IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

AT  KANSAS CITY  INDEPENDENCE, MISSOURI

LANDLORD TENANT DOCKET

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Plaintiff,

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Defendant.

**JUDGMENT ON LANDLORD/TENANT PETITION**

**IMMEDIATE REMOVAL PURSUANT TO CHAPTER 441 R.S.MO.**

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Plaintiff appeared in person and by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Defendant(s), appeared in person and by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Defendant(s), although having been lawfully served with process, appear not, and make default.

Evidence was heard. The case was submitted to the Court upon the pleadings of record. The Court also heard arguments of the parties.

The Court makes the following findings and judgment:

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has jurisdiction over the parties and the subject matter of this action.

The Court has made judgments on the credibility of various witnesses that are consistent with the findings of fact made in this Judgment.

The provisions of the Service members’ Civil Relief Act, 50 U.S.C. App. Sec. 501, et seq. have been observed and honored.

Plaintiff has filed a verified petition for immediate eviction pursuant to Sec. 441.740, R.S. Mo. et seq.

The grounds for removal of the Defendant(s) from the premises/property pursuant to Sec. 441.740 have been proved in that it has been established that **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**has occurred on or within the leased property.

The property at issue is owned by the Plaintiff and leased to the Defendant(s). The rent due date under the Lease/Rental Agreement is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The Court finds the issues in favor of Plaintiff, and against Defendant(s).

The Court makes additional findings of fact and conclusion of law that are consistent with the Judgment entered by the Court.

**JUDGMENT**

IT IS ORDERED that, due to the finding of a violation of Sec. 441.740 and/or 441.760, the Defendant(s) shall vacate the premises at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in Jackson County, Missouri, within twenty-four hours following the entry of this Order.

IT IS FURTHER ORDERED that persons found to have engaged in criminal activity as defined in Sec. 441.740.2, shall be immediately removed and barred from the leased premises.

IT IS FURTHER ORDERED that Defendant(s) shall pay the following damages to Plaintiff:

| **DAMAGES OWED TO PLAINTIFF** | |
| --- | --- |
| DESCRIPTION | AMOUNT |
| RENT |  |
| LATE FEES SET OUT IN CONTRACT |  |
| ATTORNEY’S FEES |  |
| SPECIAL PROCESS SERVER FEES |  |
| **TOTAL DAMAGES OWED TO PLAINTIFF** |  |

IT IS FURTHER ORDERED that costs are assessed against Defendant(s).

**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 notice required by Sec. 534.345.

**APPEAL BOND**

IT IS FURTHER ORDERED that should the defendant appeal this Judgment to the Missouri Court Of Appeals, the appeal bond 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 \_\_\_\_\_\_\_\_\_\_\_\_ 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 from 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. Judgment for Plaintiff has been entered; and
2. If an appeal 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.

**IN DEFAULT IN THE PERFORMANCE OF ANY ORDER CONTAINED IN THIS JUDGMENT, LET EXECUTION ISSUE THEREFOR.**

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was hand delivered in open court to the parties, and, if a party was not present in Court, a copy was mailed via U.S. First Class mail, postage prepaid, to that party, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to:

(List all attorneys with addresses)

(List all unrepresented parties with addresses)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judicial Administrative Assistant