

THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS TRIBAL COURT			SUMMONS AND COMPLAINT (Eviction)			CASE No.												
2605 N. West Bay Shore Drive, Peshawbestown, MI 49682 (231)534-7050 TribalCourt@gtb-nsn.gov (231)534-7051 fax																		
Plaintiff Name, Address, Phone Number				vs.	Defendant's Name, Address, Phone Number													
<table border="1"> <tr> <td>Tribal ID #</td> <td>Soc. Sec. No. (last 4)</td> <td>Date of Birth</td> </tr> <tr> <td></td> <td>xxx-xx-</td> <td></td> </tr> </table>			Tribal ID #		Soc. Sec. No. (last 4)	Date of Birth		xxx-xx-		<table border="1"> <tr> <td>Tribal ID #</td> <td>Soc. Sec. No. (last 4)</td> <td>Date of Birth</td> </tr> <tr> <td></td> <td>xxx-xx-</td> <td></td> </tr> </table>			Tribal ID #	Soc. Sec. No. (last 4)	Date of Birth		xxx-xx-	
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	xxx-xx-																	
Plaintiff's Attorney/Lay Advocate Name, Address, Phone Number				Defendant's Attorney/Lay Advocate Name, Address, Phone Number														

Instruction: To be completed only by the Court Clerk.

SUMMONS

Notice to the Defendant:

- You are being sued by your landlord/landlady.
- The suit is (check only 1 box)
 - ☐ **For Cause.** You have **5 calendar days after receiving this summons and complaint to file an answer** with the court and serve a copy on the other party or to take other lawful action. If you file an answer within the time allotted, the Court will set a date for a hearing at which you must show cause why an order of eviction should not be entered.
 - ☐ **No Cause.** You have **10 calendar days after receiving this summons and complaint to file an answer** with the court and serve a copy on the other party or to take other lawful action. If you file an answer within the time allotted, the Court will set a date for a hearing at which you must show cause why an order of eviction should not be entered.
- If you do not file an answer or take other action within the allotted time, the court may enter a default judgment against you for the relief demanded within the complaint.
- If you file an answer or take other action within the allotted time, the court will schedule a show cause hearing for eviction within **15 calendar days** of filing the answer.
- Discovery requests must be made within **3 calendar days** after the show cause hearing has been set, and discovery must be completed by the parties within **5 calendar days**.
- A copy of the Tribal Judicial Eviction Ordinance (13 GTBC § 1001 et seq.) and court rules are available at the Tribal Court and/or can be found online at www.gtbindians.org.

Issued	This Summons Expires	Court Clerk
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*This summons is invalid unless served on or before its expiration date.

HOW TO GET LEGAL HELP

- Call your own lawyer.
- If you do not have an attorney but have the money to retain one, you may locate an attorney through the State Bar of Michigan Lawyer Referral Service at 1-800-968-0738 or through a local lawyer referral service. Lawyer referral services should be listed in the telephone director, or you can find a local lawyer referral service at www.michbar.org. Internet access may be available at your local library.
- If you do not have an attorney and cannot afford to pay for legal help, you may qualify for assistance through a local legal aid office that should be listed in the local yellow pages of your telephone directory or you can find a local legal aid office at www.michiganlegalhelp.org. Internet access may be available at your local library.

If you require special accommodations to use the Court because of a disability or if you require a foreign or sign language interpreter to help you fully participate in Court proceedings, please contact the Court immediately to make arrangements.

GTBCR 4.102(B)(11), GTBCR 4.104, GTBCR4.105, GTBCR 4.107, GTBCR 4.113(C)(2)(a), (b).

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Plaintiff Name, Address, Phone Number				vs.	Defendant's Name, Address, Phone Number			
Tribal ID #	Soc. Sec. No. (last 4)	Date of Birth			Tribal ID #	Soc. Sec. No. (last 4)	Date of Birth	
	XXX-XX-					XXX-XX-		
Plaintiff's Attorney/Lay Advocate Name, Address, Phone Number					Defendant's Attorney/Lay Advocate Name, Address, Phone Number			

Instruction: To be completed by the Plaintiff. The following information is required for every complaint.

COMPLAINT

The Plaintiff states:

1. General Civil Cases (check only 1 box):

- ☐ There is no other pending or resolved civil action arising out the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out the transaction or occurrence alleged in this complaint has been previously filed in _____ Court. The docket number and assigned judge are:

Docket No.				Judge			
The action:		remains		is no longer pending			

2. Venue is proper because the premises subjection to this complaint is:

- ☐ Tribal trust land.
- ☐ Tribal lands owned in fee by the Tribe.
- ☐ Private property that is taxable by the State and located within the Tribe's Indian Country.

3. The complaint is brought against (names of adult tenants): _____

4. The premises subject to this complaint is (physical address): _____

5. The Defendant was served with a notice to quit or demand for possession in accordance with Tribal law or other laws.

- a. The notice to quit or demand for possession was served on (date): _____
- b. The notice to quit or demand for possession was served by:

- ☐ Process Server
- ☐ Certified Mail return receipt requested.
- ☐ Personal Service to person in possession.
- ☐ Other by Court Order: _____
- c. ☐ A copy of the notice to quit/demand for possession and proof of service is attached.

6. The tenancy is pursuant to (check only 1 box)

- ☐ A written rental agreement.
- ☐ A copy of the rental agreement is attached.
- ☐ An oral agreement.

7. The grounds for eviction are: (check 1 box only "no cause" or "for cause")

☐ **No Cause.** If you have selected "no cause" proceed to question 8.

☐ **For Cause.** If you selected "for cause" please select all that apply below. If you have written billing, invoices or statements for monies owed, please attach to the complaint.

☐ Failure to Pay Rent. The Plaintiff has a right to possession of the property for the non-payment of rent.

a. Rental Rate: \$ _____ Per (wk./mo.): _____

b. Rent is due by: _____

c. Total rent now due is: \$ _____

d. Other money due (late fees) is: \$ _____ for _____ and due by _____

☐ Failure to Pay Utilities. The Plaintiff has a right to possession of the property for the non-payment of utilities.

a. Utility Rate: \$ _____ Per (wk./mo.): _____

b. Utility is due by: _____

c. Total Utility now due is: \$ _____

d. Other money due (late fees) is: \$ _____ for _____ and due by _____

☐ Failure to Pay Other Monies Due. The Plaintiff has a right to possession of the property for the non-payment of other monies owed.

Other Monies Due are: _____

☐ Damage/Health Hazard to Property. The Plaintiff has a right to possession of the property for the following damages/health hazards: _____

☐ The cost for damages is not calculated:

☐ The cost for damages is: \$ _____

☐ Unlawful Activity. The Plaintiff has a right to possession of the property for the following unlawful activity: _____

☐ Pets. The Plaintiff has a right to possession for violating pet policy/lease.

☐ Federal Law or Regulation. The plaintiff has a right to possession of the property for the violation of the following federal law or regulation: _____

The federal law (USC) or regulation (CFR) is: _____

☐ Other: _____

8. ☐ The property is regulated or operated by a governmental unit.

9. ☐ **(OPTIONAL).** An ADDENDUM is included as part of this Complaint that further describes the basis for the complaint and the relief requested.

10. The Plaintiff declares that the unit was kept fit for the intended and has been kept in reasonable repair during the term of the lease/occupancy.

11. The Defendant has not complied with the demands made in the notice to quit/demand for possession.

12. The plaintiff requests the following relief:

a. Possession of the premises.

b. Judgment of money damages for rent, utilities, late fees and other arrearages.

c. Rent or utility costs that have or will accrue between the time of filing this complaint and the Defendant vacating the premises.

d. Judgment for any damage to the unit and repairs.

e. Costs to bring this complaint, including process servers, filing fees, motion fees, and attorney fees, if any.

Date: _____

Plaintiff/Attorney Signature: _____

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS TRIBAL COURT	SUMMONS AND COMPLAINT (Proof of Service)	CASE NO.
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2605 N. WEST BAY SHORE DRIVE, PESHAWBESTOWN, MI 49682 (231)534-7050 TribalCourt@gtb-nsn.gov (231)534-7051 fax

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the Summons and Complaint no later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the Court Clerk. If you are unable to complete service, you must return this original and all copies to the Court Clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

☐ **PARTY OR OFFICER CERTIFICATE.** I certify that I am a sheriff, deputy sheriff, bailiff, appointed Court Officer, or Attorney for a party [GTBCR 4.104(A)(2)], and that (notary not required).

☐ **AFFIDAVIT OF PROCESS SERVER.** Being first duly sworn, I state that I am legally competent adult who is not a party or an officer of a corporate party, and that (notary not required).

☐ I served personally a copy of the Summons and Complaint.

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the Summons and Complaint, together with

List all documents served with the Summons and Complaint.

Defendant's name	Complete Address(es) or Service	Day, Date, Time
Defendant's name	Complete Address(es) or Service	Day, Date, Time

☐ I have personally attempted to serve the Summons and Complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete Address(es) or Service	Day, Date, Time
Defendant's name	Complete Address(es) or Service	Day, Date, Time

I declare that the statements above are true and correct to the best of my knowledge, information, and belief.

Service Fee \$	Miles Traveled \$
Mileage Fee \$	Total Fee \$

Signature

Printed Name

Title

Date

Subscribed and sworn to before me on this ____ day of ____, in the year ____ before me _____, a Notary Public in and for the County of _____, State of _____, personally appeared _____, who proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument and acknowledged he/she executed same.

Notary Public

In and For County _____ State of _____

Acting in County of _____

My Commission Expires on _____

(seal)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the Summons and Complaint, together with (attachments) _____

_____ on (Day, Date, Time) _____

_____ on behalf of _____

Signature