

SAMPLE CIVIL COMPLAINT FORMS



**JUSTICE OF THE PEACE COURT
OF THE STATE OF DELAWARE**

Justice of the Peace Court Mission Statement



***As the place where justice starts,
it is the mission of the
Justice of the Peace Court to:***

***Serve the people of Delaware by efficient and accessible administration of
Justice for all, and to treat all persons with Integrity, Fairness,
and Respect.***

In order to accomplish the Mission of the Justice of the Peace Court the Court seeks to make its processes as understandable to the public as possible. These sample complaints were developed in conjunction with the Pro Se Litigation Committee of the Delaware State Bar Association and have recently been updated by the Justice of the Peace Court.

Please note that the sample forms in this booklet are meant only as a general guide and may or may not apply directly to the specific facts of your case. They are not a substitute for legal advice. To obtain legal advice on how to proceed in your case, you should speak with an attorney. If you need help obtaining an attorney, you may contact the Legal Helpline at 302-578-8680 (New Castle County) or 800-773-0606 (Kent and Sussex Counties) for assistance.

INSTRUCTIONS FOR FILING COMPLAINT FOR DEBT ACTION – GENERAL CONTRACT

Before initiating a case, you should review the booklet entitled *How to File and Defend a Civil Case in the Justice of the Peace Court of the State of Delaware*. This booklet will explain the process involved and will help you to determine which type of action you should file. In order to initiate a case, you must fill out the Complaint (J.P. Civil Form No. 1) and submit it, along with the filing fee, to the Court. If you determine that your case is a **DEBT** action and it is based on an oral or written agreement between you and the defendant, the attached form may be used as an example to help fill out the Complaint. More information is available at <https://courts.delaware.gov/jpcourt/> including interactive forms.

(The following information is not legal advice and is not a substitute for seeking legal advice from an attorney. This information is not binding on the Court if incorrect or misunderstood. The sample form and instructions are illustrative only and may or may not apply to the specific facts of your case.)

The sections of the sample complaint will be identified by capital letters in parentheses, i.e., (A), (B). These do not appear on the actual complaint but are used to help you follow the instructions to the sample form.

(A) Fill in the County, Court No. and Court Address. You should leave blank the space for "Civil Action No." The Court will assign a case number for a new filing.

(B) In the section marked PLAINTIFF(S), you must fill in your name, address, telephone number and email. If you are not the only plaintiff, you must include the same information for all other plaintiffs in the case. Each party must be listed separately. If you have filed a case before, you may include previous System ID # created by the Court under Plaintiff information. If you have more than 2 plaintiffs, please use the Civil Form CF01AP for the additional parties. If any of the parties address' have changed check the box under their name that indicates an address change.

(C) In the section marked DEFENDANT(S), you must fill in the name, address, phone number and email of each defendant. **It is extremely important that the addresses given the Court are complete and correct.** If the party you are suing has a post office box, you must include their street address as well as their post office box. If you are suing a husband and wife, you must list the name of each spouse. If you have filed against defendant before, you may include previous System ID # created by the Court under Defendant information. If you have more than 2 defendants, please use the Civil Form CF01AP for the additional parties.

(D) If you are represented by an attorney, the attorney must submit the filing electronically.

(E) You should fill in the name of the defendant's attorney, if any, and the attorney's address and phone number, if known. You may leave this blank or write unknown if you do not know if the defendant has an attorney. The defendant's attorney is required to enter their appearance with the court.

(F) You must state whether you are an individual or corporation or other artificial entity. If you are suing as an artificial entity and are not represented by an attorney, a valid Form 50 must be attached to the complaint. A Form 50 permits a person who is not an attorney to represent an artificial entity in the Justice of the Peace Court. If you do not have a valid Form 50, you must obtain one from the Chief Magistrate's office.

(G) You must indicate whether the party you are suing, is an individual, corporation, or other artificial entity. (The defendant will also be required to file a Form 50 if it is an artificial entity and does not wish to be represented by an attorney).

(H) Type of Service. The Court will attempt to serve (deliver to) the defendant unless you tell the Court that you wish to hire a special process server (SPS). A Special Process Server (SPS) is an individual approved by the Court to serve documents in lieu of the Court. If selecting a Special Process Server (SPS), be sure to indicate the name and phone number of the Special Process Server (SPS) next to your selection. You should contact a Special Process Server (SPS) prior to filing your complaint. There is a list of Court Approved Special Process Servers (SPS) available at any JP Civil Court location.

(I) Alternate Address. This should be left blank.

(J) Type of Action. Check Debt.

(K) Concise Statement of Facts. Although only a very short statement of the facts is required, it is important that you include sufficient information. **Information in this section should show:**

1. **What the agreement was between the parties.** The relevant terms of the agreement should be explained. For example, in the attached sample, the complaint states that the plaintiff and defendant contracted on June 1, 2019, for the defendant to build a deck in the plaintiff's back yard. The terms were that the plaintiff would put \$500 down and work would be completed within 30 days. Final payment of \$500 was to be paid upon completion of the work.
2. **That the plaintiff has met the requirements of the agreement.** For example, the sample form states that work was completed on June 19, 2019 (within the 30-day period specified in the contract) and invoices were given to the defendant requesting the amount due.
3. **That the defendant has not paid the money owed and how much money is owed.** If the defendant has paid some, but not all of the money owed, the complaint should state how much was paid. For example, the sample form states that the defendant paid the initial \$500 but has not yet paid the balance of \$500 due.

(L) Relief Sought. This section asks you to indicate what you want to obtain because of your suit. In the sample complaint, the relief sought is the \$500 balance due, prejudgment and post judgment interest at the legal rate and court costs. In filling out this section:

- * The amount of money being claimed should be put on the first line and should not include interest.
- * Be sure to complete all other relief which you are seeking.
- * **If interest is sought at a contractual rate, which is higher than the legal rate, a copy of the contract must be attached to the complaint. Interest cannot be compounded.**

(M) Finally, be sure to date and sign your complaint. All Plaintiffs listed must sign the complaint. Once completed submit your complaint form along with the filing fee to the Court.

SAMPLE - DEBT GENERAL CONTRACT

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

COURT NO 13

CIVIL ACTION NO. _____

COURT ADDRESS

A 2 Penns Way, Suite 203

New Castle, DE 19720

Please list plaintiffs and defendants. Add additional party names and addresses on form CF01AP.

PLAINTIFF(S)

vs. **DEFENDANT(S)**

B 1) Name John Smith

C 1) Name Jane Doe

Address 123 Court Street

Address 450 Nemo Ave. Apt 1

Address has changed Wilmington, DE 19808

Address has changed Wilmington, DE 19808

System ID# _____

System ID# _____

Phone 302-123-4567

Phone 302-789-0000

Email Address John.Smith@yahoo.com

Email Address Jane.Doe@hotmail.com

PLAINTIFF(S)

vs. **DEFENDANT(S)**

2) Name _____

2) Name _____

Address _____

Address _____

Address has changed _____

Address has changed _____

System ID# _____

System ID# _____

Phone _____

Phone _____

Email Address _____

Email Address _____

D **Plaintiff's Attorney or Agent, if any:**

E **Defendant's Attorney or Agent, if any:**

Address _____

Address _____

System ID# _____

System ID# _____

(bar#) _____

(bar#) _____

Phone _____

Phone _____

Email address _____

Email Address _____

Check One

Check One

E Individual

G Individual

Corporation or other Artificial entity (see Supreme Court Rule 57)

Corporation or other Artificial entity (see Supreme Court Rule 57)

Alternate Address Physical Mailing Rental

H **Type of Service:** Court Service

I _____

Special Process Server

(Check One)

J **Type of Action:** Debt Replevin

Trespass Summary Possession (LLT) - Specify

(Check One) Deficiency Judgment

Commercial Unit Residential Unit

COMPLAINT-

K 1. Concise Statement of Facts: (Who, What, When, Where, How?)

On 6/1/2019, Plaintiff contracted with Defendant to build a deck in her back yard. Terms of contract were \$500.00 down, work completed within 30 days; final payment of \$500.00 to be paid upon completion of the work. Work was completed on 6/19/2019 and an invoice was given to Ms. Doe. Invoices have since been sent monthly; Ms. Doe has yet to pay balance. Plaintiff is seeking balance owed plus court costs, and pre-judgment interest from 6/20/2019 to date of judgment, plus post-judgment interest.

L 2. Relief Sought:

\$ 500.00 Amount of money claimed. (Not including interest)
\$ X Pre Judgment Interest at X % legal rate OR _____ % contractual rate
\$ X Post Judgment Interest at _____ % legal rate OR _____ % contractual rate
\$ 35.00 Court Costs.
\$ _____ Other _____

Possession Jury Trial Demanded (Possession only) Yes No

Return of personal property OR \$ _____ Total value (Attach list of property stating description, number and value of items on 8 1/2" x 11" paper

M

TO: THE JUSTICE OF THE PEACE COURT

Please docket the above-captioned case and issue a Summons to the above-named Defendant(s) to appear before you so there may be a trial on this case and judgment for the Plaintiff(s), together with interest and costs of this proceeding: or, for an Attachment in Lieu of Summons, please issue same and direct the Constable to execute the proper process.

9/23/21

Date

John Smith

Plaintiff or Plaintiff's Attorney

II. COMMENCEMENT OF ACTION; SERVICE OF PROCESS; PLEADINGS; MOTIONS AND ORDERS. Rule 3. Commencement of action.

(a) Commencement. A civil action is commenced by filing a complaint and praecipe with the Court in such form as the Court prescribes. Sufficient copies of the complaint shall be filed so that one copy can be served on each defendant. When an action is governed by a special statute, it shall be commenced in the manner prescribed by such statute.

**INSTRUCTIONS FOR FILING COMPLAINT
FOR RETURN OF SECURITY DEPOSIT
(DEBT ACTION)**

Before initiating a case, you should review the booklet entitled *How to File and Defend a Civil Case in the Justice of the Peace Court of the State of Delaware*. This booklet will explain the process involved. In order to initiate a case, you must fill out the Complaint (J.P. Civil Form No. 1) and submit it, along with the filing fee, to the Court. The attached form may be used as an example to help fill out a complaint for the return of a security deposit. . More information is available at <https://courts.delaware.gov/jpcourt/> including interactive forms.

(The following information is not legal advice and is not a substitute for seeking legal advice from an attorney. This information is not binding on the Court if incorrect or misunderstood. The sample form and instructions are illustrative only and may or may not apply to the specific facts of your case.)

The sections of the sample complaint will be identified by capital letters in parentheses, i.e., (A), (B). These do not appear on the actual complaint but are used to help you follow the instructions to the sample form.

(A) Fill in the County, Court No. and Court Address. You should leave blank the space for "Civil Action No." The Court will assign a case number for a new filing.

(B) In the section marked PLAINTIFF(S), you must fill in your name, address, telephone number and email. If you are not the only plaintiff, you must include the same information for all other plaintiffs in the case. Each party must be listed separately. If you have filed a case before, you may include previous System ID # created by the Court under Plaintiff information. If you have more than 2 plaintiffs, please use the Civil Form CF01AP for the additional parties. If any of the parties address' have changed check the box under their name that indicates an address change.

(C) In the section marked DEFENDANT(S), you must fill in the name, address, phone number and email of each defendant. **It is extremely important that the addresses given the Court are complete and correct.** If the party you are suing has a post office box, you must include their street address as well as their post office box. If you are suing a husband and wife, you must list the name of both spouses. If you have filed against defendant before, you may include previous System ID # created by the Court under Defendant information. If you have more than 2 defendants, please use the Civil Form CF01AP for the additional parties.

(D) If you are represented by an attorney, the attorney must submit the filing electronically.

(E) You should also fill in the name of the defendant's attorney, if any, and the attorney's address and phone number, if known. You may leave this blank or write unknown if you do not know if the defendant has an attorney. The defendant's attorney is required to enter their appearance with the court.

(F) You must state whether you are an individual or corporation or other artificial entity. If you are suing as an artificial entity and are not represented by an attorney, a valid Form 50 must be attached to the complaint. A Form 50 permits a person who is not an attorney to represent an artificial entity in the Justice of the Peace Court. If you do not have a valid Form 50, you must obtain one from the Chief Magistrate's office.

(G) You must indicate whether the party you are suing, is an individual, corporation, or other artificial entity. (The defendant will also be required to file a Form 50 if it is an artificial entity and does not wish to be represented by an attorney).

(H) Type of Service. The Court will attempt to serve (deliver to) the defendant unless you tell the Court that you wish to hire a special process server (SPS). A Special Process Server (SPS) is an individual approved by the Court to serve documents in lieu of the Court. If selecting a Special Process Server (SPS), be sure to indicate the name and phone number of the Special Process Server (SPS) next to your selection. You should contact a Special Process Server (SPS) prior to filing your complaint. There is a list of Court Approved Special Process Servers (SPS) available at any JP Civil Court location.

(I) Alternate Address. This should be left blank. Type of Action. Check Debt. (Since possession of the rental unit is not claimed, this is a debt rather than a summary possession action.)

(J) Concise Statement of Facts. A debt action is a claim for a sum of money – in this case, for the return of a security deposit. Although only a very short statement of facts is required, it should state:

1. when the unit was leased from the defendant and when the lease ended.
2. the date that the landlord was asked in writing for the deposit; and
3. either that the defendant has not returned the security deposit or an itemized list of the damages **or** that the defendant has returned a list of itemized damages and that the plaintiff disputes some or all of these damages.
4. Specify the rental unit address for which you are seeking the return of the security deposit.

If the landlord fails to remit the security deposit or the difference between the security deposit and the amount set forth in the list of damages within 20 days from the expiration or termination of the lease, the tenant shall be entitled to double the amount wrongfully withheld. *25 Del.C. § 5514(g)(1)*. **However, a doubling of the amount due may be awarded only if a forwarding address is provided to the landlord at or prior to the termination of the rental agreement. For those seeking double the security deposit, the complaint should state the date of the expiration or termination of the lease and the date the forwarding address was provided to the landlord.**

(K) Relief Sought. In this section, you should state what you want to obtain as a result of the suit.

- * The amount of money being claimed should be put on the first line and should not include interest. If double the security deposit is being sought, that amount should be specified on the first line.
- * Be sure to complete all other relief which you are seeking.

(L) Finally, be sure to date and sign your complaint. All Plaintiffs listed must sign the complaint. Once completed submit your complaint form along with the filing fee to the Court

SAMPLE - DEBT SECURITY DEPOSIT

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE

IN AND FOR New Castle COUNTY

COURT NO 13

CIVIL ACTION NO. _____

COURT ADDRESS

A 2 Penns Way, Suite 203
New Castle, DE 19720

Please list plaintiffs and defendants. Add additional party names and addresses on form CF01AP.

B **PLAINTIFF(S)**
1) Name John Smith
Address 123 Court Street

C **DEFENDANT(S)**
1) Name Jane Doe
Address 450 Nemo Ave. Apt 1

Address has changed Wilmington, DE 19808

Address has changed Wilmington, DE 19808

System ID# _____
Phone 302-123-4567
Email Address John.Smith@yahoo.com

System ID# _____
Phone 302-789-0000
Email Address Jane.Doe@hotmail.com

PLAINTIFF(S)

DEFENDANT(S)

2) Name _____

2) Name _____

Address _____
 Address has changed

Address _____
 Address has changed

System ID# _____

System ID# _____

Phone _____

Phone _____

Email Address _____

Email Address _____

D **Plaintiff's Attorney or Agent, if any:**

E **Defendant's Attorney or Agent, if any:**

Address _____

Address _____

System ID# (bar#) _____

System ID# (bar#) _____

Phone _____

Phone _____

Email address _____

Email Address _____

F Individual

Check One

Corporation or other Artificial entity (see Supreme Court Rule 57)

G Individual

Check One

Corporation or other Artificial entity (see Supreme Court Rule 57)

Alternate Address Physical Mailing Rental

H **Type of Service:** Court Service

I _____

(Check One) Special Process Server

J **Type of Action:** Debt Replevin
(Check One) Deficiency Judgment

Trespass Summary Possession (LLT) - Specify
 Commercial Unit Residential Unit

COMPLAINT-

K 1. Concise Statement of Facts: (Who, What, When, Where, How?)
I am a former tenant of Ms. Doe's the lease ended on 8/31/2021. I moved out on 8/27/2021 and gave her my forwarding address on that day. Despite having my new address, Ms. Doe has not sent me either a list of damages or my security deposit, pursuant to the Landlord Tenant Code (25Del.C.Sec.5514). I had a forward of mail set up with the Post Office and she did not send it to my old address either. I have attempted to contact her, but she has not returned my calls. Because more than 20 days have passed since the termination of my lease, I am seeking the return of double my \$500.00 Security Deposit (\$1000.00).

L 2. Relief Sought:
\$ 1000.00 Amount of money claimed. (Not including interest)
\$ _____ Pre Judgment Interest at _____ % legal rate OR _____ % contractual rate
\$ X Post Judgment Interest at _____ % legal rate OR _____ % contractual rate
\$ 45.00 Court Costs.

\$ _____ Other _____
 Possession _____ Jury Trial Demanded (Possession only) Yes No
 Return of personal property OR \$ _____ Total value (Attach list of property stating

description, number and value of items on 8 1/2" x 11" paper

TO: THE JUSTICE OF THE PEACE COURT

Please docket the above-captioned case and issue a Summons to the above-named Defendant(s) to appear before you so there may be a trial on this case and judgment for the Plaintiff(s), together with interest and costs of this proceeding: or, for an Attachment in Lieu of Summons, please issue same and direct the Constable to execute the proper process.

9/23/21

M Date

John Smith

Plaintiff or Plaintiff's Attorney

II. COMMENCEMENT OF ACTION; SERVICE OF PROCESS; PLEADINGS; MOTIONS AND ORDERS. Rule 3. Commencement of action.

(a) Commencement. A civil action is commenced by filing a complaint and praecipe with the Court in such form as the Court prescribes. Sufficient copies of the complaint shall be filed so that one copy can be served on each defendant. When an action is governed by a special statute, it shall be commenced in the manner prescribed by such statute.

INSTRUCTIONS FOR FILING COMPLAINT SUMMARY POSSESSION ACTION

Before initiating a case, you should review the booklet entitled *How to File and Defend a Civil Case in the Justice of the Peace Court of the State of Delaware*. This booklet will explain the process involved. In order to initiate a case, you must fill out the Complaint (J.P. Civil Form No. 1) and submit it, along with the filing fee, to the Court. If you determine that your case is a **SUMMARY POSSESSION** action, you may use the attached form as an example and follow the directions below for filling out the complaint. More information is available at <https://courts.delaware.gov/jpcourt/> including interactive forms.

(The following information is not legal advice and is not a substitute for seeking legal advice from an attorney. This information is not binding on the Court if incorrect or misunderstood. The sample form and instructions are illustrative only and may or may not apply to the specific facts of your case.)

The sections of the sample complaint will be identified by capital letters in parentheses, i.e., (A), (B). These do not appear on the actual complaint but are used to help you follow the instructions to the sample form.

(A) Fill in the County, Court No. and Court Address. You should leave blank the space for "Civil Action No." The Court will assign a case number for a new filing.

(B) In the section marked PLAINTIFF(S), you must fill in your name, address, telephone number and email. If you are not the only plaintiff, you must include the same information for all other plaintiffs in the case. Each party must be listed separately. If you have filed a case before, you may include previous System ID # created by the Court under Plaintiff information. If you have more than 2 plaintiffs, please use the Civil Form CF01AP for the additional parties. If any of the parties address' have changed check the box under their name that indicates an address change.

(C) In the section marked DEFENDANT(S), you must fill in the name, address, phone number and email of each defendant. **It is extremely important that the addresses given the Court are complete and correct.** If the party you are suing has a post office box, you must include their street address as well as their post office box. If you are suing a husband and wife, you must list the name of each spouse. If you have filed against defendant before, you may include previous System ID # created by the Court under Defendant information. If you have more than 2 defendants, please use the Civil Form CF01AP for the additional parties.

(D) If you are represented by an attorney, the attorney must submit the filing electronically.

(E) You should also fill in the name of the defendant's attorney, if any, and the attorney's address and phone number, if known. You may leave this blank or write unknown if you do not know if the defendant has an attorney. The defendant's attorney is required to enter their appearance with the court.

(F) You must state whether you are an individual or corporation or other artificial entity. If you are suing as an artificial entity and are not represented by an attorney, a valid Form 50 must be attached to the complaint. A Form 50 permits a person who is not an attorney to represent an artificial entity in the Justice of the Peace Court. If you do not have a valid Form 50, you must obtain one from the Chief Magistrate's office.

(G) You must indicate whether the party you are suing, is an individual, corporation, or other artificial entity. (The defendant will also be required to file a Form 50 if it is an artificial entity and does not wish to be represented by an attorney).

(H)) Type of Service. The Court will attempt to serve (deliver to) the defendant unless you tell the Court that you wish to hire a special process server (SPS). A Special Process Server (SPS) is an individual approved by the Court to serve documents in lieu of the Court. If selecting a Special Process Server (SPS), be sure to indicate the name and phone number of the Special Process Server (SPS) next to your selection. You should contact a Special Process Server (SPS) prior to filing your complaint. There is a list of Court Approved Special Process Servers (SPS) available at any JP Civil Court location.

(I) Alternate Address. Select rental and fill in the street address of the unit for which you are seeking summary possession.

(J) Type of Action. Check Summary Possession. Check the appropriate box to indicate if the rental unit is a commercial or residential unit.

(K) Concise Statement of Facts. Although only a very short statement of facts is required, it is important that you include essential information. You may attach additional pages if necessary. The following must be included in a complaint for Summary Possession.

- 1) The relationship of the plaintiff and defendant with regard to the rental unit (e.g., landlord and tenant).
- 2) The address of the rental unit, including the unit number.
- 3) A statement of the facts upon which the claim is based. **A copy of any written notice of the basis of the claim must be attached.** For example, if you are seeking possession of a rental unit for failure to pay rent, the 5-day notice required by 25 *Del.C.* § 5502 should be attached.
- 4) A statement of what you seek in the action.

In addition, for a landlord seeking possession because the tenant has violated a rule relating to the tenant's use of the rental unit, the following information must also be included:

- 1) The rule or provision of the rental agreement allegedly broken, the date the tenant was told of the rule, and the way in which the tenant was told about the rule (e.g., handed to tenant, mailed). **A copy of the rule, as originally provided to the tenant must be attached.**
- 2) Facts showing that the rule was broken and that notice as required by law was given to the tenant.
- 3) Facts showing a continued or recurring violation of the rule.
- 4) A statement of the purpose served by this rule.
- 5) If the rule did not exist when the tenant entered into the rental agreement, a statement that it does not work a substantial modification of the tenant's bargain, or if it does, that the tenant consented knowingly in writing to the rule.

The requirements of the complaint are specified in 25 *Del.C.* § 5707 and 5708 (if applicable).

(L) Relief Sought. This section asks you to indicate what you want to obtain as a result of your suit. In the sample complaint, the relief sought is possession plus back rent and late fees.

- * The amount of money which is being claimed should be put on the first line and should not include interest. Any claim for late fees should be included in this amount.
- * Be sure to complete all other relief which you are seeking.
- * Be sure to check the box indicating that you want possession.
- * Be sure to indicate whether you wish to have a jury trial or not.

(M) Finally, be sure to date and sign your complaint. All Plaintiffs listed must sign the complaint. Once completed submit your complaint form along with the filing fee to the Court.

SAMPLE - SUMMARY POSSESSION

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE

IN AND FOR New Castle COUNTY

COURT NO 13

CIVIL ACTION NO. _____

A COURT ADDRESS
2 Penns Way, Suite 203
New Castle, DE 19720

Please list plaintiffs and defendants. Add additional party names and addresses on form CF01AP.

PLAINTIFF(S) vs. **DEFENDANT(S)**

B 1) Name John Smith
Address 123 Court Street

C 1) Name Jane Doe
Address 450 Nemo Ave. Apt 1

Address has changed Wilmington, DE 19808

Address has changed Wilmington, DE 19808

System ID# _____

System ID# _____

Phone 302-123-4567

Phone 302-789-0000

Email Address John.Smith@yahoo.com

Email Address Jane.Doe@hotmail.com

PLAINTIFF(S) vs. **DEFENDANT(S)**

2) Name _____

2) Name _____

Address _____

Address _____

Address has changed

Address has changed

System ID# _____

System ID# _____

Phone _____

Phone _____

Email Address _____

Email Address _____

D **Plaintiff's Attorney or Agent, if any:**

E **Defendant's Attorney or Agent, if any:**

Address _____

Address _____

System ID# _____

System ID# _____

(bar#)

(bar#)

Phone _____

Phone _____

Email address _____

Email Address _____

Check One

Check One

F Individual

G Individual

Corporation or other Artificial entity (see Supreme Court Rule 57)

Corporation or other Artificial entity (see Supreme Court Rule 57)

Alternate Address Physical Mailing Rental

H **Type of Service:** Court Service

I 456 Nemo Ave, Apt 2

(Check One) Special Process Server

Wilmington, DE 19808

J **Type of Action:** Debt Replevin

Trespass Summary Possession (LLT) - Specify

(Check One) Deficiency Judgment

Commercial Unit Residential Unit

COMPLAINT-

K 1. Concise Statement of Facts: (Who, What, When, Where, How?)
Jane Doe signed lease with me (landlord/Plaintiff) to rent the above listed apartment in May of 2019. The lease called for a rental payment of \$450.00 per month to be paid on the 1st of each month, with a late fee of \$20.00 if rent is paid after the 5th of the month. Ms Doe failed to pay rent for August 2021. Pursuant to the Landlord-Tenant Code, I sent a 5-day letter certified mail. (See copy enclosed) She failed to respond, so I am seeking rent plus possession..

L 2. Relief Sought:

\$ 450.00 Amount of money claimed. (Not including interest)

\$ Pre Judgment Interest at _____ % legal rate OR _____ % contractual rate

\$ X Post Judgment Interest at _____ % legal rate OR _____ % contractual rate

\$ 45.00 Court Costs.

\$ 20.00 Other Late fee for August 2021, plus any rent that accrued in addition

Possession Jury Trial Demanded (Possession only) Yes No
 Return of personal property OR \$ _____ Total value (Attach list of property stating
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TO: THE JUSTICE OF THE PEACE COURT

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John Smith

M Date

Plaintiff or Plaintiff's Attorney

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INSTRUCTIONS FOR FILING COMPLAINT FOR REPLEVIN ACTION

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The sections of the sample complaint will be identified by capital letters in parentheses, i.e., (A), (B). These do not appear on the actual complaint but are used to help you follow the instructions to the sample form.

(A) Fill in the County, Court No. and Court Address. You should leave blank the space for "Civil Action No." The Court will assign a case number for a new filing.

(B) In the section marked PLAINTIFF(S), you must fill in your name, address, telephone number and email. If you are not the only plaintiff, you must include the same information for all other plaintiffs in the case. Each party must be listed separately. If you have filed a case before, you may include previous System ID # created by the Court under Plaintiff information. If you have more than 2 plaintiffs, please use the Civil Form CF01AP for the additional parties. If any of the parties address' have changed check the box under their name that indicates an address change.

(C) In the section marked DEFENDANT(S), you must fill in the name, address, phone number and email of each defendant. **It is extremely important that the addresses given the Court are complete and correct.** If the party you are suing has a post office box, you must include their street address as well as their post office box. If you are suing a husband and wife, you must list the name of both spouses. If you have filed against defendant before, you may include previous System ID # created by the Court under Defendant information. If you have more than 2 defendants, please use the Civil Form CF01AP for the additional parties.

(D) If you are represented by an attorney, the attorney must submit the filing electronically.

(E) You should also fill in the name of the defendant's attorney, if any, and the attorney's address and phone number, if known. You may leave this blank or write unknown if you do not know if the defendant has an attorney. The defendant's attorney is required to enter their appearance with the court.

(F) You must state whether you are an individual or corporation or other artificial entity. If you are suing as an artificial entity and are not represented by an attorney, a valid Form 50 must be attached to the complaint. A Form 50 permits a person who is not an attorney to represent an artificial entity in the Justice of the Peace Court. If you do not have a valid Form 50, you must obtain one from the Chief Magistrate's office.

(G) You must indicate whether the party you are suing, is an individual, corporation, or other artificial entity. (The defendant will also be required to file a Form 50 if it is an artificial entity and does not wish to be represented by an attorney).

(H)) Type of Service. The Court will attempt to serve (deliver to) the defendant unless you tell the Court that you wish to hire a special process server (SPS). A Special Process Server (SPS) is an individual approved by the Court to serve documents in lieu of the Court. If selecting a Special Process Server (SPS), be sure to indicate the name and phone number of the Special Process Server (SPS) next to your selection. You should contact a Special Process Server (SPS) prior to filing your complaint. There is a list of Court Approved Special Process Servers (SPS) available at any JP Civil Court location.

(I) Alternate Address. This should be left blank.

(J) Type of Action. Check Replevin.

(K) Concise Statement of Facts. Although only a very short statement of the facts is required, it is important that you include the essential facts. These facts are included on the sample form and are:

1. **a detailed description of the property** (a 2015 Honda Accord, VIN NO. 1FAHP25195G104888) – If there is more than one item, state the total value and give a general description of the property. A more detailed description must be included, along with the value of each item, on a separate piece of paper as described in the last section, Relief Sought instead of in the complaint)
2. **who is keeping it** (Ms. Doe),
3. **how the person who has it came to have it** (loaned),
4. **when the person who has it gained possession of it** (June of this year),
5. **the plaintiff has more of a right to the item** than the defendant (the plaintiff purchased it and only loaned it to the defendant), and that
6. **it has not been returned.**

(L) Relief Sought. This section asks you to indicate what you want to obtain as a result of your suit.

* Be sure to check all of those items of relief which you are seeking.

* The last line must be checked and the value of the item you wish returned should be filled in. **The value of the item is needed so that damages can be awarded if the property cannot be returned to you.** If you are seeking replevin of more than one item, you must include a detailed list of the items and their values on a separate piece of paper, if needed.

(M) Finally, be sure to date and sign your complaint. All Plaintiffs listed must sign the complaint. Once completed submit your complaint form along with the filing fee to the Court.

COURT ADDRESS

A 2 Penns Way, Suite 203

New Castle, DE 19720

Please list plaintiffs and defendants. Add additional party names and addresses on form CF01AP.

PLAINTIFF(S)

vs. **DEFENDANT(S)**

B 1) Name John Smith
Address 123 Court Street

C 1) Name Jane Doe
Address 450 Nemo Ave. Apt 1

Address has changed Wilmington, DE 19808

Address has changed Wilmington, DE 19808

System ID#

System ID#

Phone 302-123-4567

Phone 302-789-0000

Email Address John.Smith@yahoo.com

Email Address Jane.Doe@hotmail.com

PLAINTIFF(S)

vs. **DEFENDANT(S)**

2) Name _____

2) Name _____

Address _____

Address _____

Address has changed

Address has changed

System ID#

System ID#

Phone _____

Phone _____

Email Address _____

Email Address _____

D **Plaintiff's Attorney or Agent, if any:**

E **Defendant's Attorney or Agent, if any:**

Address _____

Address _____

System ID#

System ID#

(bar#)

(bar#)

Phone _____

Phone _____

Email address _____

Email Address _____

Check One

Check One

Individual

Individual

F Corporation or other Artificial entity (see Supreme Court Rule 57)

G Corporation or other Artificial entity (see Supreme Court Rule 57)

Alternate Address Physical Mailing Rental

H **Type of Service:**
(Check One)

Court Service
 Special Process Server

I

J **Type of Action:**
(Check One)

Debt Replevin
 Deficiency Judgment

Trespass Summary Possession (LLT) - Specify
 Commercial Unit Residential Unit

COMPLAINT-

K 1. Concise Statement of Facts: (Who, What, When, Where, How?)
I loaned Ms. Doe my camcorder (video camera) to record her daughter's college graduation in June of this year. The camcorder was a Sony XTG-1000, Serial No. 12345, purchased in 12/2018 for \$659. Despite repeated requests, Ms. Doe has yet to return my camera, or even admit that it is still in her possession. I request that the Court order Ms. Doe to return my camera or, in the event that it is unreturnable, the value/cost of the camera.

L 2. Relief Sought:

\$ _____ Amount of money claimed. (Not including interest)
\$ _____ Pre Judgment Interest at _____ % legal rate OR _____ % contractual rate
\$ X Post Judgment Interest at _____ % legal rate OR _____ % contractual rate
\$ 50.00 Court Costs.
\$ _____ Other _____

Possession
 Return of personal property

Jury Trial Demanded (Possession only) Yes No
OR \$ 659.00 Total value (Attach list of property stating
description, number and value of items on 8 1/2" x 11" paper

TO: THE JUSTICE OF THE PEACE COURT

Please docket the above-captioned case and issue a Summons to the above-named Defendant(s) to appear before you so there may be a trial on this case and judgment for the Plaintiff(s), together with interest and costs of this proceeding: or, for an Attachment in Lieu of Summons, please issue same and direct the Constable to execute the proper process.

9/23/21

John Smith

M

Date

Plaintiff or Plaintiff's Attorney

II. COMMENCEMENT OF ACTION; SERVICE OF PROCESS; PLEADINGS; MOTIONS AND ORDERS. Rule 3. Commencement of action.

(a) Commencement. A civil action is commenced by filing a complaint and praecipe with the Court in such form as the Court prescribes. Sufficient copies of the complaint shall be filed so that one copy can be served on each defendant. When an action is governed by a special statute, it shall be commenced in the manner prescribed by such statute.

INSTRUCTIONS FOR FILING COMPLAINT FOR TRESPASS ACTION

Before initiating a case, you should review of the booklet entitled *How to File and Defend a Civil Case in the Justice of the Peace Court of the State of Delaware*. This booklet will explain the process involved and will help you to determine which type of action you should file. In order to initiate a case, you must fill out the Complaint (J.P. Civil Form No. 1) and submit it, along with the filing fee, to the Court. If you determine that your case is a **TRESPASS** action, you may use the attached form as an example to help fill out the Complaint. More information is available at <https://courts.delaware.gov/jpcourt/> including interactive forms.

(The following information is not legal advice and is not a substitute for seeking legal advice from an attorney. This information is not binding on the Court if incorrect or misunderstood. The sample form and instructions are illustrative only and may or may not apply to the specific facts of your case.)

The sections of the sample complaint will be identified by capital letters in parentheses, i.e., (A), (B). These do not appear on the actual complaint but are used to help you follow the instructions to the sample form.

(A) Fill in the County, Court No. and Court Address. You should leave blank the space for "Civil Action No." The Court will assign a new case number for a new filing.

(B) In the section marked PLAINTIFF(S), you must fill in your name, address, telephone number and email. If you are not the only plaintiff, you must include the same information for all other plaintiffs in the case. Each party must be listed separately. If you have filed a case before, you may include previous System ID # created by the Court under Plaintiff information. If you have more than 2 plaintiffs, please use the Civil Form CF01AP for the additional parties. If any of the parties address' have changed check the box under their name that indicates an address change.

(C) In the section marked DEFENDANT(S), you must fill in the name, address, phone number and email of each defendant. **It is extremely important that the addresses given the Court are complete and correct.** If the party you are suing has a post office box, you must include their street address as well as their post office box. If you are suing a husband and wife, you must list the name of each spouse. If you have filed against defendant before, you may include previous System ID # created by the Court under Defendant information. If you have more than 2 defendants, please use the Civil Form CF01AP for the additional parties.

(D) If you are represented by an attorney, the attorney must submit the filing electronically.

(E) You should also fill in the name of the defendant's attorney, if any, and the attorney's address and phone number, if known. You may leave this blank or write unknown if you do not know if the defendant has an attorney. The defendant's attorney is required to enter their appearance with the court.

(F) You must state whether you are an individual or corporation or other artificial entity. If you are suing as an artificial entity and are not represented by an attorney, a valid Form 50 must be attached to the complaint. A Form 50 permits a person who is not an attorney to represent an artificial entity in the Justice of the Peace Court. If you do not have a valid Form 50, you must obtain one from the Chief Magistrate's office.

(G) You must indicate whether the party you are suing, is an individual, corporation, or other artificial entity. (The defendant will also be required to file a Form 50 if it is an artificial entity and does not wish to be represented by an attorney).

(H)) Type of Service. The Court will attempt to serve (deliver to) the defendant unless you tell the Court that you wish to hire a special process server (SPS). A Special Process Server (SPS) is an individual approved by the Court to serve documents in lieu of the Court. If selecting a Special Process Server (SPS), be sure to indicate the name and phone number of the Special Process Server (SPS) next to your selection. You should contact a Special Process Server (SPS) prior to filing your complaint. There is a list of Court Approved Special Process Servers (SPS) available at any JP Civil Court location.

(I) Alternate Address. This should be left blank. Type of Action. Check Trespass.

(J) Concise Statement of Facts. Although only a very short statement of the facts is required, a description of the injury must be included, providing information as to:

- 1) what was damaged;
- 2) the nature of the injury to that property;
- 3) the dollar amount of the damage;
- 4) who the property damaged belonged to at the time of the injury;
- 5) when the damage occurred; and
- 6) who caused the damage.

Remember that the Justice of the Peace Court does not handle actions involving personal injuries, mental anguish, etc.

(K) Relief Sought. This section asks you to indicate what you want to obtain as a result of your suit. In the sample complaint, the relief sought is \$189 in damages, post judgment interest at the legal rate, and court costs. In filling out this section:

- * The amount of money which you are claiming should be put on the first line and should **not** include interest.
- * Be sure to check and explain all other relief which you want.

(L) Finally, be sure to date and sign your complaint. All Plaintiffs listed must sign the complaint. Once completed submit your complaint form along with the filing fee to the Court.

(M) Finally, be sure to date and sign your complaint. All Plaintiffs listed must sign the complaint. Once completed submit your complaint form along with the filing fee to the Court.

A COURT ADDRESS
2 Penns Way, Suite 203
New Castle, DE 19720

Please list plaintiffs and defendants. Add additional party names and addresses on form CF01AP.

PLAINTIFF(S) vs. **DEFENDANT(S)**

B 1) Name John Smith
Address 123 Court Street
 Address has changed Wilmington, DE 19808

C 1) Name Jane Doe
Address 450 Nemo Ave. Apt 1
 Address has changed Wilmington, DE 19808

System ID# _____
Phone 302-123-4567
Email Address John.Smith@yahoo.com

System ID# _____
Phone 302-789-0000
Email Address Jane.Doe@hotmail.com

PLAINTIFF(S) vs. **DEFENDANT(S)**

2) Name _____
Address _____
 Address has changed _____
System ID# _____
Phone _____
Email Address _____

2) Name _____
Address _____
 Address has changed _____
System ID# _____
Phone _____
Email Address _____

Plaintiff's Attorney or Agent, if any:

Defendant's Attorney or Agent, if any:

D Address _____
System ID# (bar#) _____
Phone _____
Email address _____

E Address _____
System ID# (bar#) _____
Phone _____
Email Address _____

Check One

Check One

F Individual
 Corporation or other Artificial entity (see Supreme Court Rule 57)

G Individual
 Corporation or other Artificial entity (see Supreme Court Rule 57)
Alternate Address Physical Mailing Rental

H **Type of Service:** Court Service
 Special Process Server
(Check One)

I _____

J **Type of Action:** (Check One) Debt Replevin Deficiency Judgment

Trespass Summary Possession (LLT) - Specify Commercial Unit Residential Unit

COMPLAINT-

1. Concise Statement of Facts: (Who, What, When, Where, How?)

K I, John Smith, own the property located at 458 Nemo Avenue, next door to Ms. Doe. On Saturday 8/7/2021, Ms. Doe was cutting down a large pine tree in her back yard. When the tree dropped, it landed on my lawn mower that I let my tenants use to cut the grass. I replaced the mower with a similar model from Sears, as the old one was destroyed. The new mower costs \$189.00. Despite a written demand, Ms. Dow has refused to reimburse me for the cost of the mower.

2. Relief Sought:

L \$ 189.00 Amount of money claimed. (Not including interest)
\$ _____ Pre Judgment Interest at _____ % legal rate OR _____ % contractual rate
\$ X Post Judgment Interest at _____ % legal rate OR _____ % contractual rate

\$ 35.00 Court Costs.

\$ _____ Other _____

Possession

Return of personal property

OR

Jury Trial Demanded (Possession only) Yes No

\$ _____ Total value (Attach list of property stating description, number and value of items on 8 1/2" x 11" paper)

TO: THE JUSTICE OF THE PEACE COURT

Please docket the above-captioned case and issue a Summons to the above-named Defendant(s) to appear before you so there may be a trial on this case and judgment for the Plaintiff(s), together with interest and costs of this proceeding: or, for an Attachment in Lieu of Summons, please issue same and direct the Constable to execute the proper process.

9/23/21

John Smith

M

Date

Plaintiff or Plaintiff's Attorney

II. COMMENCEMENT OF ACTION; SERVICE OF PROCESS; PLEADINGS; MOTIONS AND ORDERS. Rule 3. Commencement of action.

(a) Commencement. A civil action is commenced by filing a complaint and praecipe with the Court in such form as the Court prescribes. Sufficient copies of the complaint shall be filed so that one copy can be served on each defendant. When an action is governed by a special statute, it shall be commenced in the manner prescribed by such statute.