

- 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:

COMPLAINT FOR SPECIFIC PERFORMANCE
AND EXPEDITED HEARING
CAO 16-12 1/1/03

- 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

VERIFICATION

STATE OF IDAHO)
 : ss.
County of _____)

I, _____, being first duly sworn, depose and say that:

I am a Plaintiff in the above-entitled action; I have read the foregoing Complaint for Specific Performance and Expedited Hearing and know the facts contained therein to be true and complete to the best of my knowledge and belief.

Plaintiff signature

STATE OF IDAHO)
 : ss.
County of _____)

On the _____ day of _____, 20____, before me, the undersigned Notary Public, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and he/she acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

Notary Public for Idaho
Residing at: _____
Commission Expires _____