

**INSTRUCTION for CAO 16-12**  
**COMPLAINT FOR SPECIFIC PERFORMANCE AND FOR EXPEDITED HEARING**

This Complaint is used to file an action against your landlord asking that the landlord make necessary repairs which are vital to health or safety and/or involve reasonable water-proofing and weather protection or failure to maintain in good working order electrical, plumbing, heating, ventilation, cooling or sanitation facilities supplied by the landlord at the rented property. You must have served a written demand that the repairs be made at least 3 days (not counting the day of service) before you can file a Complaint. (You can use CAO form 16-10 for the written demand.)

**Talk to An Attorney, if Possible. Warning:** When you represent yourself in a court case you are held to the same standard as an attorney. This applies to your preparation of paperwork and your conduct at all hearings and/or trial. Your lack of legal knowledge may cause you to make serious errors in handling your case. These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee that your rights are protected or that you will be satisfied with the result. You should always talk to a lawyer about your legal problems before filing any legal paperwork. Even if you do not hire a lawyer to appear in your case, a lawyer can give you more information about your rights. Call the Idaho State Bar (208-334-4500) to provide you with the name of an attorney who handles this landlord/tenant cases.

Fill in the forms by typing or by printing neatly and legibly in black ink. Always keep a copy of the completed forms for your records.

Instructions for filling out the Complaint:

- In the top left hand corner of the document, put your name on the first line and address and zip code on the second and third lines. Put your phone number, including area code, on the fourth line.
- In the blanks in the heading of the document, type in the judicial district and county where you are filing your action (where the property is located).
- Inside the box type in your name as the *plaintiff(s)*. The landlord and any management company is/are the *defendant(s)*. Type those names in the box.
- The blank after "Case No." is there for the court to place a case number when the case is filed. Do not put anything on that line.
- In paragraph 1 type your address, name of your city and county on the first three blanks.
- In paragraph 3 in the first blank type in the amount of rent you pay. Type it out in the first blank, fill in the number in the second blank (example: five hundred ten dollars (\$510.00)); type in number of months you have resided in the rental unit (example: six (6)).

- In paragraph 6 check which boxes apply. If you have written documentation of the problem(s), make copies, label each as a specific Exhibit (C, D, E, etc.) then check the box and list the exhibits.

The next portion of the Complaint is the portion where you tell the Court what you want the court to order because of your landlord's failure to live up to the rental/lease agreement. Check only the boxes which indicate what you want.

- Check paragraph 1 if you want the landlord to be ordered to make repairs immediately.
- Check paragraph 2 if you want the landlord to be ordered to bring the rental premises into compliance with Idaho Code § 6-320.

Sign and date this document in front of a Notary Public. Prepare the Summons for Specific Performance Pursuant to Idaho Code §6-320 (CAO 16-13). Make two copies of each document; take them to the Courthouse and file in Magistrate Court. You may want to call ahead of time to see how much money you will need to bring for the filing fee.

**Service of Complaint and Summons on Defendant/Landlord:** Service must be done in one of the three ways required by the attached Idaho Statute § 6-304. **Service of the 3-Day Notice cannot be made by the Plaintiff/Tenant. It must be delivered by a person over 18 years of age who is not a party to the action, who then signs an Affidavit of Service in front of a Notary Public after service has been completed.** This document is then filed with the Court to prove that the Defendant has been served.

1. Make a copy of the service documents. Make sure to keep a copy for yourself.
2. Attend the trial at the time scheduled—BE ON TIME. Make sure you notify the Court if the problem gets resolved before the court date.

**Procedures at Trial:** At the trial, you (tenant/plaintiff) must present testimony under oath and provide exhibits establishing a right to a Judgment and Order for Specific Performance. In this action, the plaintiff is entitled to only an order for specific performance such as repairs and bringing the rental premises into compliance, not a judgment for money. However, the judge can award the plaintiff the amount of money it cost them to file the case in court, along with other miscellaneous costs, and may award the plaintiff attorney fees if represented by an attorney. The testimony presented in court and the exhibits offered must establish:

- a. the defendant/landlord is/are the owner/s of the property described in the Complaint.
- b. the defendant/landlord entered into an agreement with the plaintiff/tenant for the rental of the property.
- c. If the agreement was in writing, provide a copy of the agreement to the court and ask the judge to mark the rental agreement as an exhibit and admit the agreement into evidence.
- d. the defendant/landlord failed to make repairs in accordance with the agreement.

e. If the plaintiff/tenant has copies of written requests to the defendant/landlord requesting specific performance such as repairs, they may be introduced into evidence as an exhibit. Plaintiff/tenant should have certified mail receipts, copies of letters or requests, or written statements from or personal appearance by individuals who know that requests for specific performance were presented to the landlord either by mail or personal delivery.

f. the defendant/landlord tenant was served a 3-Day Demand for Specific Performance. A copy of the 3-Day Demand letter and proof of service of the 3-Day Demand must be marked as an exhibit and offered into evidence.

\_\_\_\_\_  
Full Name of Party Submitting This Document

\_\_\_\_\_  
Mailing Address (Street or Post Office Box)

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Telephone Number

IN THE DISTRICT COURT OF THE \_\_\_\_\_ JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s),  
vs.  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s).

Case No.: \_\_\_\_\_

COMPLAINT FOR SPECIFIC  
PERFORMANCE AND  
EXPEDITED HEARING

Fee Category:  
Filing Fee:

The Plaintiff(s), state(s):

1. Plaintiff(s) reside at \_\_\_\_\_,  
City of \_\_\_\_\_, County of \_\_\_\_\_, State of Idaho.

2. Defendant(s), \_\_\_\_\_,  
own(s) and/or manage(s) property rented to Plaintiff(s).

3. Plaintiff(s) pay rent in the amount of \_\_\_\_\_ (\$\_\_\_\_\_) a  
month and have resided in said rental property for approximately \_\_\_\_\_ (\_\_\_\_)  
months.

4. Defendant(s) was/were served with a 3-Day Demand for Specific Performance. A  
copy of the 3-Day Demand is attached as Exhibit A. Proof of service is attached as Exhibit B.

5. Defendant has:

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- Failed to provide reasonable waterproofing and weather protection; and/or
  - Failed to maintain in good working order  electrical,  plumbing,  heating,  ventilating,  cooling, or  sanitary facilities supplied by the landlord; and/or
  - Failed to install approved smoke detectors in each dwelling unit; and/or
  - The property is maintained in a manner hazardous to health and/or safety of tenants as follows:
- 

(See attached Exhibits \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.)

7. The rental premise is less than five (5) acres and is not used for agricultural purposes.

8. Defendant(s) actions constitute a willful and intentional breach of the responsibilities of a landlord.

9. The defendant(s) in this case is (are) not a minor, not incompetent, and  not a member of the Armed Forces of the United States as defined by the Soldiers and Sailors Civil Relief Act of 1940 as amended **or**  Plaintiff is unable to determine whether a member of the Armed Forces of the United States as so defined.

WHEREFORE, Plaintiff(s) requests the following relief:

1. That Defendant(s) immediately be ordered to commence repairs to said rental premises; and/or

2. That Defendant(s) be ordered to immediately bring the rental premises into compliance with Idaho Code § 6-320;

3. That Court schedule an expedited proceeding in 7-12 days.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff Signature

\_\_\_\_\_  
Plaintiff Signature

