

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

IN RE: JACKSON COUNTY LANDLORD/TENANT DOCKETS

ADMINISTRATIVE ORDER NO. 2009-141

**AMENDED ADMINISTRATIVE ORDER CREATING
LANDLORD/TENANT DOCKETS IN INDEPENDENCE AND KANSAS CITY**

WHEREAS, the Landlord/Tenant cases filed in the 16th Judicial Circuit require prompt handling pursuant to Missouri Law; and

WHEREAS, in recent years the high volume dockets for Landlord/Tenant cases have been assigned to the Honorable Charles L. Stitt in the Western Venue Of Jackson County, who is now a senior judge; and

WHEREAS, Landlord/Tenant cases have been assigned to the Honorable Robert Trout in the Eastern Venue Of Jackson County; and

WHEREAS, the Circuit Court Budget Committee has adopted guidelines that prohibit the assignment of senior judges to dockets, but rather limit the use of senior judges to single cases; and

WHEREAS, it is not practical to assign landlord/tenant cases individually or to spread the landlord/tenant cases out among various divisions because of the large number of the cases and the expedited nature of the cases; and

WHEREAS, assignment of all landlord/tenant cases to a Landlord/Tenant Docket is in the best interest of the parties, will accomplish judicial economy and will allow efficient processing of the cases by the Court Administrator,

NOW, THEREFORE, IT IS HEREBY ORDERED that Administrative Order No. 2009-134 is withdrawn, and replaced by this Administrative Order No. 2009-141.

IT IS FURTHER ORDERED that there is established a Landlord/Tenant Docket in the 16th Judicial Circuit, Jackson County, Missouri. Cases that shall be assigned to the Landlord/Tenant Docket in the 16th Judicial Circuit include cases filed seeking relief pursuant to Chapter 441, R.S.Mo.-Immediate Possession-Drug-Violence, Chapter 534, R.S.Mo.-Unlawful Detainer, Chapter 535, R.S.Mo.-Rent And Possession, and other cases seeking recovery of rent and damages where the property has been vacated. Ejectment cases shall not be assigned to the Landlord/Tenant Docket. Cases filed at the circuit court level shall not be assigned to the Landlord/Tenant Docket.

IT IS FURTHER ORDERED that all landlord/tenant cases filed in the Western Venue Of Jackson County are assigned to the judges sitting in Division 62, effective immediately.

IT IS FURTHER ORDERED that all landlord/tenant cases filed in the Eastern Venue Of Jackson County are assigned to the Honorable Robert L. Trout, effective immediately.

IT IS FURTHER ORDERED that the plaintiff shall submit a proposed judgment to the Court at the time the case is heard. This order applies to all plaintiffs, whether represented by counsel, or pro se. Defendants may submit a proposed judgment to the Court at the time the case is heard, and are encouraged to do so.

IT IS FURTHER ORDERED that the parties **shall provide the Court with an original and one copy of the proposed Judgment for use by the Court, together with an envelope addressed to each Defendant at the last know address for the Defendant**, and with such additional copies of the proposed judgment that the party desires to have for the use of the party.

IT IS FURTHER ORDERED that the proposed judgment provided to the Court in all landlord/tenant cases shall contain findings of fact regarding the application of the Soldiers And Sailors Relief Act to the case.

IT IS FURTHER ORDERED that the proposed judgment provided to the Court in all landlord/tenant cases shall contain the address of the premises involved in the action, identified by street address, city, county, state and zip code.

IT IS FURTHER ORDERED that the proposed judgment provided to the Court in all landlord/tenant cases shall contain the date that rent is due under the rental contract/lease agreement pertaining to the rental of the premises involved in the action.

IT IS FURTHER ORDERED that the proposed judgment provided to the Court in all landlord/tenant cases shall contain the monthly rental amount that is due under the rental contract/lease agreement pertaining to the rental of the premises involved in the action.

**ACTIONS FOR IMMEDIATE POSSESSION-DRUGS
FILED PURSUANT TO CHAPTER 441 R.S.MO.**

IT IS FURTHER ORDERED that the proposed judgment provided to the Court in all landlord/tenant cases in the 16th Judicial Circuit that award immediate possession of the property to the plaintiff pursuant to Chapter 441, R.S.Mo., based upon an allegation of criminal activity involving drugs, shall contain the following orders:

NOTICE FROM COURT ADMINISTRATOR TO DEFENDANT(S) IN DEFAULT

IT IS FURTHER ORDERED that the Court Administrator of the 16th Judicial Circuit shall mail a copy of this Judgment to each Defendant in default at the last known address of each Defendant, by ordinary mail, which shall serve as the notice required by Section 535.030.4 R.S.Mo., informing the Defendant of the judgment and the date it was entered. The Defendant has ten days from the date of the judgment to file a Motion To Set Aside The Judgment or to file an Application For A Trial De Novo in the circuit court, as the case may be. Unless the judgment is set aside or an Application For Trial De Novo is filed within ten days, the judgment will become final and the Defendant will be subject to eviction from the premises without further notice.

APPEAL BOND

IT IS FURTHER ORDERED that the appeal bond, whether for Application For A Trial De Novo or direct appeal to the Missouri Court Of Appeals, as the case may be, is set in the amount of the Judgment, plus court costs. The appeal bond authorized by this Judgment is conditioned upon Defendant performing the following:

1. Defendant paying into Court the amount of the judgment plus court costs; and
2. Execution of the required supersedeas bond documents; and
3. Payment of the monthly rent that accrues after the date of the Judgment to the Jackson County Court Administrator, at the rate of «MONTHLY_RENT_AMOUNT» per month, within ten (10) days after the due date provided for in the Lease/Rental Agreement; and
4. Defendant(s) shall refrain from any and all illegal activities or conduct in violation of the parties' lease while residing on the plaintiff's premises; and
5. Defendant(s) shall refrain for all activities that damage the premises or cause waste of the premises.

EXECUTION AND RESTITUTION OF PREMISES

IT IS FURTHER ORDERED that the Department Of Civil Process, Court Administrator's Office, 16th Judicial Circuit, shall put the Judgment Creditor into immediate possession of the premises that are the subject matter of this action and deliver possession to the Judgment Creditor, upon satisfaction of the following conditions:

1. This judgment has become a final judgment; or
2. If an appeal or Application For A Trial De Novo is filed, the required appeal bond has not been filed or the conditions of the bond have been violated; and
3. A Request For Execution For Restitution Of Possession has been filed that complies with the requirements set forth in this Judgment.

IT IS FURTHER ORDERED that the Request For Execution For Restitution Of Possession shall be in the format made available to the parties and to the public by the Court Administrator on the web site for the 16th Judicial Circuit, Jackson County, Missouri, and said request for execution shall contain the following representations by Plaintiff, made upon information and belief, as a condition precedent to issuance of a Writ Of Execution For Restitution Of Possession directing the Department Of Civil Process to deliver possession of the premises to Plaintiff:

1. The date of the Judgment; and
2. The type of Landlord/Tenant action at issue; and
3. Street Address, City, State and Zip Code of the property to be delivered to Plaintiff; and
4. That the judgment remains unsatisfied; and
5. That the Defendant(s) remains in possession; and
6. That there has been no appeal bond filed; and

7. That no new agreement, either oral or written, has been made with the Defendant(s) that allows the Defendant(s) to be in possession of the premises; and
8. That a request for execution delivering possession of the premises to Plaintiff is requested.

IT IS FURTHER ORDERED that, pursuant to Sec. 441.770.3, the Department Of Civil Process to execute the Writ Of Execution For Restitution Of Possession within ten days after the Writ Of Execution For Restitution Of Possession has been issued.

**ACTIONS FOR IMMEDIATE POSSESSION-VIOLENCE
FILED PURSUANT TO CHAPTER 441 R.S.MO.**

IT IS FURTHER ORDERED that the proposed judgment provided to the Court in all landlord/tenant cases in the 16th Judicial Circuit that award immediate possession of the property to the plaintiff pursuant to Chapter 441, R.S.Mo., based upon an allegation of violent conduct, shall contain the following orders:

NOTICE FROM COURT ADMINISTRATOR TO DEFENDANT(S) IN DEFAULT

IT IS FURTHER ORDERED that the Court Administrator of the 16th Judicial Circuit shall mail a copy of this Judgment to each Defendant in default at the last known address of each Defendant, by ordinary mail, which shall serve as the notice required by Section 535.030.4 R.S.Mo., informing the Defendant of the judgment and the date it was entered. The Defendant has ten days from the date of the judgment to file a Motion To Set Aside The Judgment or to file an Application For A Trial De Novo in the circuit court, as the case may be. Unless the judgment is set aside or an Application For Trial De Novo is filed within ten days, the judgment will become final and the Defendant will be subject to eviction from the premises without further notice.

APPEAL BOND

IT IS FURTHER ORDERED that the appeal bond, whether for Application For A Trial De Novo or direct appeal to the Missouri Court Of Appeals, as the case may be, is set in amount of the Judgment, plus court costs. The appeal bond authorized by this Judgment is conditioned upon Defendant performing the following:

1. Defendant paying into Court the amount of the judgment plus court costs; and
2. Execution of the required supersedeas bond documents; and
3. Payment of the monthly rent that accrues after the date of the Judgment to the Jackson County Court Administrator, at the rate of «MONTHLY_RENT_AMOUNT» per month, within ten (10) days after the due date provided for in the Lease/Rental Agreement; and

4. Defendant(s) shall refrain from any and all illegal activities or conduct in violation of the parties' lease while residing on the plaintiff's premises; and
5. Defendant(s) shall refrain for all activities that damage the premises or cause waste of the premises.

EXECUTION AND RESTITUTION OF PREMISES

IT IS FURTHER ORDERED that the Department Of Civil Process, Court Administrator's Office, 16th Judicial Circuit, shall put the Judgment Creditor into immediate possession of the premises that are the subject matter of this action and deliver possession to the Judgment Creditor, upon satisfaction of the following conditions:

1. This judgment has become a final judgment; or
2. If an appeal or Application For A Trial De Novo is filed, the required appeal bond has not been filed or the conditions of the bond have been violated; and
3. A Request For Execution For Restitution Of Possession has been filed that complies with the requirements set forth in this Judgment.

IT IS FURTHER ORDERED that the Request For Execution For Restitution Of Possession shall be in the format made available to the parties and to the public by the Court Administrator on the web site for the 16th Judicial Circuit, Jackson County, Missouri, and said request for execution shall contain the following representations by Plaintiff, made upon information and belief, as a condition precedent to issuance of a Writ Of Execution For Restitution Of Possession directing the Department Of Civil Process to deliver possession of the premises to Plaintiff:

1. The date of the Judgment; and
2. The type of Landlord/Tenant action at issue; and
3. Street Address, City and Zip Code of the property to be delivered to Plaintiff; and
4. That the judgment remains unsatisfied; and
5. That the Defendant(s) remains in possession; and
6. That there has been no appeal bond filed; and
7. That no new agreement, either oral or written, has been made with the Defendant(s) that allows the Defendant(s) to be in possession of the premises; and
8. That a request for execution delivering possession of the premises to Plaintiff is requested.

IT IS FURTHER ORDERED that, pursuant to Sec. 441.770.3, the Department Of Civil Process to execute the Writ Of Execution For Restitution Of Possession within ten days after the Writ Of Execution For Restitution Of Possession has been issued.

**ACTIONS FOR UNLAWFUL DETAINER
FILED PURSUANT TO CHAPTER 534 R.S.MO.**

IT IS FURTHER ORDERED that the proposed judgment provided to the Court in all landlord/tenant cases in the 16th Judicial Circuit that award possession of the property to the plaintiff pursuant to Chapter 534, that do not involve an emergency order granting immediate possession of the property, shall contain the following orders:

NOTICE FROM COURT ADMINISTRATOR TO DEFENDANT(S) IN DEFAULT

IT IS FURTHER ORDERED that the Court Administrator of the 16th Judicial Circuit shall mail a copy of this Judgment to each Defendant in default at the last known address of each Defendant, by ordinary mail, which shall serve as the notice required by Section 535.030.4 R.S.Mo., informing the Defendant of the judgment and the date it was entered. The Defendant has ten days from the date of the judgment to file a Motion To Set Aside The Judgment or to file an Application For A Trial De Novo in the circuit court, as the case may be. Unless the judgment is set aside or an Application For Trial De Novo is filed within ten days, the judgment will become final and the Defendant will be subject to eviction from the premises without further notice.

APPEAL BOND

IT IS FURTHER ORDERED that the appeal bond, whether for Application For A Trial De Novo or direct appeal to the Missouri Court Of Appeals, as the case may be, is set in amount of the Judgment, plus court costs. The appeal bond authorized by this Judgment is conditioned upon Defendant performing the following:

1. Defendant paying into Court the amount of the judgment plus court costs; and
2. Execution of the required supersedeas bond documents; and
3. Payment of the monthly rent that accrues after the date of the Judgment to the Jackson County Court Administrator, within ten (10) days after the due date provided for in the Lease/Rental Agreement; and
4. Defendant(s) shall refrain from any and all illegal activities or conduct in violation of the parties' lease while residing on the plaintiff's premises; and
5. Defendant(s) shall refrain for all activities that damage the premises or cause waste of the premises.

EXECUTION AND RESTITUTION OF PREMISES

IT IS FURTHER ORDERED that the Department Of Civil Process, Court Administrator's Office, 16th Judicial Circuit, shall put the Judgment Creditor into immediate possession of the premises that are the subject matter of this action and deliver possession to the Judgment Creditor, upon satisfaction of the following conditions:

1. This judgment has become a final judgment; or
2. If an appeal or Application For A Trial De Novo is filed, the required appeal bond has not been filed or the conditions of the bond have been violated; and
3. A Request For Execution For Restitution Of Possession has been filed that complies with the requirements set forth in this Judgment.

IT IS FURTHER ORDERED that the Request For Execution For Restitution Of Possession shall be in the format made available to the parties and to the public by the Court Administrator on the web site for the 16th Judicial Circuit, Jackson County, Missouri, and said request for execution shall contain the following representations by Plaintiff, made upon information and belief, as a condition precedent to issuance of a Writ Of Execution For Restitution Of Possession directing the Department Of Civil Process to deliver possession of the premises to Plaintiff:

1. The date of the Judgment; and
2. The type of Landlord/Tenant action at issue; and
3. Street Address, City and Zip Code of the property to be delivered to Plaintiff; and
4. That the judgment remains unsatisfied; and
5. That the Defendant(s) remains in possession; and
6. That there has been no appeal bond filed; and
7. That no new agreement, either oral or written, has been made with the Defendant(s) that allows the Defendant(s) to be in possession of the premises; and
8. That a request for execution delivering possession of the premises to Plaintiff is requested.

**ACTIONS FOR RENT AND/OR POSSESSION
FILED PURSUANT TO CHAPTER 535 R.S.MO.**

IT IS FURTHER ORDERED that the proposed judgment provided to the Court in all landlord/tenant cases in the 16th Judicial Circuit that award possession of the property to the

plaintiff pursuant to Chapter 535, R.S.Mo., that do not involve an emergency order granting immediate possession of the property, shall contain the following orders:

NOTICE FROM COURT ADMINISTRATOR TO DEFENDANT(S) IN DEFAULT

IT IS FURTHER ORDERED that the Court Administrator of the 16th Judicial Circuit shall mail a copy of this Judgment to each Defendant in default at the last known address of each Defendant, by ordinary mail, which shall serve as the notice required by Section 535.030.4 R.S.Mo., informing the Defendant of the judgment and the date it was entered. The Defendant has ten days from the date of the judgment to file a Motion To Set Aside The Judgment or to file an Application For A Trial De Novo in the circuit court, as the case may be. Unless the judgment is set aside or an Application For Trial De Novo is filed within ten days, the judgment will become final and the Defendant will be subject to eviction from the premises without further notice.

APPEAL BOND

IT IS FURTHER ORDERED that the appeal bond, whether for Application For A Trial De Novo or direct appeal to the Missouri Court Of Appeals, as the case may be, is set in amount of the Judgment, plus court costs. The appeal bond authorized by this Judgment is conditioned upon Defendant performing the following:

1. Defendant paying into Court the amount of the judgment plus court costs; and
2. Execution of the required supersedeas bond documents; and
3. Payment of the monthly rent that accrues after the date of the Judgment at to the Jackson County Court Administrator, at the rate of «MONTHLY_RENT_AMOUNT» per month, within ten (10) days after the due date provided for in the Lease/Rental Agreement; and
4. Defendant(s) shall refrain from any and all illegal activities or conduct in violation of the parties' lease while residing on the plaintiff's premises; and
5. Defendant(s) shall refrain for all activities that damage the premises or cause waste of the premises.

EXECUTION AND RESTITUTION OF PREMISES

IT IS FURTHER ORDERED that the Department Of Civil Process, Court Administrator's Office, 16th Judicial Circuit, shall put the Judgment Creditor into immediate possession of the premises that are the subject matter of this action and deliver possession to the Judgment Creditor, upon satisfaction of the following conditions:

1. This judgment has become a final judgment; or
2. If an appeal or Application For A Trial De Novo is filed, the required appeal bond has not been filed or the conditions of the bond have been violated; and

3. A Request For Execution For Restitution Of Possession has been filed that complies with the requirements set forth in this Judgment.

IT IS FURTHER ORDERED that the Request For Execution For Restitution Of Possession shall be in the format made available to the parties and to the public by the Court Administrator on the web site for the 16th Judicial Circuit, Jackson County, Missouri, and said request for execution shall contain the following representations by Plaintiff, made upon information and belief, as a condition precedent to issuance of a Writ Of Execution For Restitution Of Possession directing the Department Of Civil Process to deliver possession of the premises to Plaintiff:

1. The date of the Judgment; and
2. The type of Landlord/Tenant action at issue; and
3. Street Address, City, State and Zip Code of the property to be delivered to Plaintiff; and
4. That the judgment remains unsatisfied; and
5. That the Defendant(s) remains in possession; and
6. That there has been no appeal bond filed; and
7. That no new agreement, either oral or written, has been made with the Defendant(s) that allows the Defendant(s) to be in possession of the premises; and
8. That a request for execution delivering possession of the premises to Plaintiff is requested.

ACTIONS FOR POSSESSION ONLY
FILED PURSUANT TO CHAPTER 535 R.S.MO.

IT IS FURTHER ORDERED that the proposed judgment provided to the Court in all landlord/tenant cases in the 16th Judicial Circuit that award only possession of the property to the plaintiff pursuant to Chapter 535, R.S.Mo., that do not involve an emergency order granting immediate possession of the property, shall contain the following orders:

NOTICE FROM COURT ADMINISTRATOR TO DEFENDANT(S) IN DEFAULT

IT IS FURTHER ORDERED that the Court Administrator of the 16th Judicial Circuit shall mail a copy of this Judgment to each Defendant in default at the last known address of each Defendant, by ordinary mail, which shall serve as the notice required by Section 535.030.4 R.S.Mo., informing the Defendant of the judgment and the date it was entered. The Defendant has ten days from the date of the judgment to file a Motion To Set Aside The Judgment or to file an

Application For A Trial De Novo in the circuit court, as the case may be. Unless the judgment is set aside or an Application For Trial De Novo is filed within ten days, the judgment will become final and the Defendant will be subject to eviction from the premises without further notice.

APPEAL BOND

IT IS FURTHER ORDERED that the appeal bond, whether for Application For A Trial De Novo or direct appeal to the Missouri Court Of Appeals, as the case may be, is set in amount of the Judgment, plus court costs. The appeal bond authorized by this Judgment is conditioned upon Defendant performing the following:

1. Defendant paying the amount of ONE THOUSAND TWO HUNDRED AND NO/100s DOLLARS (\$1,200.00), as bond; and
2. Defendant paying into Court the amount of the court costs; and
3. Execution of the required supersedeas bond documents; and
4. Payment of the monthly rent that accrues after the date of the Judgment to the Jackson County Court Administrator, at the rate of «MONTHLY_RENT_AMOUNT», within ten (10) days after the due date provided for in the Lease/Rental Agreement; and
5. Defendant(s) shall refrain from any and all illegal activities or conduct in violation of the parties' lease while residing on the plaintiff's premises; and
6. Defendant(s) shall refrain for all activities that damage the premises or cause waste of the premises.

EXECUTION AND RESTITUTION OF PREMISES

IT IS FURTHER ORDERED that the Department Of Civil Process, Court Administrator's Office, 16th Judicial Circuit, shall put the Judgment Creditor into immediate possession of the premises that are the subject matter of this action and deliver possession to the Judgment Creditor, upon satisfaction of the following conditions:

1. This judgment has become a final judgment; or
2. If an appeal or Application For A Trial De Novo is filed, the required appeal bond has not been filed or the conditions of the bond have been violated; and
3. A Request For Execution For Restitution Of Possession has been filed that complies with the requirements set forth in this Judgment.

IT IS FURTHER ORDERED that the Request For Execution For Restitution Of Possession shall be in the format made available to the parties and to the public by the Court Administrator on the web site for the 16th Judicial Circuit, Jackson County, Missouri, and said request for execution shall contain the following representations by Plaintiff, made upon information and belief, as a condition precedent to issuance of a Writ Of Execution For Restitution

Of Possession directing the Department Of Civil Process to deliver possession of the premises to Plaintiff:

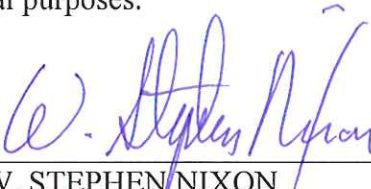
1. The date of the Judgment; and
2. The type of Landlord/Tenant action at issue; and
3. Street Address, City and Zip Code of the property to be delivered to Plaintiff; and
4. That the judgment remains unsatisfied; and
5. That the Defendant(s) remains in possession; and
6. That there has been no appeal bond filed; and
7. That no new agreement, either oral or written, has been made with the Defendant(s) that allows the Defendant(s) to be in possession of the premises; and
8. That a request for execution delivering possession of the premises to Plaintiff is requested.

CREATION OF STANDARDIZED FORMS AND SAMPLE JUDGMENTS

IT IS FURTHER ORDERED that the Court Administrator shall create a standardized Request For Execution For Restitution Of Possession which shall be used to initiate the process of issuing a writ of execution for restitution of possession of the property. This standardized Request For Execution For Restitution Of Possession form shall be made available to the parties and the public on the 16th Judicial Circuit web site.

IT IS FURTHER ORDERED that sample judgments shall be made available to the parties and the public on the 16th Judicial Circuit web site. Use of these sample judgments is not mandatory, but they are provided informational purposes.

Date: October 29, 2009



W. STEPHEN NIXON
Presiding Judge