

**WIND RIVER TRIBAL COURT
SHOSHONE AND ARAPHOE TRIBES
WIND RIVER INDIAN RESERVATION
P.O. BOX 608
FT. WASHAKIE, WY 82514
PHONE: (307) 332 6702 FAX: (307) 332-7587**

INFORMATION ON EVICTION TITLE XII HOUSING CODE 12-2-4 PROCEDURES

1. The Court does not participate in the eviction process of removing a person from a property or residence even if there is a lease or private agreement or not. A Civil Suit may be filed after all remedies have been exhausted pursuant to the Law & Order Code as it applies to evictions or termination of leases.
2. The owner of the property or residence must initiate the eviction process.
3. Any eviction notice must be in writing, and must be delivered to the tenant by either personal service, certified mail, return receipt requested, or by securely taping a copy of the notice to the main entry door of the premises in such a manner that it is not likely to blow away and by posting a copy of the notice in some public place near the premises, including a tribal office, public store or other commonly frequented place.
 - o The person giving notice must keep a copy of the notice and proof of how it was served.
 - o The person being evicted must be given the reason for the eviction and inform the person of their right to make a reasonable reply.
4. Eviction must be for good reason including, but not limited to:
 - o Failure to make payments.
 - o Destruction of the property
 - o Violation of any agreements concerning the use of the property or residence.
 - o Nuisance, property damage or destruction, injuries to the property, person or peace of other tenants, or injuries or damage to common areas and property.
 - o Conducting illegal activities on the property or in the residence in violation of the Shoshone and Arapaho Code of Tribal Offenses.
 - o Occupying any premises without permission or agreement.
5. Eviction notices must be give the tenant the following amounts of days to vacate;
 - o 14 days' notice for failure of payment.
 - o 3 days' notice for serious violations such as injury to the property or injury to a person or serious threat to public health or safety.
 - o 30 days' notice in all other situations.

TITLE XII: HOUSING CODE, SECTION 12-2-4 (7) NOTICE TO QUIT

If the person you are attempting to evict refuses to move after you have taken the previous steps then you will need to issue a **Notice to Quit**.

- A. Except by mutual consent of the parties, no landlord may compel a tenant to vacate any premises in a forceful fashion or way which causes a breach of the peace.
- B. The notice to quit may be served by any tribal or other law enforcement officer or any person appointed by the tribal court for service of process, and it must be served as provided in Section 12-2-4 (3) of this code;
- C. The notice must be addressed to the known occupants of the premises, although unknown occupants need to be named, and it shall state the reason(s) for the notice and state a date by which the occupant must leave the premises and surrender it to the owner;
- D. Any notice which substantially complies with the following form will be sufficient
 - o “TO: (name of tenants) and occupiers of (address of premises or reasonable description of location)
 - o “You are required to quit possession or occupancy of these premises, move out and return the possession of the premises to the landlord on or before (state the date) for the following reason(s) (state what they are)
- E. The notice must provide not less than eight (8) days to vacate the premises, except in cases of nuisance or injuries as provided in Section 12-2-4 (c) of this code.

COURT PROCEDURES SECTION 12-2-5

- 1) Complaint. **At any time after the expiration of the time set in the notice to quit**, if the tenant or occupant of the premises refuses to quite possession or occupancy of the premises, the landlord may file a complaint in the tribal court for eviction and other relief.
- 2) At this point you must file a civil complaint with the Court. This filing fee is \$100 and you will need to fill out the forms for a civil complaint. You must be prepared to provide the Court with proof that you have exhausted all remedies require in the Eviction/Notice to quit procedures outlines in the previous instructions. **(Keep all copies showing you have served/provided the person with the Eviction Notice and Notice to Quit)**

If you have questions pertaining to filling please call: (307) 332-6702

Civil Clerk of the Court
Wind River Tribal Court
Ft. Washakie, WY 82514

EVICTION NOTICE

To: _____

1. You are hereby notified that as the owner of the property/residence located at _____, I am demanding that you vacate the premises by no later than _____ a.m./p.m. on the _____ day of _____ 20____, and return possession of the property/residence to me.
2. The reason(s) for your Eviction are as follows:
 - a) _____
 - b) _____
 - c) _____
 - d) _____
3. If you wish to respond or attempt to reach an agreement by which you will be allowed to remain on the premises, you can contact me at: _____ to discuss the issue outlined above.
4. If you cause any damage to the property prior to leaving the premises, I reserve the right to file an action against you either criminally or in a Civil proceeding.
5. If damage has already been done to the property, you can either reimburse me for the cost of repairs or I reserve the right to proceed against you either criminally or in a Civil proceeding.
6. If you do not vacate the premises and return all keys to me by the above deadline, I will serve a NOTICE to Quit upon you pursuant to the Shoshone and Arapaho Law and Order Code 12-2-4 (7).

Signature of Owner

date

Served on: _____, 20__ at _____ a.m./p.m. in the following manner _____

Signature of person making service

NOTICE TO QUIT

TO: _____ AND ANY OCCUPIERS

OF _____.

**YOU ARE REQUIRED TO QUIT POSSESSION OR OCCUPANCY OF THESE
PREMISES, MOVE OUT AND RETURN THE POSSESSION OF THE PREMISIS TO
THE LANDLORD ON OR BEFORE THE ____ DAY OF _____, 20__ FOR
THE FOLLOWING REASONS:**

DATED THIS ____ DAY OF _____, 20__

Signature of Process Server

Name of Process Server

Address of Process Server

City/State/Zip

**WIND RIVER TRIBAL COURT
SHOSHONE & ARAPAHO TRIBES
WIND RIVER INDIAN RESERVATION
FORT WASHAKIE, WYOMING**

IN THE MATTER OF:

PETITIONER

vs.

RESPONDENT

)
)
)
)
)
)
)
)
)
)

CIVIL COMPLAINT

Civil Case No.: _____

COMES NOW _____ (your name) Petitioner(s) herein,
respectfully file(s) this complaint, alleging the following against Respondent(s):

1. Respondent(s) live at

(print address, and include any additional information necessary to identify the property).

2. Petitioner(s) and Respondent(s) have had an agreement (“Agreement”) whereby
Respondent has leased the above from Petitioner(s). This agreement was or is:

- In writing, as evidenced herein. (please attach a copy of the lease agreement)
- Oral, with terms alleged by Petitioner(s) as follows (tell the Court what your agreement was
and attach additional pages as necessary):

3. Jurisdiction over this matter is proper for this Court pursuant to S&A LOC § 12-2-1 (2) due to the following:

- A. The above-referenced owned by Petitioner(s) is located within the exterior boundaries of the Wind River Indian Reservation.
- B. The above-referenced Respondent(s) is/are leasing a residence which is subject to the jurisdiction of the Shoshone and Arapaho Tribes.
- C. The subject matter referenced in this Complaint is covered by the Shoshone and Arapaho Law and Order Code in Title XII: Housing Code.

4. Respondent(s) is/are in breach of the terms of the Agreement through the following actions (attach additional pages as necessary):

5. All required notices have been made to Respondent(s) under S&A LOC § 12-2-4, on the following dates:

- A. On the ___ day of _____, 20__ Respondent(s) were properly served a Notice of Termination of Lease Agreement under S&A LOC § 12-2-4(3)(b). (please attach copies of the Notice and Certificate of Service)
- B. On the ___ day of _____, 20__ Respondent(s)

Having failed to come back within the terms of the Agreement within the allotted timeframe, were properly served with a Notice to Quit under S&A LOC § 12-2-4(7)(b). (please attach copies of the Notice to Quite and Certificate of Service)

6. Respondent(s) remain non-compliant to the Notice to Quit beyond this expiration date of ____/____/20____, necessitating this Complaint pursuant to S&A LOC § 12-2-5(1).

WHEREFORE Petitioner(s) pray this honorable Court grant them the following relief

Damages in the amount of \$_____dollars, including court fees. (add up your lost money and INCLUDE the court's filing fee and attach any additional evidence you have that you've lost money due to these facts)

Other special relief cited herein (tell the Court what you want, attach additional pages as necessary):

Dated this _____ day of _____, 20_____.

PETITIONER(S) (sign here)

PETITIONER(S) (sign here)

Mailing Address

City/State/Zip

(stop)

(for the Clerk)

Subscribed and sworn to before this _____ day of _____, 20____

Court Clerk or Notary Public

My Commission Expires:

CONTACT INFORMATION SHEET

CASE NO. _____

I AM THE (CHECK ONE)

Plaintiff/Petitioner

Defendant/Respondent

Name: _____ Date of Birth: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Home Telephone: _____ Work Phone: _____

Email Address: _____ Cell Phone: _____

Physical Address: _____

City: _____ State: _____ Zip: _____

Alternate telephone number were a message can be left: _____

Place of employment: _____

Other Parties Involved (CHECK ONE)

Plaintiff/Petitioner

Defendant/Respondent

Name: _____ Date of Birth: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Home Telephone: _____ Work Phone: _____

Email Address: _____ Cell Phone: _____

Physical Address: _____

City: _____ State: _____ Zip: _____

Alternate telephone number were a message can be left: _____

Place of employment: _____