

Cherokee Nation Code Annotated
Title 41: Landlord and Tenant
Chapter 4: Landlord and Tenant Procedures Act
§ 1753. Affidavit—Form—Filing
Cite as: 41 CNCA § 1753

Actions under this act shall be initiated by plaintiff or his attorney filing an affidavit in substantially the following form with the Clerk of the Court:

In the District Court of Cherokee Nation

	Plaintiff	
vs.		LT No. _____

	Defendant	

CHEROKEE NATION	)	
	)	ss.
CHEROKEE COUNTY	)	

_____, being sworn, deposes and says:

That the defendant resides at _____, in _____ county, in Cherokee Nation and that the mailing address of the defendant is _____.

That the defendant is indebted to the plaintiff in the sum of \$____ for rent, and for the further sum of \$____ for damages to the premises rented by the defendant; that plaintiff has demanded payment of said sum(s), but the defendant refused to pay the same and no part of the amount sued for has been paid,

and/or

That the defendant is wrongfully in possession of certain real property described as _____, that plaintiff is entitled to possession thereof and had demanded that defendant relinquish possession of said real property and vacate the premises but that defendant wholly refuses to do so.

Subscribed and sworn to before me this ____ day of ____, 20 ____.

Notary Public (Clerk or Judge)

My Commission Expires:

On the affidavit shall be printed:

ORDER AND SUMMONS

The people of Cherokee Nation, to the within-named defendant:

You are hereby directed to relinquish immediately to the plaintiff herein total possession of the real property described as ____ appear or to appear and show cause why you should be permitted to retain control and possession thereon.

You are further directed to answer the foregoing claim and to have with you all books, papers and witnesses needed by you to establish your defense to said claim.

This matter shall be heard at ____ (name or address of building), in ____, County of ____, within the boundaries of Cherokee Nation, at the hour of ____ o'clock of the ____ day of ____, 20 ____, or at the same time and place seven (7) days after service hereof, whichever is the latter. And you are further notified that in case you do not so appear judgment will be given against you as follows:

For the amount of said rent and/or damages as it is stated in said affidavit, or for possession of the real property described in said affidavit whereupon a writ of assistance shall issue directing the Marshal of Cherokee Nation to remove you from said premises and take possession thereof.

Date this ____ day of ____, 20 ____.

Clerk of the Court (or Judge)

Historical Data

LA 17-91, eff. December 14, 1991.