPARING FOR AND REPRESENTING YOURSELF AT TRIAL

Representing yourself in a formal civil trial can be difficult, but you can be successful if you organize your case, spend some time preparing, and remain calm and respectful in court. Some suggestions to follow are:

1. If possible, watch other trials of similar cases to yours. This will help you be more familiar and comfortable with how court usually works. You can check daily calendars on the court's website. Most trials are open to the public.
2. Make an outline ahead of time about what you want to say in court when you testify. Talk about each issue one at a time. An outline will help you not to forget things or get side-tracked during trial. Include in your outline when you want to show the judge your exhibits (documents, photographs, etc.) during your testimony. As you are explaining your side of the story, use your exhibits to support what you are saying.
3. Practice your testimony with friends or family. Ask them to give you honest feedback about things you said that did not make sense or that they had questions about.
4. If you are going to have witnesses testify for you, do **not** tell them what to say, but **do** let them know in general what your case is about and what topics you want them to discuss, so that they are prepared. Also explain to them how and when to get to court (if they are going to be there in person) or how the court will contact them (if they are testifying on the phone or over Zoom).
5. During the trial, do not worry too much about objecting to the other side's evidence or making complicated legal arguments. Usually, the best strategy is to simply tell the judge your side in a complete and organized way.
6. Do not interrupt the judge, the opposing party, or any witness. If you hear something that upsets you or that you think is incorrect, take notes about it and when it is your turn to talk, explain to the judge why you disagree.
7. Under the law, you have the right to ask the other side questions about their testimony (called cross-examination). This is often very difficult for non-attorneys to do. It is usually easier and more effective to respond to any disagreement in your own words during your own testimony.
8. Do not roll your eyes, sigh, pound the table, or make other non-verbal outbursts. Remember that the judge may be watching you even when you are not speaking. You will likely seem more believable and reasonable if you are polite to others and control your emotions.
9. Ask the judge or the court clerk questions if you do not understand something about court procedure or what you need to do.

VI. DEFAULT JUDGMENT

If the defendant does not file a written answer to the complaint, whether or not they appeared in court for the eviction hearing or filed any other written response with the court, the plaintiff can ask for a default judgment. The procedure for getting a default judgment is explained below. Civil Rule 55.

*** NOTE *** If you want to ask for a default judgment for a higher amount of damages than what was in the original complaint, you must serve the defendant with either (1) a copy of the default application or (2) an amended complaint that includes the new amount of damages you are asking for. You must do service by process server, certified mail restricted delivery, or other acceptable Civil Rule 4 method.

Prepare Application

First, prepare an application for entry of default. You can use court form [CIV-740 Default Application and Affidavit](#). Type or print neatly using black ink.

Case Caption. Fill out the top of the form (the court location, the names of the parties and the case number) the same way the complaint is filled out.

Affidavit Section. A few sub-sections are discussed in more detail below.

- a. Section 2. Check the court file to make sure that no answer has been filed.
- b. Sections 3 and 4. If the defendant is a person under age 18, a person in the active military service, or a mentally incompetent person, you can't use the CIV-740 form, because there are special laws protecting these people. These laws may require that the defendant get a lawyer or guardian at your expense, or may prevent you from getting a default judgment. You will probably want to talk to a lawyer if this is your situation.
- c. Section 5. You must attach documentation to support all claims.
 1. Unpaid Rent. List the amount owed for each month.
Example: \$400 a month for June and July = \$800
Attach a copy of the rental agreement or lease and record of payments.
 2. Damages to premises. List separately each item of damage to the property and attach documentation (such as invoices or receipts) to support the amount of the damage.
Example:

Replace window screens	\$100
Cleaning by A-1 Cleaning	<u>\$ 90</u>
Total Damages	\$190

Attach an invoice from the hardware store and/or window repair person, and the invoice from the cleaning service. If you are charging for time you spent cleaning or making repairs, you should itemize your hourly rate and the hours you worked.

If you have more than three items of damage, make a separate list and attach it to the form. Only write on one side of the page. On the form, write "see attached itemized list" and the total amount added together from the list.

3. Late fee. Late fees will only be allowed if the rental agreement or lease has a provision for late fees. Additionally, late fees are usually not allowed after the tenant has left the property. Instead, the plaintiff is generally allowed to get prejudgment interest after the date of service of the summons and complaint (see section 8 of the form). AS 09.30.070 and AS 45.45.010(b).
4. Subtract Amounts Defendant Paid to Plaintiff. You **must** include any payments that the defendant made and any amount of the security deposit that you kept. These amounts will be subtracted from the total amount of the judgment owed to you.
- d. Section 6. Include here costs that you paid to bring this lawsuit, such as the court filing fee and the money you paid your process server to serve the summons and complaint. Do **not** include any costs you were previously awarded in the *Judgment for Possession* (the eviction part).
- e. Section 7. Skip this section unless an attorney represented you in this case. Do **not** include any attorney fees you were previously awarded in the *Judgment for Possession* (the eviction part). Civil Rule 82 determines how much of these fees you are allowed to get from the defendant. Attach an itemized invoice from the attorney documenting the fees.
- f. Section 8. Prejudgment interest is due on the principal amount from the date the principal became due until the date the judgment is entered. If you want interest to begin on a date other than the date the summons was served on the defendant, you must attach a separate computation sheet showing the amounts due, the dates they became due, the interest rates and interest calculations, any payments, and how such payments were applied to interest and principal. Civil Rule 58.2(b). Generally, prejudgment interest will not be awarded on unpaid rent if late fees have been charged.
- g. Section 9. Attach a proposed *Default Judgment* (form [CIV-745](#)) to your default application. You only need to fill out the case caption (the top part of the form with court location, party names, and case number). The court will complete the rest of the judgment.

Signature Section. Your signature on this form **must** be notarized. The court clerk can do this for free.

Certificate of Service Box. Before you file your default application with the court, you must complete this box on page 3 and send a copy of the application (and all its attachments) by first-class mail to each defendant named on the application. Civil Rule 55(a)(2). You can't use the address that the defendant was evicted from, unless you have tried hard to find a new address and were not able to find one. You must explain to the court what you did to try and find the defendant's new address. The form has some common examples of things you can try. If you do not try all or most of these things first, the court may deny your default application.

File Application

File the default application (form CIV-740 and all attachments) with the court. There is no additional fee for this. You can file in person at the clerk's office or by first-class mail. Some court locations allow you to file by email or using the court's TrueFile efilings system. For more information, see <https://ak-courts.info/truefile>.

Court Review

The court clerk will review your application and decide whether default can be entered.

If there are any problems with your documents, the court will notify you. You must correct the problem or the court will not process your application and your case will be dismissed (closed) for lack of prosecution. Civil Rule 85(a)(6).

Sometimes, the court will have questions or need more information about the damages you are asking for. Therefore, court may schedule a damages hearing; you will be notified of the hearing date if this happens. At this hearing, you must provide additional documentation or testimony under oath about the damages.

Entry of Default

If there are no problems with your documents, the clerk will sign the *Entry of Default* on CIV-740 and the judge or clerk will complete the *Default Judgment* (form CIV-745). The clerk will send you a copy of both documents.

VII. AFTER JUDGMENT

A. Relief from Judgment

1. Default Judgments.

If you think a default judgment should not have been entered against you, you can file with the court a request to set aside default judgment. You can use *Motion, Affidavit, & Order to Set Aside Default & Accept Late Filed Answer* (form [CIV-858](#)). Your request must be filed within a reasonable time after the default judgment was entered against you. Civil Rules 55(e) and 60(b). Make sure to serve a copy of your request on the other side in the case and fill out the certificate of service section.

In your request to set aside default judgment, you must usually show two things:

- a. you have facts and evidence to show that you could win the case if there were a trial; and
- b. you have a good reason why you failed to appear at trial or answer the complaint.

The other side gets a chance to respond in writing to your request. The court will review both statements and notify you in writing of its decision.

Filing a request to set aside a default judgment does **not** automatically stop the judgment creditor from getting a Writ of Execution (this writ allows the creditor to do seize your money or property to pay the judgment). If you want to keep the creditor from having a Writ of Execution against you, you must

- (1) file a motion requesting a stay of execution, and
- (2) file a bond or make a cash deposit with the court in the amount of the judgment, plus interest. Contact the court for more information if you want to post a bond.

2. Appeals.

If either party believes the court made a mistake about the law or made a decision that was not supported by the evidence presented, that party may appeal the judgment. Appeals are complicated, and you should consider talking to a lawyer if you want to appeal.

An appeal does not automatically give you a new trial. The court that hears your appeal will not accept any new evidence. The only information the court will consider on appeal is (1) the tape recording of the trial, (2) any items presented as evidence at the trial, (3) the documents in the court file, and (4) legal memoranda.

If your case was heard in the district court, you appeal to the superior court. If your case was heard in the superior court, you appeal to the supreme court. You must file a notice of appeal **within 30 days** from the date the judgment is distributed.

For more information about how to appeal your case to the superior court, see *Appellant Instructions: District Court to Superior Court Appeals* ([AP-200](#)). This booklet is available in paper copy from your local court.

There are currently limited court forms and instructions on filing an appeal to the supreme court. For more information, see the court's self-help webpage about the appeals procedure at <https://courts.alaska.gov/shc/appeals/index.htm>. You can also read the [Rules of Appellate Procedure](#). The *Alaska Rules of Court* book is available at the court's law library and most public libraries.

Filing an appeal does **not** automatically stop the landlord from evicting the tenant or from enforcing (collecting) a money judgment. A tenant who appeals the court's eviction judgment can ask the court for permission to stay at the property until the appeal is heard. The court may require the tenant to post a bond with the court while waiting for the decision. For information about how to postpone enforcement of the judgment during an appeal, see the [AP-200](#) booklet mentioned above.

B. Collection of the Judgment

The court does **not** collect the money in the judgment. If the judgment debtor (the losing party) will not pay voluntarily, the judgment creditor (the party who wins the money judgment) may ask the court to issue a *Writ of Execution*.

A *Writ of Execution* is a court order directing a peace officer or process server to take the debtor's property to pay the judgment. Property can include money, bank accounts, wages or salary, personal and real property, or any other asset that has value.

For information about execution procedures, see the *Judgment Creditor Booklet* ([CIV-550](#)). For information about the rights of the debtor, see the *Judgment Debtor Booklet* ([CIV-511](#)). Both booklets are available in paper copy from the court clerk.

APPENDIX 1
LIST OF FORMS FOR F.E.D. CASES

All court forms are available online at <https://courts.alaska.gov/forms/index.htm>. Customers with limited or no internet access may request paper copies of the forms and booklets from the local court clerk.

1. Flyers about Eviction Diversion Program: ([MED-600](#)) and ([MED-601](#))
2. Notices to Quit: ([CIV-725](#)), ([CIV-726](#)), ([CIV-727](#)), ([CIV-728](#)), or ([CIV-729](#))
3. Complaint for Forcible Entry and Detainer ([CIV-730](#))
4. Affidavit of Compliance with CARES Act 30-Day Notice ([CIV-731.1](#))
5. Information Sheet (Eviction Case) ([CIV-732](#))
6. Summons – F.E.D.: ([CIV-105](#)), ([CIV-105ANCH](#)), or ([CIV-105FBKS](#))
7. Expedited Motion for Continuance ([CIV-733](#))
8. Order on Expedited Motion for Continuance ([CIV-734](#))
9. Answer to F.E.D. Complaint ([CIV-735](#))
10. Service Instructions ([CIV-615](#))
11. Case Description Form: ([CIV-125D](#)) or ([CIV-125S](#))
12. Judgment for Possession ([CIV-300](#))
13. Writ of Assistance ([CIV-575](#))
14. Memorandum to Set Civil Case for Trial ([CIV- 200](#))
15. Default Application and Affidavit ([CIV-740](#))
16. Default Judgment ([CIV-745](#))
16. Motion to Set Aside Default ([CIV-858](#))
17. How to Subpoena a Witness ([CIV-109](#))
18. Request to Appear by Telephone ([TF-710](#))
19. Request for Remote Video Hearing ([TF-718](#))
20. Notice of Change of Contact Information ([TF-955](#))
21. Judgment Creditor Booklet ([CIV-550](#))
22. Judgment Debtor Booklet ([CIV-511](#))
21. Alaska Landlord and Tenant Act ([PUB-30](#))

APPENDIX 2 JUDICIAL DISTRICTS

1. Information about how to find the location of your court:
<http://courts.alaska.gov/rules/index.htm#venue>

2. Map of the Alaska Court System's judicial districts:
<https://courts.alaska.gov/rules/docs/venuemap.pdf>
(Note: this is a large file and may take up to a minute to load)

3. List of communities in Alaska with their corresponding district and superior court locations: <https://courts.alaska.gov/sco/docs/sco1933a.pdf>

**APPENDIX 3
HOW TO FILL OUT THE CASE CAPTION ON A FORM**

Fill in the tops of the forms as shown in the following sample:

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA	
AT <u>Anchorage</u>	
<u>Peter Property Owner</u>)) <u>DOB 1/23/45</u>)) Plaintiff,) vs.)	CASE NO. _____ CI COMPLAINT FOR FORCIBLE ENTRY AND DETAINER (Seeking Eviction: May Include Rent and/or Damages)
<u>Tom Tenant and</u>) <u>Teresa Tenant</u>)) <u>DOB 9/08/76</u>) <u>DOB 8/09/77</u>)) Defendants.)	

On the "AT" line, fill in the city where the court is located (the court where you will file your complaint.).

On the "Plaintiff" line, fill in the name of the owner of the property (or the person authorized to bring the action) and the plaintiff's date of birth (if the plaintiff is a person).

On the "Defendant" line, fill in the names of the tenants and their dates of birth.

Do not fill in the "CASE NO." line on the complaint form. The court clerk will fill that in. On other forms filed after the complaint form, fill in the case number that the clerk wrote on the complaint.

All forms in the same case will have the same information in the case caption.