

# NOTICE OF EVICTION ACTION

(Summons and Affidavit in Lieu of Complaint)  
Sections 35-9-80, et seq., Code of Alabama 1975 (Sanderson Act)

IN THE DISTRICT COURT OF \_\_\_\_\_, ALABAMA  
(Name of County)

**PLAINTIFF**

**DEFENDANT**

Home or Business Address: \_\_\_\_\_

Home or Business Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Home or Business Telephone #: \_\_\_\_\_

Home or Business Telephone #: \_\_\_\_\_

Name of Attorney: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Attorney Code: \_\_\_\_\_

Name of Attorney: \_\_\_\_\_

Attorney Code: \_\_\_\_\_

## AFFIDAVIT OF PLAINTIFF (Landlord)

Before the undersigned authority personally appeared Affiant, who on oath stated that:

- Q 1. The owner possesses lands and tenements located at: \_\_\_\_\_  
\_\_\_\_\_,  
Alabama, and the defendant has held possession over and beyond the term for which the same was rented or leased to defendant; or
- Q 2. Defendant's right of possession of the premises has been lawfully terminated by a proper written notice or forfeited or as otherwise agreed.
- Q 3. Defendant(s) has/have refused or omitted to deliver possession of the premises after having been served on (date) \_\_\_\_\_.

\_\_\_\_\_  
Affiant/Owner or His/Her Agent or His/Her Attorney(s)

Sworn and subscribed before me this  
(date) \_\_\_\_\_

\_\_\_\_\_  
Judge/Clerk

## RETURN ON SERVICE

- Return receipt of certified mail received in this office on \_\_\_\_\_ (date).
- I certify that I personally delivered a copy of the Notice of Eviction Action (Summons and Affidavit in Lieu of Complaint) to \_\_\_\_\_ in \_\_\_\_\_ County, Alabama on \_\_\_\_\_ (date).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Server's Signature

\_\_\_\_\_  
Address of Server

\_\_\_\_\_  
Type of Process Server

## NOTICE TO EACH DEFENDANT - READ CAREFULLY

You are being sued by the plaintiff(s) shown above. (See the Affidavit of the plaintiff above.) YOU HAVE THE RIGHT TO A TRIAL TO TELL WHY YOU SHOULD NOT BE EVICTED FROM THE PROPERTY. THE ORDER BELOW HAS BEEN ISSUED FOR THE SHERIFF TO REMOVE YOU FROM THE PROPERTY.

TO PREVENT THIS ACTION, YOU MUST FILE A COUNTER-AFFIDAVIT WITH THE SHERIFF, WHOSE OFFICE IS AT \_\_\_\_\_ WITHIN 7 DAYS. A COUNTER-AFFIDAVIT IS A SWORN STATEMENT IN WHICH YOU GIVE REASONS WHY YOU SHOULD NOT BE EVICTED. THE COUNTER-AFFIDAVIT MUST BE SWORN TO, UNDER OATH, BEFORE A NOTARY PUBLIC OR A COURT OFFICIAL WHO CAN ADMINISTER OATHS. If you need assistance in preparing a counter-affidavit, please contact a lawyer. **DO NOT FILE THE COUNTER-AFFIDAVIT WITH THE CLERK'S OFFICE SINCE THEY ARE PROHIBITED FROM GIVING LEGAL ADVICE.** If you file the counter-affidavit, you will be notified of the trial date.

IF YOU FAIL TO FILE A COUNTER-AFFIDAVIT WITH THE SHERIFF WITHIN 7 DAYS AFTER THESE PAPERS WERE DELIVERED TO YOU, THE SHERIFF CAN EVICT YOU FROM THE PROPERTY.

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**ORDER TO SHERIFF**

Pursuant to the Affidavit above, you are commanded to deliver the described property to the plaintiff by removing the defendant and any belongings found therein unless the defendant filed with you within 7 days of service of this Order, a Counter-Affidavit claiming a continued right to possession of the property.

\_\_\_\_\_

Date

\_\_\_\_\_

District Judge

**SHERIFF'S RETURN**

The defendant(s) having been served with a copy of the summons and affidavit in this cause on (date) \_\_\_\_\_, and defendant(s) further having not filed and delivered a counter-affidavit with this office within 7 days of said date, defendant(s) have hereby been removed from the premises and said premises have been delivered to the Plaintiff(s) in this cause.

\_\_\_\_\_

Date

\_\_\_\_\_

Sheriff

\_\_\_\_\_

By Deputy Sheriff