



EASTERN BAND OF CHEROKEE INDIANS

THE CHEROKEE COURT

• P.O Box 1629 Cherokee, NC 28719 • Telephone (828) 359-1068 • Fax (828) 520-7068

Bradley B. Letts • Chief Justice

Monty Beck • Chief Judge

Barbara Parker • Associate Judge

EVICITION CLAIM PROCESS

- Fill out the Plaintiff and Defendant information on all sheets.
- Please use a street address or physical address and include job site, if available, as it will assist the officer with service.
- Do not fill in any other information on the **ORDER**, other than the information for Plaintiff and Defendant.
- On the Complaint, please list all the information that pertains to your Claim.
- You may attach any documents that you would like the Court to consider.
- Filing fee is \$100 for EACH complaint filed.
- Upon receiving your Complaint(s), we will issue a Summons, along with a Court date and file number. We will forward you a copy of the case filed if you include a self-addressed stamped envelope (SASE).
- EBCI Court staff cannot give any legal advice. *Please contact an attorney if you have any questions.*
- Complaints may be filed: IN-PERSON or MAIL
137 SEVEN CLANS LANE P.O.BOX 1629
CHEROKEE NC 28719 CHEROKEE NC 28719

YOU ARE EXPECTED TO BE PRESENT ON THE SCHEDULED COURT DAY



THE CHEROKEE COURT
EASTERN BAND OF CHEROKEE INDIANS

SMALL CLAIMS FILE NO. _____

Plaintiff(s)
VS

COMPLAINT
for
EVICTION

- 1) Plaintiff is a resident of _____.
- 2) Defendant is a resident of The Cherokee Qualla Boundary and is is not an Enrolled Member of The Eastern Band of Cherokee Indians.
- 3) The Defendant entered contract and possession of premises described below as a lessee of Plaintiff: _____

- 4) The Defendant agreed to pay rent as follows: _____
_____ pursuant to a written or oral lease agreement.
- 5) The Defendant has failed to pay rent as agreed and owes past due rent in the amount of: _____
 The Defendant has breached a condition of the lease as follows: _____

- 6) The Plaintiff has demanded possession of the premises from the Defendant, who has refused to surrender it, and the Plaintiff is entitled to immediate possession and the Defendant's eviction.
 The Defendant has abandoned the premises but has left personal property in or on the premises.

Wherefore, Plaintiff demands to:

- Be put in possession of premises _____
- Recover a Judgement in the amount of \$ _____ for past due rent.
- Legally depose of any personal property remaining in or on the property.

Date

Plaintiff-Agent



THE CHEROKEE COURT
EASTERN BAND OF CHEROKEE INDIANS

SMALL CLAIMS FILE NO. _____

PLAINTIFF(s)

Vs

DEFENDANT(s)

SMALL CLAIMS
JUDGEMENT OF
EVICTION

This action has come before the undersigned Judge on the cause stated in the Complaint. Timely notice of the nature of this action and then time and place of the trial was given to the Defendant.

THE COURT FINDS THAT:

- 1) The Plaintiff has proved the case by the greater weight of the evidence.
 - The Plaintiff has failed to prove the case by the greater weight of the evidence.
 - The Plaintiff requested and was entitled to a judgment for possession based on the pleading.
- 2) The Defendant(s) was/were was not/were not present.
- 3) The Defendant(s) owe the amount of \$ _____ in past due rent.
- 4) The Plaintiff failed to appear, and the case is dismissed.
- 5) Other: _____

It is therefore ORDERED and ADJUDGED that:

- The Defendant(s) shall be removed from, and the Plaintiff be put in possession of the premises described in the complaint.
- The Plaintiff recover rent in the amount of \$ _____ plus interest from the date of the judgment until the judgment is paid.
- The Defendant is given _____ days to remove any personal property remaining in or on the described property. **In the event Defendant fails to remove any personal property within the above-stated time, the Plaintiff may dispose of the property in any legal manner deemed appropriate**.
- The cost(s) of this action is/are taxed to the the Plaintiff(s) the Defendant(s)
- Plaintiff(s) is/are hereby authorized to take possession of said property described in Complaint when accompanied by a Cherokee Police Officer. The Officer of the Cherokee Indian Police department is hereby authorized and directed to accompany the Plaintiff to be put in possession of property.
- This action be dismissed.
- Other: _____

Date

Presiding Judge



CONTACT INFORMATION

SC _____

*** We need a good address/phone number to be able to reach you, The Plaintiff, to send Notices, Orders, etc. It is your responsibility to inform the Clerk's office if your contact information changes. If you fail to do so, you will be considered served. ***

➤ PLAINTIFF NAME: _____

➤ MAILING ADDRESS: _____

➤ PHYSICAL ADDRESS: _____

➤ PHONE: _____

➤ EMAIL: _____

PLEASE INDICATE HOW YOU WOULD LIKE A COPY OF CASE FILE

IN-PERSON EMAIL MAILED

FOR ATTORNEY'S OFFICE ONLY

COMPANY EMAIL: _____

(If available)

➤ DEFENDANT NAME: _____

➤ MAILING ADDRESS: _____

➤ PHYSICAL ADDRESS: _____

➤ PHONE: _____

➤ EMAIL: _____