

DISCLAIMER

These non-mandatory forms have been assembled and posted on this website to provide both attorneys and self-represented litigants in city and parish courts statewide with broad, general templates of some – not all – forms commonly used in limited jurisdiction courts. Some courts may accept and/or require use of these forms, while others may not.

These forms are to be used at your own risk. It is imperative that both attorneys and self-represented litigants alike review whatever form(s) they intend to use and make any changes that may be required in a particular court in accordance with Louisiana law. Further, self-represented litigants are strongly encouraged to retain counsel to assist in any matters pending before a Louisiana court, including city and parish courts.

If any errors or omissions are present in these forms, it is the attorney's or self-represented litigant's responsibility – not the responsibility of this Committee, the Louisiana Supreme Court, or any other entity – to address them.

Finally, if anyone reviewing these forms wishes to submit a comment, please direct it to cityparishcourtforms@lasc.org.

Thank you.

Uniform Forms Committee for Louisiana City & Parish Courts

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_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

AFFIDAVIT PURSUANT TO LA. C.C.R.P. ART. 892.1

STATE OF LOUISIANA

PARISH OF _____

BEFORE ME, the undersigned notary and in the presence of the undersigned competent witnesses, personally came and appeared _____ who, being duly sworn did depose and say that:

As defendant in this proceeding, I do hereby declare that I:

- Possess a valid driver’s license or permit;
- Have not completed a driver’s education, training, or improvement course within the two years immediately preceding the date of the offense herein; and
- Am not in the process of taking a driver’s education, training, or improvement course that is not yet reflected on my driving record.

Defendant’s signature

Address

City, State, Zip Code

SWORN TO AND SUBSCRIBED, before me, this ____ day of _____,
20____.

WITNESSES:

Notary Public

Print name: _____

LA Bar #: _____

My commission expires: _____

Parish/City Courts of Louisiana
Uniform La.C.Cr.P. Art. 894 Guidelines

Under La. C.Cr.P. Article 894, the Court may suspend or defer imposition of a sentence in a misdemeanor case, except criminal neglect of family, or stalking, and place the defendant on probation upon such conditions as the Court may fix.

Where the imposition of sentence was deferred by the Court as authorized under La. C.Cr.P. Art. 894 and the Court finds at the conclusion of the deferred period that the defendant was not convicted of any other offense during the period of the deferred sentence, and that no criminal charge is pending against him/her, the court may set the conviction aside and dismiss the prosecution. The dismissal shall have the same legal effect as an acquittal or not guilty verdict at trial, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution as a multiple offender.

A defendant may petition the Court to set the conviction aside and dismiss the prosecution under La.C.Cr.P. Art. 894 through a **Motion to Set Aside the Conviction and Dismiss Prosecution under La. C.Cr.P. Art. 894**. The decision to apply Article 894 is discretionary based upon such factors as the absence of any criminal activity in the time period of deferral, prior criminal record, satisfactory restitution for any damages, and cooperation with the Court. By law, an Article 894 dismissal can occur only once per individual in any five (5) year period. However, dismissal for the offense of Operating a Vehicle While Intoxicated may occur only once in any ten (10) year period. *A dismissal under Article 894 does not authorize the erasure or expungement of an arrest record. A separate expungement may be sought.*

Where a defendant petitions the Court to set aside a conviction and dismiss prosecution for **operating a vehicle while intoxicated**, at the time the Motion is filed the following is also required:

The Court shall order the Clerk of Court to mail to the Department of Public Safety and Corrections, Office of Motor Vehicles at a cost of \$50.00 payable to the Department of Public Safety and Corrections, Office of Motor Vehicles:

- A certified copy of the record of the plea;
- Fingerprints of the defendant; and
- Information including the defendant's date of birth, social security number, and driver's license number.

The Court will require proof in the form of a certified letter from the Department of Public Safety and Corrections, Office of Motor Vehicles of receipt of the above documents prior to granting the Motion to Set Aside and Dismiss Prosecution.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

AFFIDAVIT PURSUANT TO LA. C.CR.P. ART. 894

STATE OF LOUISIANA

PARISH OF _____

BEFORE ME, the undersigned notary and in the presence of the undersigned competent witnesses, personally came and appeared _____ who, being duly sworn did depose and say that:

As defendant in this proceeding, I do hereby declare that I have satisfactorily completed all requirements of my probation, and I have refrained from any and all criminal conduct or offenses during my probationary period. I further certify that there are no other criminal or charges presently pending against me.

I hereby further declare that I have not received a discharge and dismissal of conviction under La. C.Cr.P. Art. 894 for a period of five (5) years prior to this date or if seeking to set aside a conviction of Operating a Vehicle While Intoxicated that I have not received a discharge and dismissal for Operating a Vehicle While Intoxicated for a period of ten (10) years prior to this date.

Defendant's signature

Address

City, State, Zip Code

SWORN TO AND SUBSCRIBED, before me, this ____ day of _____,
20____.

WITNESSES:

Notary Public

Print name: _____

LA Bar #: _____

My commission expires: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

CERTIFICATION OF FEE WAIVER

To be completed by defendant and submitted to the District Attorney's Office prior to filing. Append completed form to Motion of Expungement at filing only if eligible.

DEFENDANT NAME: _____

DATE OF BIRTH: _____

SSN (last 4 digits)#: XXX-XX- _____

DATE OF ARREST: _____

DOCKET NUMBER: _____

CHARGE: _____

In accordance with Louisiana Code of Criminal Procedure Article 983, the Office of the District Attorney has reviewed the available databases and determined that *(Check all that apply. To be completed by authorized personnel from the District Attorney's Office and returned within 15 days to defendant.)*:

The arrestee listed above has NO FELONY CONVICTIONS.

AND

The arrestee listed above has NO PENDING FELONY CHARGES UNDER A BILL OF INDICTMENT OR INFORMATION.

AND

The arrestee listed above WAS ACQUITTED after trial of all charges derived from the arrest listed above, including any lesser and included offense.

OR

The arrestee listed above WAS NOT PROSECUTED WITHIN THE TIME LIMITATIONS prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure and the arrestee did not participate in a pretrial diversion program for the arrest listed above.

OR

The case involving the arrestee listed above was dismissed or the district attorney declined to prosecute the case prior to the time limitations prescribed in Chapter 1 of Title XVII of the Code of Criminal Procedure, and the arrestee did not participate in a pretrial diversion program.

OR

[] The arrestee listed above has been determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

OR

[] The arrestee listed above is a juvenile who has successfully completed any juvenile drug court program and is exempt from fees pursuant to Code of Criminal Procedure Article 983(G).

District Attorney or his designee – Print Name

District Attorney or his designee – Signature

_____, 20____
Date

_____ COURT FOR THE PARISH/CITY OF _____

NO. _____

STATE OF LOUISIANA

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

MOTION TO SET ASIDE CONVICTION AND DISMISS PROSECUTION

NOW INTO HONORABLE COURT, comes

- * Defendant, OR
- * Defendant through undersigned Counsel,

who moves that the conviction pursuant to Louisiana Code of Criminal Procedure

- * Article 894(B) Misdemeanors, OR
- * Article 893(E) Felonies

in the above-numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure in that the period of the deferred sentence has run and petitioner has successfully completed the terms of his probation.

The mover is further identified below:

DOCKET NUMBER: _____

CHARGE: _____

DATE OF ARREST: _____

ARRESTING AGENCY: _____

CITY/PARISH OF ARREST: _____

The Mover prays that, after a contradictory hearing with the District Attorney's Office, the Court order the above-numbered case be set aside and that the prosecution dismissed in accordance with the Code of Criminal Procedure.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

RULE TO SHOW CAUSE

IT IS HEREBY ORDERED, that the District Attorney show cause on the _____ day of _____, 20 _____, at _____ o'clock __.m. why the foregoing motion should not be granted.

THUS ORDERED AND SIGNED this _____ day of _____, 20 _____ at _____, Louisiana, _____.

JUDGE

PLEASE SERVE:

1. District/City Attorney: _____

2. Attorney for Defendant and/or Defendant _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

ORDER OF DISMISSAL

Considering the Motion to Set Aside Conviction and Dismiss Prosecution, the hearing conducted on the representation of the State of Louisiana of its consent hereto, and that there is no opposition for any good cause appearing herein;

IT IS ORDERED, ADJUDGED AND DECREED that this conviction is set aside and the prosecution dismissed for purposes of expungement.

THUS ORDERED AND SIGNED this ____ day of _____, 20 ____ at _____, Louisiana.

JUDGE

PLEASE SERVE:

1. District/City Attorney: _____

2. Attorney for Defendant and/or Defendant _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

MOTION FOR EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____

(Last, First, MI)

DOB: _____ / _____ / _____ (MM/DD/YYYY)

GENDER: _____ Female _____ Male

SSN: (last 4 digits) XXX-XX- _____

RACE: _____

DRIVER LIC #: _____

ARRESTING AGENCY: _____

SID#: (if available) _____

ARREST NUMBER: _____

Mover is entitled to expunge the record of his arrest/conviction pursuant to Louisiana Code of Criminal Procedure 971 et seq. and states the following in support.

II. ARREST INFORMATION

1. Mover was arrested on _____ / _____ / _____.(MM/DD/YYYY)

2. _____ YES _____ NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:

_____ YES _____ NO Arrested, but it did not result in conviction.

_____ YES _____ NO Convicted of and seeks to expunge a misdemeanor.

_____ YES _____ NO Convicted of and seeks to expunge a felony.

_____ YES _____ NO Convicted but determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

_____ YES _____ NO **ARRESTS THAT DID NOT RESULT IN CONVICTION**

ITEM NO. 1

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

[] Time expired for prosecution _____
(MM/DD/YYYY)

[] Not prosecuted for any offense arising out of this charge

[] Pre-Trial Diversion Program

[] DWI Pre-Trial Diversion Program and 5 years have elapsed since the date of arrest.

- Charge dismissed
- Found not guilty/judgment of acquittal

ITEM NO. 2 La. Rev. Stat. Ann. §____ : _____
 Name of the offense _____
 Time expired for prosecution _____
 (MM/DD/YYYY)
 Not prosecuted for any offense arising out of this charge
 Pre-Trial Diversion Program
 Charge dismissed
 Found not guilty/judgment of acquittal

ITEM NO. 3 La. Rev. Stat. Ann. §____ : _____
 Name of the offense _____
 Time expired for prosecution _____
 (MM/DD/YYYY)
 Not prosecuted for any offense arising out of this charge
 Pre-Trial Diversion Program
 Charge dismissed
 Found not guilty/judgment of acquittal

___ **YES** ___ **NO** **MISDEMEANOR CONVICTIONS**

ITEM NO. 1 La. Rev. Stat. Ann. §____ : _____
 Name of the offense _____
 Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) _____
 (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

ITEM NO. 2 La. Rev. Stat. Ann. §____ : _____
 Name of the offense _____
 Conviction set aside/dismissed pursuant to C.Cr.P. Art. 894(B) _____
 (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

___ **YES** ___ **NO** **FELONY CONVICTIONS**

ITEM NO. 1 La. Rev. Stat. Ann. §____ : _____
 Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E) _____
 (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence.

ITEM NO. 2 La. Rev. Stat. Ann. §____ : _____
 Conviction set aside/dismissed pursuant to C.Cr.P. Art. 893(E) _____
 (MM/DD/YYYY)
 More than 10 years have passed since completion of sentence.

___ **YES** ___ **NO** **OPERATING A MOTOR VEHICLE WHILE INTOXICATED CONVICTIONS**

Mover has attached the following:

- A copy of the proof from the Department of Public Safety and Corrections, Office of Motor Vehicles, that it has received from the clerk of court a certified copy of the record of the plea, fingerprints of the defendant, and proof of the requirements set forth in C.Cr.P. Art. 556, which shall include the defendant's

date of birth, last four digits of social security number, and driver's license number.

5. Mover has attached to this Motion the following pertinent documents:

- Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 30 days (required).
- Bill(s) of Information (if any).
- Minute entry showing final disposition of case (if any).
- Certification Letter from the District Attorney for fee waiver (if eligible).
- Certification Letter from the District Attorney verifying that the applicant has no convictions or pending applicable criminal charges in the requisite time periods.
- Certification Letter from the District Attorney verifying that the charges were refused.
- Certification Letter from the District Attorney verifying that the applicant did not participate in a pretrial diversion program.
- A copy of the order waiving the sex offender registration and notification requirements.
- Documentation verifying that the mover has been employed for ten consecutive years.
- A copy of the court order determination of factual innocence and order of compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 if applicable.

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the District Attorney's office, or the Louisiana Bureau of Criminal Investigation and Information, that an order be issued herein ordering the expungement of the record of arrest and/or conviction set forth above, including all photographs, fingerprints, disposition, or any other such information, which record shall be confidential and no longer considered a public record, nor be made available to other persons, except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing, certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 13:541, et seq. or as an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

If an "Affidavit of No Opposition" by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted *ex parte*.

Respectfully submitted,

Signature of Attorney for Mover/Defendant

Attorney for Mover/Defendant Name

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

If not represented by counsel:

Signature of Mover/Defendant

Mover/Defendant Name

Address

City, State, ZIP Code

Telephone Number

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

AFFIDAVIT OF RESPONSE

Pursuant to Louisiana Code of Criminal Procedure Article 980, the District/City Attorney for the Parish/City of _____ acknowledges the following:

- [] **No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- [] **Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the Louisiana Bureau of Criminal Identification and Information acknowledges the following:

- [] **No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- [] **Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

OR

Pursuant to Louisiana Code of Criminal Procedure Article 980, the arresting law enforcement agency, _____, acknowledges the following:

- [] **No Opposition.** Respondent respectfully consents to waiver of the contradictory hearing.
- [] **Opposition to the Motion of Expungement with Reasons.** Respondent respectfully requests a contradictory hearing.

Respectfully submitted,

Signature of Attorney

Attorney's Bar Roll No.

Address

City, State, ZIP Code

Telephone Number

PLEASE SERVE:

1. District/City Attorney _____
2. La. Bureau of Criminal Identification and Information, c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614 _____
3. The Arresting Law Enforcement Agency: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

ORDER

IT IS HEREBY ORDERED,

- * If there is an objection to the Motion for Expungement, the district attorney and the arresting law enforcement agency shall file a motion to object within sixty days of the service of this Order.
- * If the Louisiana Bureau of Criminal Identification and Information objects to the Motion for Expungement, they shall file a motion within 120 days of the service of this order (prior to August 1, 2015) and within 60 days of service of this order (after August 1, 2015).
- * **NO CONTRADICTION HEARING SHALL BE REQUIRED** as evidenced by the "Affidavit of No Opposition" executed by each agency named herein and attached to the Motion for Expungement.

THUS ORDERED AND SIGNED this _____ day of _____, 20____ at _____, Louisiana.

JUDGE

PLEASE SERVE:

1. District/City Attorney _____
2. La. Bureau of Criminal Identification and Information c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614 _____
3. Arresting Agency: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

ORDER OF EXPUNGEMENT OF ARREST/CONVICTION RECORD

Considering the Motion for Expungement

The hearing conducted and evidence adduced herein, OR

Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for Item(s) No. _____, _____, _____, _____, for the following reasons (check all that apply):

More than five years have not elapsed since Mover completed the misdemeanor conviction sentence.

More than ten years have not elapsed since Mover completed the felony conviction sentence.

Mover was convicted of one of the following ineligible felony offenses:

A violation of the Uniform Controlled Dangerous Substances Law which is ineligible to be expunged.

An offense currently listed as a sex offense that requires registration pursuant to La. Rev. Stat. Ann. 15:540 et seq., at the time the Motion was filed, regardless of whether the duty to register was ever imposed.

An offense defined or enumerated as a "crime of violence" pursuant to La. Rev. Stat. Ann. 14:2(B) at the time the Motion was filed.

The arrest and conviction being sought to have expunged is for operating a motor vehicle while intoxicated and a copy of the proof from the Department of Public Safety and Corrections, office of motor vehicles, is not attached as required by C.Cr.P. Art. 984(A).

Mover has had another record of misdemeanor conviction expunged during the previous five-year period.

The record of arrest and conviction which Mover seeks to have expunged is for operating a motor vehicle while intoxicated and Mover has had another record of arrest and misdemeanor conviction expunged during the previous ten-year period.

Mover has had another record of felony conviction expunged during the previous fifteen-year period.

Mover was convicted of a misdemeanor which arose from circumstances involving a sex offense as defined in R.S. 15:541.

- Mover was convicted of misdemeanor offense of domestic abuse battery which was not dismissed pursuant to Code of Criminal Procedure Article 894(B).
- Mover did not complete pretrial diversion.
- The charges against the mover were not dismissed or refused.
- Mover's felony conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 893(E).
- Mover's felony conviction was not set aside and dismissed pursuant to Code of Criminal Procedure Article 894(B).
- Mover completed a DWI pretrial diversion program, but five years have not elapsed since the mover's date of arrest.
- Mover's conviction for felony carnal knowledge of a juvenile is not defined as misdemeanor carnal knowledge of a juvenile had the mover been convicted on or after August 15, 2001.
- Mover has not been employed for ten consecutive years as required by Article 978(E)(1)(d).
- Mover was not convicted of a crime that would be eligible for expungement as required by Article 978(E)(1).
- Mover has criminal charges pending against him.
- Mover was convicted of a criminal offense during the ten-year period.
- Denial for any other reason provided by law with attached reasons for denial.

THE MOTION IS HEREBY GRANTED for Item(s) No. _____, _____, _____, and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in connection with the Arrest(s)/Conviction(s) in the above-captioned matter, which record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541, et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

THE MOTION IS HEREBY GRANTED FOR EXPUNGEMENT BY REDACTION If the record includes more than one individual and the mover is entitled to expungement by redaction pursuant to Code of Criminal Procedure Article 985, for Item(s) No. _____, _____, _____, and all agencies are ordered to expunge the record of arrest/conviction and any photographs, fingerprints, or any other such information of any kind maintained in relation to the Arrest(s)/Conviction(s) in the above-captioned matter as they relate to the mover only. The record shall be confidential and no longer considered a public record, nor be available to other persons except a prosecutor, member of a law enforcement agency, or a judge who may request such information in writing certifying that such request is for the purpose of prosecuting, investigating, or enforcing the criminal law, for the purpose of any statutorily defined law enforcement or administrative duties, or for the purpose of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:541 et seq. or upon an order of this Court to any other person for good cause shown, or as otherwise authorized by law.

NAME: _____
(Last, *First,* *MI)*

DOB: _____/_____/_____(MM/DD/YY)

GENDER: _____ Female _____ Male

SSN (last 4 digits): XXX-XX- _____

RACE: _____

DRIVER LIC.# _____

ARRESTING AGENCY: _____

SID# (if available): _____

ARREST NUMBER (ATN): _____

AGENCY ITEM NUMBER: _____

ARREST DATE: _____/_____/_____(MM/DD/YY)

THUS ORDERED AND SIGNED this _____ day of _____, 20____ at _____, Louisiana.

JUDGE

PLEASE SERVE:

1. District/City Attorney _____
2. Arresting Agency: _____
3. Parish/City Sheriff _____
4. La. Bureau of Criminal Identification and Information c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614 _____
5. Attorney for Defendant (or defendant): _____
6. Criminal Records Department, Parish/City Clerk of Court _____

SUPPLEMENTAL SHEET

___ Yes ___ No

ARRESTS THAT DID NOT RESULT IN CONVICTION

ITEM NO. _____

La. Rev. Stat. Ann. § _____: _____
Name of the offense _____
 Time expired for prosecution _____/_____/_____
(MM/DD/YYYY)
 Charge refused by DA – not prosecuted
 Pre-trial Diversion Program.
 Charge dismissed
 Found not guilty/judgment of acquittal

ITEM NO. _____

La. Rev. Stat. Ann. § _____: _____
Name of the offense _____
 Time expired for prosecution _____/_____/_____
(MM/DD/YYYY)
 Charge refused by DA – not prosecuted
 Pre-trial Diversion Program.
 Charge dismissed
 Found not guilty/judgment of acquittal

ITEM NO. _____

La. Rev. Stat. Ann. § _____: _____
Name of the offense _____
 Time expired for prosecution _____/_____/_____
(MM/DD/YYYY)
 Charge refused by DA – not prosecuted
 Pre-trial Diversion Program.
 Charge dismissed
 Found not guilty/judgment of acquittal

ITEM NO. _____

La. Rev. Stat. Ann. § _____: _____
Name of the offense _____
 Time expired for prosecution _____/_____/_____
(MM/DD/YYYY)
 Charge refused by DA – not prosecuted
 Pre-trial Diversion Program.
 Charge dismissed
 Found not guilty/judgment of acquittal

ITEM NO. _____

La. Rev. Stat. Ann. § _____: _____
Name of the offense _____
 Time expired for prosecution _____/_____/_____
(MM/DD/YYYY)
 Charge refused by DA – not prosecuted
 Pre-trial Diversion Program.
 Charge dismissed
 Found not guilty/judgment of acquittal

ITEM NO. _____

La. Rev. Stat. Ann. § _____: _____
Name of the offense _____
 Time expired for prosecution _____/_____/_____
(MM/DD/YYYY)
 Charge refused by DA – not prosecuted
 Pre-trial Diversion Program.
 Charge dismissed
 Found not guilty/judgment of acquittal

SUPPLEMENTAL SHEET

___ Yes ___ No

MISDEMEANOR CONVICTIONS

- ITEM NO.** _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.
- ITEM NO.** _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.
- ITEM NO.** _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.
- ITEM NO.** _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.
- ITEM NO.** _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.
- ITEM NO.** _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.
- ITEM NO.** _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.
- ITEM NO.** _____ La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____
 Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 894(B) (MM/DD/YYYY)
 More than 5 years have passed since completion of sentence.

SUPPLEMENTAL SHEET

___ Yes ___ No

FELONY CONVICTIONS

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

More than 10 years have passed since completion of sentence.

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

More than 10 years have passed since completion of sentence.

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

More than 10 years have passed since completion of sentence

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

More than 10 years have passed since completion of sentence.

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

More than 10 years have passed since completion of sentence.

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

More than 10 years have passed since completion of sentence.

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

More than 10 years have passed since completion of sentence.

ITEM NO. _____

La. Rev. Stat. Ann. § _____ : _____

Name of the offense _____

Conviction set aside/dismissed _____ / _____ / _____
pursuant to C.Cr.P. Art. 893(E) (MM/DD/YYYY)

More than 10 years have passed since completion of sentence

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

MOTION FOR INTERIM EXPUNGEMENT

NOW INTO COURT comes mover, who provides the court with the following information in connection with this request:

I. DEFENDANT INFORMATION

NAME: _____
(Last, First, MI)

DOB: _____/_____/_____ (MM/DD/YYYY)

GENDER: _____ Female _____ Male

SSN: (last 4 digits) XXX-XX-_____

RACE: _____

DRIVER LIC #: _____

ARRESTING AGENCY: _____

SID#: (if available) _____

ARREST NUMBER: _____

Mover is entitled to an interim expungement of the entry of the felony charge(s) of his arrest pursuant to Louisiana Code of Criminal Procedure Article 985.1 and states the following in support.

II. ARREST INFORMATION

1. Mover was arrested on _____/_____/_____ (MM/DD/YYYY)

2. _____ YES _____ NO A supplemental sheet with arrests and/or convictions is attached after page 2 of this Motion.

3. Mover was:

_____ YES _____ NO Arrested for a felony offense.

_____ YES _____ NO Convicted of a misdemeanor arising out of that felony offense.

_____ YES _____ NO Convicted of and seeks to expunge a felony

4. Mover was booked and/or charged with the following offenses: (List each offense booked and charged separately. Attach a supplemental sheet, if necessary.)

___ **YES** ___ **NO** **FELONY ARREST THAT RESULTED IN A MISDEMEANOR CONVICTION**

ITEM NO. 1 La. Rev. Stat. Ann. § _____ : _____
 Name of the offense _____
 Felony charge dismissed
 Convicted of misdemeanor offense arising out of felony arrest.

5. Mover has attached to this Motion a Criminal Background Check from the La. State Police/Parish Sheriff dated within the past 30 days (required).

The Mover prays that if there is no objection timely filed by the arresting law enforcement agency, the District Attorney’s office, or the Louisiana Bureau of Criminal Investigation and Information, that an order be issued herein ordering the Louisiana Bureau of Information to expunge the entry of the felony charge(s) contained in the criminal history; and further that the Clerk of Court, District Attorney, and arresting law enforcement agency expunge the entry of those felony charge(s) from any public indices.

If an “Affidavit of No Opposition” by each agency named herein is attached hereto and made a part hereof, Defendant requests that no contradictory hearing be required and the Motion be granted *ex parte*.

Respectfully submitted,

 Signature of Attorney for Mover/Defendant

 Attorney for Mover/Defendant Name

 Attorney’s Bar Roll No.

 Address

 City, State, ZIP Code

 Telephone Number

If not represented by counsel:

 Signature of Mover/Defendant

 Mover/Defendant Name

 Address

 City, State, ZIP Code

Telephone Number

PLEASE SERVE:

1. District/City
Attorney _____
2. La. Bureau of Criminal Identification and Information c/o La. State
Police, P.O. Box 66614, Baton Rouge LA 70896-
6614 _____
3. Arresting Agency: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

ORDER OF EXPUNGEMENT OF INTERIM ARREST RECORD

Considering the Motion for Expungement

The hearing conducted and evidence adduced herein, OR

Affidavits of No Opposition filed,

IT IS ORDERED, ADJUDGED AND DECREED

THE MOTION IS DENIED for the following reasons (check all that apply):

Mover was not arrested for a felony.

Mover was not convicted of a misdemeanor offense.

THE MOTION IS HEREBY GRANTED and the Louisiana Bureau of Criminal Identification and Information is hereby ordered to expunge the entry of the felony charge(s) contained in the criminal history of the above-named for the following felony charge(s):

La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____

La. Rev. Stat. Ann. § _____ : _____
Name of the offense _____

IT IS FURTHER ORDERED that the Clerk of Court, District Attorney and arresting agency expunge the entry of the felony charge(s) from any public indices of the above-named on the above-enumerated charge(s).

THUS ORDERED AND SIGNED this _____ day of _____,
20_____, at _____, Louisiana.

JUDGE

PLEASE SERVE:

1. District/City Attorney _____

2. La. Bureau of Criminal Identification and Information c/o La. State Police, P.O. Box 66614, Baton Rouge LA 70896-6614 _____

3. Arresting Agency: _____

TITLE XI
EVICTON OF TENANTS AND OCCUPANTS
Louisiana Code of Civil Procedure

Art. 4701. Termination of lease; notice to vacate; waiver of notice

When a lessee's right of occupancy has ceased because of the termination of the lease by expiration of its term, action by the lessor, nonpayment of rent, or for any other reason, and the lessor wishes to obtain possession of the premises, the lessor or his agent shall cause written notice to vacate the premises to be delivered to the lessee. The notice shall allow the lessee not less than five days from the date of its delivery to vacate the leased premises.

If the lease has no definite term, the notice required by law for its termination shall be considered as a notice to vacate under this Article. If the lease has a definite term, notice to vacate may be given not more than thirty days before the expiration of the term.

A lessee may waive the notice requirements of this Article by written waiver contained in the lease, in which case, upon termination of the lessee's right of occupancy for any reason, the lessor or his agent may immediately institute eviction proceedings in accordance with Chapter 2 of Title XI of the Louisiana Code of Civil Procedure.

Art. 4703. Delivery or service when premises abandoned or closed, or whereabouts of tenant or occupant unknown

If the premises are abandoned or closed, or if the whereabouts of the lessee or occupant is unknown, all notices, process, pleadings, and orders required to be delivered or served on the lessee or occupant under this Title may be attached to a door of the premises, and this shall have the same effect as delivery to, or personal service on, the lessee or occupant.

Art. 4731. Rule to show cause why possession should not be delivered; abandonment of premises

A. If the lessee or occupant fails to comply with the notice to vacate required under this Title, or if the lessee has waived his right to notice to vacate by written waiver contained in the lease, and has lost his right of occupancy for any reason, the lessor or owner, or agent thereof, may cause the lessee or occupant to be cited summarily by a court of competent jurisdiction to show cause why he should not be ordered to deliver possession of the premises to the lessor or owner. The rule to show cause shall state the grounds upon which eviction is sought.

B. After the required notice has been given, the lessor or owner, or agent thereof, may lawfully take possession of the premises without further judicial process, upon a reasonable belief that the lessee or occupant has abandoned the premises. Indicia of abandonment include a cessation of business activity or residential occupancy, returning keys to the premises, and removal of equipment, furnishings, or other movables from the premises.

Art. 4732. Trial of rule; judgment of eviction

A. The court shall make the rule returnable not earlier than the third day after service thereof, at which time the court shall try the rule and hear any defense which is made.

B. If the court finds the lessor or owner entitled to the relief sought, or if the lessee or occupant fails to answer or to appear at the trial, the court shall render immediately a judgment of eviction ordering the lessee or occupant to deliver possession of the premises to the lessor or owner. The judgment of eviction shall be effective for not less than ninety days.

Art. 4733. Warrant for possession if judgment of eviction not complied with

If the lessee or occupant does not comply with the judgment of eviction within twenty-four hours after its rendition, the court shall issue immediately a warrant directed to and commanding its sheriff, constable, or marshal to deliver possession of the premises to the lessor or owner.

Art. 4734. Execution of warrant

The sheriff, constable, or marshal shall execute a warrant rendered under Article 4733 in the presence of two witnesses, by clearing the premises of any property therein, in order to put the lessor or owner in possession of the premises.

If the sheriff, constable, or marshal finds the windows, doors, or gates of the premises locked or barred, he shall break open any of these when necessary to effect convenient entry into the premises.

Art. 4735. Appeal; bond

An appeal does not suspend execution of a judgment of eviction unless the defendant has answered the rule under oath, pleading an affirmative defense entitling him to retain possession of the premises, and the appeal has been applied for and the appeal bond filed within twenty-four hours after the rendition of the judgment of eviction. The amount of the suspensive appeal bond shall be determined by the court in an amount sufficient to protect the appellee against all such damage as he may sustain as a result of the appeal.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

RULE TO EVICT

(INSTRUCTIONS: Please complete every applicable line.)

NOW INTO COURT comes Mover,____, who respectfully represents that:

1.

Mover is the (*check applicable description*)_owner_ lessor_ manager* ___agent*, duly authorized to act on behalf of the owner or lessor, of the premises located within the Parish/City of _____ at Apt./Unit No. _____.

(Name of complex where defendant lives, apartment number, street address, city, state)

* (If a manager or agent, have you filed an affidavit with the Civil Division that provides authority to act in that capacity? ___yes___no)

VERIFIED _____
Court Use Only

2.

Made defendant herein is _____, who is the present occupant of the premises described in the preceding paragraph.

3.

Mover represents that he has a Lease/Rental Agreement as specified below with the above-named defendant, that said defendant has broken the terms of said agreement.

Rental Amount \$ _____ Per day/ Per Week/ Per Month/Per Year (**Circle One**)

4.

Pursuant to Article 4701 and 4731 of the Louisiana Code of Civil Procedure, Mover requests that the defendant be evicted from these premises due to one or more of the following grounds: [*Please check grounds that apply.*]

- _____ the term of the lease has expired;
- _____ non-payment of rent;
- _____ other reason (explain):

5.

Mover states that the following action has occurred with respect to the eviction notice contained in the lease:

(Please check action that applies)

_____ 5 day Notice of Eviction has been given. () Notice to Vacate hand delivered to Defendant

() Notice to Vacate posted on door of premises with witness present

() Notice to Vacate mailed with certified return receipt

_____ Notice of Eviction waived *(please highlight provision in lease)*.

6.

Mover requests that a rule to show cause issue herein to the defendant to show why he/she should not be ordered to deliver possession of the premises to the lessor or owner.

ORDER

Considering the foregoing Rule to Evict:

IT IS HEREBY ORDERED that a rule be issued herein to the defendant to show cause on the ___ day of _____, 20____, at _____ A.M., why he/she should not be ordered to deliver possession of the premises described herein to the lessor or owner.

_____, Louisiana, on this _____ day of _____, 20__
_____.

Deputy Clerk

_____ Court

Respectfully Submitted:

(Sign your name) _____

(Print your name) _____

(Attorney Bar Roll no.) _____

(Your Address) _____

(City, State, Zip) _____

(Telephone No.) _____

(Fax No.) _____

MOTION TO PROCEED IN FORMA PAUPERIS

Appendix 8.0 form in Louisiana District Court Rules may be found [here](#).

NOTICE TO VACATE
(General)

DATE: _____

TO: _____
(Tenant Name)

(Tenant Address)

YOU ARE HEREBY NOTIFIED TO VACATE THE PREMISES DESCRIBED IN THE ADDRESS ABOVE WITHIN FIVE (5) DAYS OF THE DATE OF THE DELIVERY OF THIS NOTICE TO YOU.

Your leave was terminated:

(cite reason)

If you fail to vacate within this period, court proceedings will be taken **IMMEDIATELY** to evict you from the premises.

Signature/Landlord

Witness Signature

Print Name

Print Name

Address

Witness Signature

Print Name

Phone

NOTICE TO VACATE
(Non-payment of rent)

DATE: _____

TO: _____
(Tenant Name)

(Tenant Address)

YOU ARE HEREBY NOTIFIED TO VACATE THE PREMISES DESCRIBED IN THE ADDRESS ABOVE WITHIN FIVE (5) DAYS OF THE DATE OF THE DELIVERY OF THIS NOTICE TO YOU.

Your lease was TERMINATED when you FAILED TO PAY \$_____ in rent for the dates of _____ when due. If you fail to vacate within this period, court proceedings will be taken **IMMEDIATELY** to evict you from the premises.

Signature/Landlord

Witness Signature

Print Name

Print Name

Address

Witness Signature

Print Name

Phone

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

AFFIDAVIT IN SUPPORT OF RULE FOR EVICTION
BASED ON LESSEE/OCCUPANT'S FAILURE TO APPEAR
(LA. C.C.P. ARTICLE 4732)

BEFORE ME, the undersigned authority, personally came and appeared,
_____ who deposed and said that:

(Print your name)

I have personal knowledge of the facts of this case and verify that all allegations of fact contained in plaintiff's pleadings and attachments are true and correct to the best of my knowledge, information, and belief.

Please complete the following:

1. In what capacity do you appear at this eviction hearing?

___ Owner ___ Lessor ___ Manager* ___ Agent* ___ Other
(explain) _____

*** (If a manager or agent, have you filed an affidavit with the Civil Division that provides authority to act in that capacity? ___yes ___no)**

2. If acting as Manager or Agent, are you authorized to act on behalf of the Owner or Lessor regarding the specific property which is the subject of these proceedings?

___ Yes ___ No

3. Why has this eviction suit been filed?

___ Non-Payment of Rent: Amount of Rent: \$ _____ per Day/
per Week/per Month/per Year (*circle one*)

Balance Due \$ _____

___ Other: _____

4. Has notice of eviction been given pursuant to the provisions of the lease?

___ Yes ___ No ___ Waived (La. C.C.P. Article 4731)

5. What is the status of rent payment since notice of eviction?

___ No payment ___ Paid and accepted ___ Tendered, not accepted

6. Where is the property located? _____

7. Is the property located within _____? ____Yes ____No

8. Is there another pending rule for eviction in a different matter filed against this same tenant? ____Yes ____No

If yes, what is the suit number? _____

SWORN TO AND SUBSCRIBED before me this ____ day of _____
20____, in _____, LA.

AFFIANT (signature)

JUDGE OR NOTARY PUBLIC

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

REQUEST FOR WARRANT OF POSSESSION

Mover/lessor/owner, pursuant to La. Code of Civil Procedure Art. 4733, respectfully requests the Court to issue a warrant directed to and commanding its sheriff, constable, or marshal to deliver the possession of the following premises to the lessor or owner:

The tenant has not complied with the judgment of eviction within twenty-four (24) hours of its rendition.

(Signature of Mover or Attorney)

(Name of Mover or Attorney with Bar Roll #)

(Address)

WARRANT OF POSSESSION

To: _____
City of _____
Parish of _____

We command you, pursuant to Articles 4733 and 4734 of the La. Code of Civil Procedure, to deliver the above-described premises to the named lessor or owner, by clearing the premises of any property therein, in order to put the lessor or owner in possession of the premises. If the windows, doors, or gates of the premises are locked or barred, you shall break open any of these when necessary to affect convenient entry into the premises.

You shall execute this Warrant, and deliver to the lessor or owner as the law directs.

Witness the Clerk of this Court on the _____ day of _____, 20____.

Clerk

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION FOR INTERVENTION

Mover, _____, does hereby declare, under oath, that he/she is the owner of the following described property, to wit:

_____, which was seized by the plaintiff from the defendant in these proceedings and that, as a result of this seizure, mover prays that the plaintiff be ruled into Court to show cause why this intervention should not be granted and why said property should not be returned to its lawful owner.

(Signature of Mover)

(Name of Mover)

(Address)

State of Louisiana/Parish of _____

Sworn to and subscribed, before me, Notary Public, on this _____ day of _____, 20____, at _____, Louisiana.

Notary
Notary Public No. _____
Print name: _____
My commission expires: _____

ORDER

Considering the foregoing Motion;

IT IS ORDERED that the plaintiff herein show cause on the ___day of _____, 20____, at _____ a.m., in Courtroom _____, why the property identified above should not be returned to the possession and ownership of the Mover.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER FOR DISMISSAL OF EVICTION

NOW INTO COURT, through undersigned party, comes _____,
Plaintiff, who respectfully requests that the suit for eviction be dismissed;

CONSIDERING THE FOREGOING MOTION;

IT IS ORDERED, ADJUDGED, AND DECREED that this suit for eviction be and is
hereby dismissed at Plaintiff's cost;

JUDGMENT READ, RENDERED, AND SIGNED in Open Court/Chambers at
_____, LOUISIANA, on this _____ day of _____,
20____.

JUDGE

SUBMITTED BY:

SIGNATURE

OWNER/AGENT/MANAGER

ADDRESS

PHONE

Domestic Abuse Petition for Injunction and Temporary Restraining Order

The Index of Uniform Abuse Prevention Order Forms of the Louisiana Protective Order Registry may be found [here](#). The forms in this Index (Forms LPOR 1 to 23) are mandatory according to La. R.S. 46:2136.2(C). These forms may not be altered and when completed are to be transmitted by the clerk of court to the Louisiana Protective Order Registry.

In addition, Forms LPOR A through Z may be found [here](#). These forms are supplied as a courtesy to the courts and are not mandatory for use. These forms are not transmitted to the LPOR, and can be altered locally if desired. Forms in this set include petitions, service information, rules to show cause, motions and instructions for filling out petitions.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

SUIT FOR MONEY OWED

The petition of _____ with respect represents:
(Plaintiff's Name)

Defendant, _____ whose address is _____
is truly indebted to Plaintiff, _____, in the amount of
\$_____.

The basis of this demand is money owed.

The reason I believe money is owed to me by the defendant is because:
(Provide a brief description of why you believe the defendant owes you money)

Despite repeated amicable demand, no arrangements or payments have been made.

WHEREFORE, PLAINTIFF prays that DEFENDANT be duly cited to appear and that
after due proceedings there be judgment in favor of Plaintiff and against Defendant in the
amount of \$_____ plus legal interest from the date of judicial demand until
paid, and for all costs of these proceedings.

Respectfully Submitted:

PLAINTIFF'S SIGNATURE

Address:

CITY, STATE, ZIP CODE

Phone: _____

PLEASE SERVE DEFENDANT:

DEFENDANT'S NAME

Address: _____

CITY, STATE, ZIP CODE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

DEFENDANT'S ANSWER

(Check the Appropriate Blank)

- I admit that I owe what the plaintiff is claiming.
- I admit that I owe the plaintiff only part of what he/she is claiming.
- I deny that I owe the plaintiff what is claimed.

EXPLANATION:

Respectfully Submitted:

DEFENDANT'S SIGNATURE

Address: _____

CITY, STATE, ZIP CODE

Phone: _____

RETURN ANSWER TO:
PARISH/CITY COURT OF _____

Address: _____

CITY, STATE, ZIP CODE

Phone: _____

Attention to Parties: During the pendency of this lawsuit, this is the address and phone number the court will use to contact you. If either your address or phone number changes please notify the court immediately.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

JUDGMENT

This matter came before the court for consideration this day. After considering the pleadings, exhibits, evidence, testimony and the applicable laws:

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment herein in favor of Plaintiff, _____ and against Defendant, _____ in the amount owed of \$ _____ plus legal interest from date of judicial demand, until paid, and for all costs of these proceedings.

JUDGMENT RENDERED AND SIGNED, on this _____ day of _____, _____ at _____, Louisiana.

JUDGE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

PETITION ON CONTRACT

The petition of Plaintiff, _____ with respect represents that Defendant, _____ whose address is _____ is truly indebted unto _____ in the amount of \$ _____, plus interest and all costs of this proceeding.

The basis of this demand is breach of contract.

The plaintiff and the defendant entered in the following contract agreement:
(Briefly describe the agreement that was entered into between the plaintiff and the defendant):

The defendant breached the above-described contract by the following acts:
(Briefly describe what the defendant did to breach the contract):

WHEREFORE, PLAINTIFF prays that DEFENDANT be duly cited to appear and that after due proceedings there be judgment in favor of Plaintiff and against Defendant in the amount of \$ _____ plus legal interest from the date of judicial demand until paid, and for all costs of these proceedings.

Respectfully Submitted:

PLAINTIFF'S SIGNATURE

Address:

CITY, STATE, ZIP CODE

Phone: _____

PLEASE SERVE DEFENDANT:

DEFENDANT'S NAME

Address: _____

CITY, STATE, ZIP CODE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

DEFENDANT'S ANSWER

(Check the Appropriate Blank)

- I admit that I owe what the plaintiff is claiming.
- I admit that I owe the plaintiff only part of what he/she is claiming.
- I deny that I owe the plaintiff what is claimed.

EXPLANATION:

Respectfully Submitted:

DEFENDANT'S SIGNATURE

Address:

CITY, STATE, ZIP CODE

Phone: _____

RETURN ANSWER TO:

PARISH/CITY COURT OF _____

Address: _____

CITY, STATE, ZIP CODE

Phone: _____

Attention to Parties: During the pendency of this lawsuit, this is the address and phone number the court will use to contact you. If either your address or phone number changes please notify the court immediately.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

JUDGMENT

This matter came before the Court for consideration this day. After considering the pleadings, exhibits, evidence, testimony and the applicable laws:

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment herein in favor of Plaintiff, _____ and against Defendant, _____ in the amount of \$ _____ plus legal interest from date of judicial demand, until paid, and for all costs of these proceedings. Subject to a credit of \$ _____ (Amounts paid after filing).

JUDGMENT RENDERED AND SIGNED, on this _____ day of _____, _____ at _____, Louisiana.

JUDGE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

PETITION ON OPEN ACCOUNT

The petition of Plaintiff, _____ with respect represents:

That as will appear from the itemized statement of account attached hereto, Defendant, _____ whose address is _____ is truly indebted to Plaintiff, _____ on an open account in the amount of \$_____.

The basis of this demand is open account. Despite repeated amicable demand, no arrangements or payments have been made.

WHEREFORE, PLAINTIFF prays that DEFENDANT be duly cited to appear and that after due proceedings there be judgment in favor of Plaintiff and against Defendant in the amount of \$_____ plus legal interest from the date of judicial demand until paid, and for all costs of these proceedings.

Respectfully Submitted:

PLAINTIFF'S SIGNATURE

Address: _____

CITY, STATE, ZIP CODE

Phone: _____

PLEASE SERVE DEFENDANT:

DEFENDANT'S NAME

Address: _____

CITY, STATE, ZIP CODE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

AFFIDAVIT OF VERIFICATION AND CORRECTNESS OF INDEBTEDNESS

BEFORE ME the undersigned authority personally came and appeared:

(Appearer's Name)

or their agent or representative, who after being duly sworn, did declare and state:

1. Affiant is familiar with the books and records of the plaintiff;
2. Affiant is personally familiar with this account belonging to the defendant, having recently reviewed it and is authorized to make this affidavit on behalf of the plaintiff;
3. The documents attached to the petition evidence the obligation due to the plaintiff by the defendant and the balance now due on said open account is \$_____, with legal interest from the date of judicial demand.
4. Affiant has read the foregoing petition and all allegations made in the petition are true and correct to the best of his/her knowledge information and belief.
5. Affiant further declares that defendant, to the best of his/her knowledge, is not in the active military service of the United States of America, nor in that of any of its allies.

(APPEARER'S SIGNATURE)

SWORN AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY,
THIS _____ DAY OF _____, 20__, IN _____
PARISH, LOUISIANA.

NOTARY PUBLIC
Notary/Print Name: _____
Notary No.: _____
My commission expires: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

DEFENDANT'S ANSWER

(Check the Appropriate Blank)

- I admit that I owe what the plaintiff is claiming.
- I admit that I owe the plaintiff only part of what he/she is claiming.
- I deny that I owe the plaintiff what is claimed.

EXPLANATION:

Respectfully Submitted:

DEFENDANT'S SIGNATURE

Address: _____

CITY, STATE, ZIP CODE
Phone: _____

RETURN ANSWER TO:
PARISH/CITY COURT OF _____
Address: _____

CITY, STATE, ZIP CODE

Phone: _____

Attention to Parties: During the pendency of this lawsuit, this is the address and phone number the court will use to contact you. If either your address or phone number changes please notify the court immediately.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

JUDGMENT

This matter came before the Court for consideration this day. After considering the pleadings, exhibits, evidence, testimony and the applicable laws:

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment herein in favor of Plaintiff, _____ and against Defendant, _____ in the amount of \$ _____ plus legal interest from date of judicial demand, until paid, and for all costs of these proceedings. Subject to a credit of \$ _____ (Amounts paid after filing).

JUDGMENT RENDERED AND SIGNED, on this _____ day of _____, _____ at _____, Louisiana.

JUDGE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

SUIT ON PROMISSORY NOTE

The petition of Plaintiff, _____ with respect represents that Defendant, _____, whose address is _____ is truly indebted to plaintiff in the amount of \$ _____ with interest from _____ until _____ at the rate of _____% (and thereafter at the rate of _____% until paid in full).

The basis of this demand is promissory note.

Plaintiff is the holder in due course of a promissory note executed by the defendant on _____ in the principal sum of \$ _____ together with interest as provided in the note, which said note is attached hereto and made a part hereof.

Said note became in default on _____ when the payment due on that date was not paid causing the note to become fully due and payable according to its terms.

WHEREFORE, PLAINTIFF prays that DEFENDANT be duly cited to appear and that after due proceedings there be judgment in favor of plaintiff and against defendant in the amount of \$ _____ with interest from _____ until _____ at the rate of _____% (and thereafter at the rate of _____% until paid in full), together with all costs of these proceedings.

Respectfully Submitted:

PLAINTIFF'S SIGNATURE

Address: _____

CITY, STATE, ZIP CODE

Phone: _____

PLEASE SERVE DEFENDANT:

DEFENDANT'S NAME

Address: _____

CITY, STATE, ZIP CODE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

AFFIDAVIT OF VERIFICATION AND CORRECTNESS OF INDEBTEDNESS

BEFORE ME the undersigned authority personally came and appeared:

(Appearer's Name)

or their agent or representative, who after being duly sworn, did declare and state:

1. Affiant is familiar with the books and records of the plaintiff;
2. Affiant is personally familiar with this account belonging to the defendant, having recently reviewed it and is authorized to make this affidavit on behalf of the plaintiff;
3. The documents attached to the petition evidence the obligation due to the plaintiff by the defendant and the balance now due on said promissory note is \$_____ with interest from _____ until _____ at the rate of ____% (and thereafter at the rate of ____% until paid in full).
4. Plaintiff is the holder and owner for valuable consideration in and for maturity of that certain promissory note attached to the petition in this proceeding, executed by Defendant,_____. The note is dated _____, 20___, in the original amount of \$_____, payable and bearing interest at the rate of ____%.
5. Affiant has read the foregoing petition and all allegations made in the petition are true and correct to the best of his/her knowledge information and belief.
6. Affiant further declares that defendant, to the best of his/her knowledge is not in the active military service of the United States of America, nor in that of any of its allies.

(APPEARER'S SIGNATURE)

SWORN AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY,
THIS _____ DAY OF _____, 20___ IN _____
PARISH, LOUISIANA.

NOTARY PUBLIC
Notary/Print Name: _____
Notary No.: _____
My commission expires: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

DEFENDANT'S ANSWER

(Check as many as apply)

- I admit that I owe what the plaintiff is claiming.
- I admit that I owe the plaintiff only part of what he/she is claiming.
- I deny that I owe the plaintiff what is claimed.

Respectfully Submitted:

DEFENDANT'S NAME

ADDRESS

CITY, STATE, ZIP

PHONE _____

RETURN ANSWER TO:

CITY COURT OF _____

COURT ADDRESS 1 _____

COURT ADDRESS 2 _____

CITY, STATE, ZIP CODE _____

PHONE NUMBER _____

Attention to Parties: During the pendency of this lawsuit, this is the address and phone number the court will use to contact you. If either your address or phone number changes please notify the court immediately.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

JUDGMENT

This matter came before the court for consideration this day. After considering the pleadings, exhibits, evidence, testimony and the applicable laws:

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment herein in favor of Plaintiff, _____ and against Defendant _____ in the amount of \$ _____, plus interest at the rate of _____% per anum from _____ until _____, and thereafter at the rate of 18%, until paid, and for all costs of these proceedings.

JUDGMENT RENDERED AND SIGNED, on this _____ day of _____, _____ at _____, Louisiana.

JUDGE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

SUIT ON RENT

The petition of Plaintiff, _____ with respect represents that Defendant _____ whose address is _____ is truly indebted to Plaintiff _____ in the amount of \$ _____.

The basis of this demand is past due rent. Between the dates of _____ and _____, the defendant rented the premises owned by plaintiff located at _____. The amount of rent was \$ _____ per month payable on the _____ day of the month. The defendant has not paid the rent when due for the dates of _____ through _____. Despite reasonable and amicable demand no arrangements or payments have been made.

WHEREFORE, PLAINTIFF prays that DEFENDANT be duly cited to appear and that after due proceedings there be judgment in favor of Plaintiff and against Defendant in the amount of \$ _____ plus legal interest from the date of judicial demand until paid, and for all costs of these proceedings.

Respectfully Submitted:

PLAINTIFF'S SIGNATURE

Address: _____

CITY, STATE, ZIP CODE

Phone: _____

PLEASE SERVE DEFENDANT:

DEFENDANT'S NAME

Address: _____

CITY, STATE, ZIP CODE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

AFFIDAVIT OF VERIFICATION AND CORRECTNESS OF INDEBTEDNESS

BEFORE ME the undersigned authority personally came and appeared:

(Appearer's Name)

or their agent or representative, who after being duly sworn, did declare and state:

1. Affiant is familiar with the books and records of the plaintiff;
2. Affiant is personally familiar with this account belonging to the defendant, having recently reviewed it and is authorized to make this affidavit on behalf of the plaintiff;
3. The documents attached to the petition evidence the obligation due to the plaintiff by the defendant and the balance now due on said past due rent is \$ _____, with legal interest from the date of judicial demand;
4. Affiant has read the foregoing petition and all allegations made in the petition are true and correct to the best of his/her knowledge information and belief.
5. Affiant further declares that defendant, to the best of his/her knowledge is not in the active military service of the United States of America, nor in that of any of its allies.

(APPEARER'S SIGNATURE)

SWORN AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY,
THIS _____ DAY OF _____, 201__, IN _____
PARISH, LOUISIANA.

NOTARY PUBLIC

Notary/Print Name: _____

Notary No.: _____

My commission expires: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

DEFENDANT'S ANSWER

(Check the Appropriate Blank)

- I admit that I owe what the plaintiff is claiming.
- I admit that I owe the plaintiff only part of what he/she is claiming.
- I deny that I owe the plaintiff what is claimed.

EXPLANATION:

Respectfully Submitted:

DEFENDANT'S SIGNATURE

Address: _____

CITY, STATE, ZIP CODE

Phone: _____

RETURN ANSWER TO:

PARISH/CITY COURT OF _____

Address: _____

CITY, STATE, ZIP CODE

Phone: _____

Attention to Parties: During the pendency of this lawsuit, this is the address and phone number the court will use to contact you. If either your address or phone number changes please notify the court immediately.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

JUDGMENT

This matter came before the court for consideration this day. After considering the pleadings, exhibits, evidence, testimony and the applicable laws:

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment herein in favor of Plaintiff, _____ and against Defendant, _____ in the amount of \$ _____ plus legal interest from date of judicial demand, until paid, and for all costs of these proceedings. Subject to a credit of \$ _____ (Amounts paid after filing).

JUDGMENT RENDERED AND SIGNED, on this _____ day of _____, _____ at _____, Louisiana.

JUDGE

**SAMPLE SMALL CLAIMS DIVISION
INFORMATION SHEET**

WHAT IS SMALL CLAIMS COURT?

The Small Claims Division was established pursuant to Louisiana Statutes 13:5201-5212. You may sue to resolve minor civil disputes or try to recover claims of up to \$5,000.00, plus interest, court cost and attorney fees. A claim, generally speaking, asserts a legal right you may have.

You must be EIGHTEEN (18) YEARS OF AGE to file a case in Small Claims Court, but minors may sue through a parent or guardian. An officer or employee of a corporation or unincorporated association may file suit on behalf of an organization if the amount in controversy does not exceed \$5,000.00 and involves an open account or negotiable instrument (La R.S. 37:212C); otherwise a corporation must be represented in court by a licensed attorney.

Plaintiff's access to the Small Claims Court is limited to two (2) filings per party per calendar month.

WHAT KINDS OF SUIT MAY BE FILED IN THE SMALL CLAIMS COURT?

You may sue when you believe someone owes you money. For example, you may sue if:

- Someone fails to return a deposit to you.
- Goods and/or merchandise that you purchased are defective and the seller refuses to repair, refund or replace.
- You have a loss due to an accident.
- Your property is damaged or destroyed by someone performing a service for you.
- Action for possession of personal property, excluding real estate.

The following types of cases MAY NOT be instituted in the Small Claims Court:

- Suits involving annulment, separation, divorce, alimony, separation of property.
- Succession, interdiction, receivership liquidation, habeas corpus, or the title to real estate.
- Suits against a state agency, parish, municipality or other political subdivision.
- Suits against a public official performing official duties.

The Small Claims Division of _____City Court is located at _____
_____. For information on costs, please contact the Small Claims Division at _____.

YOU MUST HAVE WITH YOU:

The complete and proper legal name and address of the party you wish to sue. This party is called the "DEFENDANT." You will be the "PLAINTIFF."

If a business is being sued, call the Louisiana Secretary of State's Corporation Division at (225) 925-4704 to find out if the business is incorporated or if it is using a "trade name" (not incorporated).

If the business is incorporated, you will be given the name and address of the REGISTERED AGENT for the corporation. That is the PARTY (PERSON) who will receive notice of the suit.

If the business is not incorporated, you must find the NAME OF THE OWNER of the business, not the name of the business itself.

If you are suing someone as a result of an automobile accident and you do not know the owner of the automobile, the license number is helpful for determining the name and address of the owner. Call Motor Vehicle Registration at _____.

It is IMPORTANT THAT YOU BRING A COPY OF ANY WRITTEN EVIDENCE that may be helpful in proving your claim in Court, such as:

- Contracts
- Leases
- Receipts
- Paid bills

Bring any document or other evidence you feel is important.

FILING YOUR CLAIM:

- The Clerk will give you a form entitled “Statement of Claim and Citation.” Be prepared to provide the following information:
 - Your name, address, and telephone number where you can be reached during the day.
 - The correct name and address of the person you are suing. If it is a corporation, you will need the proper name and address and the registered agent’s name and address.
 - A simple, but COMPLETE statement of why you are suing. This should include:
 - Dates and locations as they relate to your claim and the amount of money you are trying to recover.

Remember: The limit is \$5,000.00, not including interest, court costs and attorney’s fees.

If you receive a judgment in your favor, you can claim interest on the sum of money owed, running from the date you originally filed suit until the money is actually paid. This is known as “Judicial Interest” and the rate is fixed by law.

WHAT HAPPENS AFTER YOU FILE SUIT?

The Clerk’s Office will forward the defendant’s copy of your Statement of Claim and Citation, which includes and “ATTENTION SHEET” and an “ANSWER” by certified mail to the defendant. This “ATTENTION SHEET” informs the defendant that he has been sued and will have ten (10) calendar days (inclusive of holidays and weekdays) in which to answer.

You, the Plaintiff, may call City Court to see if the Defendant has filed an “ANSWER.”

If the defendant has filed an Answer, or other documents or pleadings, the Clerk of Court will fix a trial date and inform the parties.

It is the defendant’s right to request that the action be transferred from Small Claims Division to the regular civil docket. A written motion requesting this transfer must be filed with the Clerk’s Office within the same the (10) calendar days allowed for the defendant’s answer to be filed and a check for the fee of filing. Transferring the case to the regular civil docket preserves both parties’ rights to appeal an unfavorable judgment of the Court. An appeal would permit a review of the Trial Judge’s ruling by a higher court to determine whether the Judge properly applied the law to the facts of the case. Transfer to the regular civil trial division also means that there will be no relaxation of the legal rules of evidence. In such cases, you should be alerted to the advisability of hiring an attorney.

HOW DO I PREPARE FOR COURT?

You as the Plaintiff, have the burden of proving your case before the Judge at a trial by a preponderance of the evidence. This is a balancing test by which the Judge weighs the probabilities of accuracy of each party’s respective claim. The following may be helpful in preparing for you trial:

1. Ask for WITNESSES. These are people who saw what happened or have knowledge which might help your case; have them arrive in Court on the Hearing date. If a witness will not agree voluntarily, you may ask the Clerk to SUBPOENA him/her. There is a fee for each Subpoena issued. If a witness is not subpoenaed and does not appear at the Hearing, his absence will not ordinarily constitute good ground for a postponement or a continuance in your case. Your case may still be heard even if your “unsubpoenaed” witness fails to appear.
2. Gather all the evidence that is related to your claim or your defense if you are suing or being sued. This includes: CONTRACTS, RECEIPTS, PROMISSORY NOTES, LETTERS,

CANCELED CHECKS, WRITTEN AGREEMENTS, or other written material. BRING THIS EVIDENCE TO COURT WITH YOU.

3. Go over the facts and organize them in your mind. You may want to write down the most important facts to bring out, since you will need to give a clear statement of the facts in Court. If a settlement is reached prior to trial, notify the Clerk's Office in writing IMMEDIATELY, so that the case can be dismissed from the docket. If time does not permit a letter, telephone the Clerk's Office at once. If you find you are unable to attend Court at the date and time set, you MUST IMMEDIATELY NOTIFY THE COURT IN WRITING to seek a continuance. Continuance requests that do not reflect the consent of the opposing party are not automatically granted and must be supported by good cause.

WHAT IF SOMEONE SUES ME?

If you have been served with a Citation, you are referred to as the "DEFENDANT" in this matter. Most importantly, DO NOT IGNORE the Statement of Claim and Citation and Attention Sheet. You must decide whether you wish to transfer the case to the regular civil docket. This will enable you to be aware that appeal process can be lengthy and costly and may require that you hire an attorney.

If you decide to contest the case you MUST file your Answer IN WRITING with the Clerk's Office within the ten (10) day period allowed. IF YOU DO NOT DO SO A JUDGMENT WILL BE ENTERED AGAINST YOU. This means that you will lose without a chance to tell your side of the story. Your answer should be truthful and contain every defense you intend to raise.

Possible defenses include:

- No jurisdiction or improper "venue" (wrong court)
- Contributory negligence (negligence on the part of the Plaintiff)
- Discharge in Bankruptcy
- Error or mistake
- Fraud or illegality on Plaintiff's part
- Previous compromise or payment of an obligation

If you think you have a claim of your own against the party suing you, you may include it in your Answer. The Plaintiff must be served with this "Counterclaim" or Reconventional Demand: before the trial.

WHAT HAPPENS AT A TRIAL?

1. Arrive early and bring all court papers with you. If you are the party suing and arrive late, or do not appear at all, your case may be DISMISSED. If you are the party being sued and arrive late, or do not appear at all, a judgment may and can be entered against you. In other words, YOU MAY LOSE WITHOUT A HEARING IF YOU ARE LATE.
2. If you are SUING and the other party is not there, you must still show proof of your claim before you can get a judgment in your favor. If you are BEING SUED and the other party is not there, ask that the case against you be dismissed (so you will win the case).
3. If you are suing, you will have first chance to present evidence and explain why you are suing. You have the responsibility of proving the amount of money claimed is owed to you by the defendant. This is where you call your witnesses or testify yourself to prove your case. If you are the one being sued, you will have the opportunity to ask questions of your opponent and/or any witnesses he/she may call to testify (cross-examination). THE PURPOSE OF YOUR QUESTIONS SHOULD BE TO SHOW THAT YOUR OPPONENT'S CASE DOES NOT "HOLD WATER." This is not the time for you to make statements or argue with the witness or opponent. After they have put on their evidence, you will have a chance to tell your side, have your witnesses, testify, and present evidence. The Plaintiff then has an opportunity to ask you and/or your witnesses questions. After all the testimony is taken, the Judge will announce the decision as to which party has won the case and the amount of the judgment, if an amount of money is awarded. There are times when a

Judge will not render a decision immediately after the trial but rather take the matter “under advisement.” You will be notified of a decision by mail.

A Judgment rendered in Small Claims Division becomes final and executory three days after it is signed, or served on the defendant when service is necessary, unless within that period of time a Motion for a new Trial is filed by the defendant. A Judgment merely established that the defendant owes you money. **IT DOES NOT NECESSARILY MEAN YOU WILL BE PAID.**

IF I WIN, HOW DO I COLLECT MY MONEY?

1. Ask the Judge to order the ENTIRE amount you have won to be paid in a single payment.
2. It is not the duty or the function of the Court to pay or collect what is owed to you. **IT IS YOUR RESPONSIBILITY TO TAKE ANY AND ALL LEGAL ACTION NECESSARY TO COLLECT ON YOUR JUDGMENT.**
3. In order to collect, you may have to take further action; such as a garnishment of the losing party’s bank account or garnish his/her wages, or “seize” and sell certain nonexempt property that belongs to the defendant. There is a Court fee for these actions.
4. If you do not know of any assets of the losing party, you may request a “Judgment Debtor Examination” for an ORAL EXAMINATION as to the whereabouts of his/her assets. There is a fee for filing this action and it is not a new trial or hearing. You will be allowed to orally examine the defendant in regard to assets, employment, etc. at a place suitable for such examination. This information may help you in finding other legal means for collecting of your judgment.

MAY I DO ANYTHING IF I LOSE?

1. Remember you may lose a case by default simply because **YOU ARE NOT PRESENT** on the Hearing date. If you are notified that you have been dismissed, **YOU MAY STILL HAVE A WAY OUT.**

Consider the following:

Did you file an “Answer?”
Were you notified of the Hearing date?

If not, you will need to file a MOTION TO VACATE the Default Judgment, or a MOTION TO REINSTATE the case if it is dismissed. A Hearing date will be set to hear your argument as to why the decision should be set aside. Bring all your evidence and/or witnesses to support your motion to the Hearing date to present to the Judge. If your motion is granted by the Court, the case is reopened and you will have an opportunity to have a trial before the Judge.

2. If you lose your case in a Small Claims hearing, **YOU MAY TRY TO GET A NEW TRIAL.** Time delays are important on this motion and you should remember the following:
You must file a written Motion for New Trial within three (3) days after the Judgment is signed, or three (3) days after it is served on the losing party. The three days excludes weekends and holidays.

CHECKLIST

PLAINTIFF

1. Does the claim fall within jurisdiction of Small Claims Division?
2. Are you suing the true defendant?
3. Do you have the proper legal name and address?
4. Did you fill out a complete statement of why you are suing? Include amount of money you seek to recover, date and locations related to your claim.
5. Include copies of written evidence.

6. Need your complete name, address, phone number and signature.

DEFENDANT

1. Do you wish to contact an attorney?
2. Do you wish to transfer the case to the regular docket? Must file request within ten (10) days.
3. Do you wish to contest the claim? Must file a written Answer within the (10) days. In your Answer consider:

Is this the proper court?

Has debt been discharged in bankruptcy?

Was there negligence on part of the Plaintiff?

Has there been a compromise or payment?

4. Do you wish to Counterclaim against the Plaintiff?

GLOSSARY

PLAINTIFF

The party or person who is suing or filing suit against another party or person.

DEFENDANT

The party or person who is being sued or having suit brought against.

SERVICE

When a copy of the suit or Statement of Claim and Citation is served or presented to a party by a duly authorized agency, thereby putting that party on notice of the action.

VENUE

The place or parish in which alleged events from which legal actions rises; take place; a statement showing that a case is brought to the proper court of authority.

INCORPORATED

Formed into a legal corporation under applicable state law.

AGENT

A person or party acting legally on behalf of another person, party or corporation.

SUIT NUMBER

The number assigned to you suit, or petition at the time of filing.

GARNISHEE

Defendant's employer or someone who has money or property in his possession belonging to defendant, or a bank where defendant has funds.

SMALL CLAIMS DIVISION

NUMBER:

_____ COURT

_____ PARISH

STATE OF LOUISIANA

STATEMENT OF CLAIM AND CITATION

Full Name of Suing Party
(PLAINTIFF)

Full Name of Party Being Sued
(DEFENDANT)

Street Address

Street Address

City, State, and Zip Code

City, State, and Zip Code

Phone Number

Phone Number

THE PLAINTIFF CLAIMS THE FOLLOWING FROM THE DEFENDANT:

AMOUNT OF CLAIM _____ PLUS COSTS AND INTEREST

Plaintiff's Signature

Date

You are hereby summoned and cited, within (10) days from service hereof, including holidays, to comply with the court demand of Plaintiff against you herein, or state your answer to this demand to the Clerk of this Court holding sessions at the _____ Court, _____ (Address), _____ (City), Louisiana, within the delay above expressed. Herein fail not, under penalty of a default judgment being rendered against you.

The Date and Time of trial is _____ at _____ P.M. The location of the trial is the _____ Courtroom, _____ (Address), _____ (City), Louisiana. If you cannot attend the trial at the date noted, you must notify the Clerk of this fact stating your reasons. (DEFENDANTS, to be sure that you will have your day in court, you must notify the Clerk that you want to contest this claim).

***NOTICE THE ADDITIONAL INSTRUCTION ON THE ATTACHED SHEETS WHICH ARE PART OF THE CITATION.

Clerk of Court

STATEMENT OF CLAIMANT
BY CERTIFIED MAIL: _____

By _____
Deputy Clerk of Court

STATEMENT OF CLAIM SERVED
BY CERTIFIED MAIL/SERVICE
ON _____

I HAVE RECEIVED A BOOKLET FROM
_____ COURT WITH
INFORMATION REGARDING
PROCEDURES FOR THE SMALL
CLAIMS DIVISION.

TYPE OF SERVICE _____

Plaintiff

DATE _____

STATE OF LOUISIANA

PARISH OF _____

Personally came and appeared _____

Who deposes and says:

That _____

Whose address is _____

Who is employed _____

Is justly and truly indebted unto the plaintiff in the full sum of _____

With _____ per cent per annum interest from _____ day of _____, for this, to-wit:

_____, Louisiana, this _____ day of _____, 20____.

Plaintiff

Sworn to and Subscribed before me,
This _____ day of _____

Clerk of Court

FILED:
BY:

**NOTICE OF SMALL CLAIMS COURT
HEARING DATE**

VERSUS

: CIVIL DOCKET #
: _____ COURT
: PARISH OF _____
: STATE OF LOUISIANA

TO:

(Judge's Name)
JUDGE

Please be advised that a Hearing on the **SMALL CLAIMS CASE** has been set
for: _____
_____ COURT, _____ (Address),
_____, LOUISIANA.

Deputy Clerk of Court

TELEPHONE NUMBER: _____

Signed: _____
Plaintiff

Date: _____

**CITATION
SMALL CLAIMS DIVISION**

NUMBER: _____

VERSUS

_____ COURT

_____ PARISH

STATE OF LOUISIANA

“ATTENTION”

THIS LAWSUIT IS FILED IN THE SMALL CLAIMS COURT.

THE ORDINARY RULES OF EVIDENCE DO NOT APPLY IN SMALL CLAIMS COURT.

IF YOU LOSE IN SMALL CLAIMS COURT, YOU HAVE NO RIGHT TO APPEAL THE COURT’S DECISION OTHER THAN A MOTION FOR NEW TRIAL TO BE HEARD BY THE SAME JUDGE THAT DECIDED YOUR CASE.

YOU MAY HAVE THIS CASE TRANSFERRED TO THE REGULAR CIVIL COURT IF YOU WISH. TO DO SO, YOU MUST FILE A WRITTEN NOTICE WITH THE CLERK OF THE SMALL CLAIMS COURT AND PAY THE APPROPRIATE TRANSFER FEE WITHIN TEN (10) DAYS OF RECEIVING THIS LETTER.

IF YOU ARE UNSURE OF WHAT TO DO, YOU SHOULD TALK WITH AN ATTORNEY ABOUT IT IMMEDIATELY.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER TO TRANSFER TO REGULAR CIVIL DOCKET

NOW INTO COURT, through undersigned counsel, comes defendant, _____ who respectfully requests an Order from this Court transferring this entire matter to the Court's Regular Civil Docket, _____ Court, _____ Parish, Louisiana.

Accordingly, defendant requests that this matter be transferred in its entirety to the _____ Court Regular Civil Docket, Parish of _____, State of Louisiana.

Respectfully Submitted,

Defendant

Address: _____

Telephone: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all parties by placing in the U.S. Mail, postage prepaid and properly addressed, or by facsimile, this _____ day of _____, 20____.

Defendant

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

ORDER

Having considered the foregoing Motion;

IT IS ORDERED that this entire matter be transferred to the _____
Court Regular Civil Docket, Parish of _____, State of Louisiana.

THUS DONE AND SIGNED in _____, Louisiana on this _____ day
of _____, 20____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

PETITION FOR GARNISHMENT

Plaintiff requests Issuance of a Writ of Fieri Facias, and that said Garnishee be ordered to answer categorically and under oath the annexed interrogatories, and after due proceeding had, be condemned to pay petitioner the amount of said Writ of Fieri Facias.

WHEREFORE petition prays that the named party be made garnishee herein, and that garnishee be ordered to answer the annexed interrogatories, under oath and in writing.

GARNISHEE: _____

DEFENDANT: _____
SS# _____

Plaintiff or Agent Signature

Address

CREDITS: \$ _____

Deputy Clerk

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

ORDER

IT IS ORDERED that _____ be made garnishee herein and ordered to answer under oath, categorically and in writing the attached interrogatories, within fifteen (15) days from date of service.

THUS DONE AND SIGNED this _____ day of _____,
20_____, at _____, LOUISIANA.

JUDGE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

INTERROGATORIES

NOTE TO EMPLOYER: YOU MAY ANSWER THESE INTERROGATORIES BY CHECKING THE APPROPRIATE BLANKS AND SUPPLYING THE REQUESTED INFORMATION DIRECTLY ON THIS SHEET. PLEASE SIGN, DATE, AND RETURN THE PAPER TO THE CLERK OF COURTS OFFICE.

CONCERNING DEFENDANT: _____

SOCIAL SECURITY #: _____

INTERROGATORY 1: IS THE DEFENDANT EMPLOYED BY YOU IN ANY CAPACITY WHATSOEVER? YES:____ NO:_____

INTERROGATORY 2: IF YOUR ANSWER TO INTERROGATORY 1 IS YES, PLEASE SUPPLY:

(A) RATE OF PAY _____

(B) PAY DAY _____

(C) AMOUNT OF AVERAGE PAYCHECK _____

INTERROGATORY 3: WERE THERE ANY PRIOR GARNISHMENTS AGAINST DEFENDANT AT THE TIME THIS GARNISHMENT WAS SERVED TO YOU?

YES: _____ NO: _____

INTERROGATORY 4: IF YOUR ANSWER TO INTERROGATORY 3 IS YES:

(A) DATE PRIOR GARNISHMENT WAS SERVED ON YOU: _____

(B) THE SUIT TITLE AND NUMBER OF THAT PRIOR GARNISHMENT:

(C) THE BALANCE REMAINING TO BE COLLECTED UNDER THAT PRIOR GARNISHMENT: _____

INTERROGATORY 5: IF THE DEFENDANT WORKS FOR YOU ON A COMMISSION BASIS, CHECK HERE _____ AND EXPLAIN TERMS OF COMMISSION ON REVERSE SIDE.

INTERROGATORY 6: DID YOU, AT THE TIME THIS GARNISHMENT WAS SERVED ON YOU, OWE THE DEFENDANT ANY WAGES OR SALARY?

YES: _____ NO: _____

INTERROGATORY 7: IF YOUR ANSWER TO INTERROGATORY 6 IS YES, PLEASE STATE THE AMOUNT OF MONEY YOU OWE: _____

EMPLOYER: _____

BY: _____

TITLE: _____

DATE: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

JUDGMENT AGAINST GARNISHEE

The Court considering the interrogatories propounded and the answer of the garnishee to be in favor thereof, and the law and the evidence being in favor thereof.

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment herein in favor of the plaintiff, _____ and against the garnishee, _____, ordering payment to the _____ of deductions from the wages, salary, commission, and other compensation of the defendant herein, _____, such deductions to be at the rate of 25% of his aggregate disposable compensation at each time that he is paid, and to be paid over as herein ordered at each time that he is paid, provided that no deductions shall be made which would reduce the disposable earnings of the defendant below ONE HUNDRED FIFTY-FOUR AND 50/100 DOLLARS (\$154.50) per week, nor shall his disposable earnings in any case be reduced below thirty times the Federal Minimum hourly wage prescribed by Section 6 (A) (1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable, and provided further that, upon giving written notice filed with the officer to whom payments are to be made that the defendant has left his employ, the garnishee shall be relieved of all further liability and discharged herein. Except as herein otherwise provided, deductions and payments shall continue until satisfaction of the writ of fieri facias issued herein, in the sum of: _____.

“Disposable earnings” in this judgment means that part of defendant's earnings remaining after deduction of any amounts required by law to be withheld.

This judgment shall be effective for purpose of computing deductions from the date of service upon the garnishee of the petition for garnishment and interrogatories.

IT IS FURTHER ORDERED that upon the filing into the record of this proceeding by City Marshal, the Sheriff, or his deputy, an affidavit stating that the sums due under this garnishment judgment, by his calculations, have been fully paid, this garnishment shall be released and the garnishee shall be relieved of his obligation under this garnishment judgment and shall be so notified by the Court.

JUDGMENT SIGNED in Chambers this _____ day of _____, 20____.

JUDGE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

STATEMENT OF SUMS DUE

PRINCIPAL.....	\$ _____
INTEREST AS OF _____	\$ _____
COURT COSTS TO DATE (City/Parish Court).....	\$ _____
SHERIFF'S OR MARSHAL'S COMMISSION (6%).....	\$ _____
LESS CREDITS PAID SINCE FILING OF SUIT.....	\$ _____

NOTE: THIS ACCOUNT WILL CONTINUE TO ACCRUE INTEREST UNTIL THE BALANCE IS PAID IN FULL.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

GARNISHMENT INFORMATION SHEET

Upon being served with the attached garnishment papers, within 10 days, answer the interrogatories and return to:

Begin withholding immediately, effective as of date you were served with the attached garnishment papers, and:

1. Contact a lawyer for any legal advice which you need. The Marshal's office and the Clerk's office cannot give legal advice to persons needing such. These instructions are provided only to give you a general overview of the employer's rule in a garnishment in an effort to minimize the number of phone calls that the Marshal's office and the clerk's office receive.
2. Withhold 25% of the disposable earnings that you now owe to the employee, and withhold 25% of all disposable earnings that the employee may hereinafter earn from you, provided that no deductions shall be made which would reduce the disposable earnings of the employee below the sum of \$154.50 or less if paid weekly; nor shall the employee's disposable earnings in any case be reduced below thirty times the Federal Minimum hourly wages prescribed by Section 6 (a)(1) of the Fair Labor Standards Act of 1938, in effect at the time the earnings are payable.

**Disposable earnings are those earnings of the employee that remain after the deduction of any amounts required by law to be withheld.

3. Release the affected funds (everything accumulated from date of service on the registered agent of the employer with the petition for garnishment) **UPON RECEIPT** of the "**JUDGMENT AGAINST GARNISHEE**", which will be served upon you just as this Petition for Garnishment has been. **DO NOT** remit funds until this Judgment has been served on the registered agent of the employer!

4. Make all checks payable to: _____

** On check and/or include defendant's (employee's) name and Suit Number.

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

**MOTION AND ORDER FOR
DISMISSAL OF GARNISHMENT JUDGMENT**

NOW INTO COURT COMES PLAINTIFF, _____,
WHO REQUESTS THAT THE JUDGMENT OF GARNISHMENT SIGNED ON THE _____
DAY OF _____, 20__ BE DISMISSED.

CONSIDERING THE FOREGOING MOTION:

IT IS ORDERED, ADJUDGED, AND DECREED THAT THE GARNISHMENT
JUDGMENT IN THE ABOVE-NUMBERED AND ENTITLED SUIT WHICH WAS SERVED
UPON GARNISHEE, _____, HEREIN BE DISMISSED AT
MOVER'S COST. RESERVING ALL RIGHTS AGAINST DEFENDANT,
_____, IN THIS MATTER.

_____, LOUISIANA, ON THIS _____ DAY OF _____, 20__.

JUDGE

SUBMITTED BY:

_____ COURT FOR THE PARISH/CITY OF _____
STATE OF LOUISIANA

V.

CASE/CITATION NO. _____

DIV: _____

REQUEST FOR WRIT OF FIFA

IT IS REQUESTED THAT A WRIT OF FIFA be issued which orders that the following property be seized from defendant:

NAME: _____

STREET: _____ CITY: _____

____ All cash on hand ____ Non-exempt movable property ____ Vehicle (describe below)
 Vin# _____ Lic# _____
 Make _____ Model _____ Color _____

____ Other specific item (describe)

Respectfully,

(Sign your name) _____

(Print your name) _____

(Street Address) _____

(City/State/Zip) _____

(Phone) _____

ORDER

IT IS ORDERED that the Motion for Writ of Fifa is hereby _____ Granted ____ Denied
_____, Louisiana, on this _____ day of _____, 20_____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION FOR JUDGMENT DEBTOR RULE EXAMINATION

On Motion of _____, **plaintiff**, and on suggesting to the Court that plaintiff has secured a Judgment herein which is now final and unpaid, and on further suggesting that Mover desires to examine _____, **defendant/Judgment debtor**, and his income records, pay check stubs, W-2 Forms, last year's Income tax return, business papers, automobile titles and registration certificates (pink slips), homestead and bank account records (checking and savings) and all matters pertaining to his income or property, in order that plaintiff may find means to execute the Judgment, and that the said defendant should be ordered to appear before this Honorable Court at such time as the Court assigns for said examination.

IT IS ORDERED that _____, **Judgment debtor** herein, is hereby ordered to appear in _____ (Parish/City court and address), Louisiana, on the _____ day of _____, 20 _____, at _____ A.M./P.M. (**court date to be assigned by clerk**) for the purpose of being examined on all matters pertaining to his income or property and to produce his most recent W-2 forms, last year's income tax return, pay check stubs, business papers, automobile titles and registration certificates (pink slips), homestead and bank account records (checking and savings) pertaining to his income or property, and in this let not the defendant fail to appear, under the penalty of being held in contempt of Court and subjected to the punishment provided by law.

_____, Louisiana on this _____ day of _____, 20 _____.

JUDGE, (NAME OF COURT)

PLEASE SERVE:

Submitted By:

Name

(Sign your name)

Address

(Print your name)

City, State, Zip Code

ADDRESS

CITY, STATE, ZIP CODE

PHONE

BELOW IS A LIST OF QUESTIONS THAT MAY ASSIST YOU IN COLLECTING YOUR JUDGMENT.

1. What's your home address?
2. What's your home telephone number?
3. Are you married? If so, what's the first name, maiden name, and last name of your spouse?
4. Do you live in a rented apartment? A single family home? A condo? A mobile home? What's the address?
5. What's your social security number?
6. If you live in a single family home, condo, or mobile home, do you own it?
7. If you live in a rented apartment, who pays the rent? To whom is it paid?
8. Is it paid by check? Is your rent/mortgage up to date?
9. Do you have any boarders or subtenants? If so, what are their names and how much do they pay you each month?
10. Do you have a vacation home, recreational vehicle, or boat?
11. What's your occupation?
12. Are you presently employed? If so, by whom?
13. At what address? Where is the payroll office located?
14. What's your work telephone number?
15. What's the name of your supervisor?
16. What's your gross salary? What's your net salary? What payroll deductions are made?
17. Do you receive commissions? When are you paid?
18. How much is owed to you now?
19. Do you have any part-time employment? If so, please explain.
20. Is your spouse employed or in business? If so, what's his or her salary? What is the address of his or her workplace?
21. Do you own any stock or any interest in the business where you work? If so, please explain.
22. Do you or your spouse have any bank checking or savings accounts? If so, what's the name of the bank branch, and what are the account numbers and present balances?
23. Do you or our spouse have a driver's license? For what state? What are the driver's license numbers?
24. How did you get here today?
25. What's the year and make of your car? Do you own it? Is it financed? By whom? How much is owed?
26. Do you have any credit cards? Can you get a cash advance on any of those cards?
27. What type of retirement accounts do you have? Are you able to borrow against your retirement account?
28. Do you have life insurance? Is it a whole life policy?
29. Do you have any property, personal effects, cash, or other assets that you've not yet mentioned? If so, please explain.

_____ COURT FOR THE PARISH/CITY OF _____
STATE OF LOUISIANA

V.

CASE/CITATION NO. _____

DIV: _____

RULE FOR EXAMINATION OF JUDGMENT DEBTOR

*****PERSONAL SERVICE ONLY*****

THE STATE OF LOUISIANA TO:

GREETINGS:

YOU ARE HEREBY ORDERED, DIRECTED AND COMMANDED, In the name of the State of Louisiana and of this Honorable Court, to appear in open Court before this Court on _____ DAY OF _____ AT _____ O'CLOCK AM/PM to be examined as a judgment debtor according to law, and as prayed for in the petition this day filed, a copy of which is attached hereto and made a part hereof.

YOU ARE FURTHER ORDERED TO PRODUCE INTO COURT, AT THE SAME TIME, any and all documents pertaining to your estate or property as requested in the attached MOTION AND ORDER TO EXAMINE JUDGMENT DEBTOR.

AND herein fail not.

WITNESS the Honorable _____, Judge of our Court on this _____, 20__

DEPUTY CLERK

MARSHAL'S RETURN
PERSONAL SERVICE

THIS IS TO CERTIFY THAT ON _____, 20__, I received the process of Court of which this is a duplicate, and that on _____, 20__, I made due Personal Service thereof by leaving same in the hands of _____ the person to whom the process is directed.

DEPUTY MARSHAL/SHERIFF

§3881. General exemptions from seizure

A. The following income or property of a debtor is exempt from seizure under any writ, mandate, or process whatsoever, except as otherwise herein provided:

(1)(a) Seventy-five percent of his disposable earnings for any work, but in no case shall this exemption be less than an amount in disposable earnings which is equal to thirty times the Federal minimum hourly wage in effect at the time the earnings are payable or a multiple or fraction thereof, according to whether the employee's pay period is greater or less than one week. However, the exemption from disposable earnings for the payment of a current or past due support obligation, or both, for a child or children is fifty percent of disposable earnings, and the exemption from seizure of the disposable earnings for the payment of a current or past due support obligation, or both, for a spouse or former spouse is sixty percent of the disposable earnings. For purposes of this Subsection, if the Department of Children and Family Services is providing support enforcement services to the spouse and a judgment or order for support includes an obligation for both a child or children and a spouse or former spouse, or in any case wherein the judgment or order does not clearly indicate which amount is attributable to support of the child or children and which amount is attributable to support of the spouse or former spouse, the support obligation shall be treated as if it is exclusively for the support of a child or children.

(b) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld and which amounts are reasonable and are being deducted in the usual course of business at the time the garnishment is served upon the employer for the purpose of providing benefits for retirement, medical insurance coverage, life insurance coverage and which amounts are legally due or owed to the employer in the usual course of business at the time the garnishment is served.

(2) That property necessary to the exercise of a trade, calling, or profession by which he earns his livelihood, which shall be limited to the following:

- (a) Tools.
- (b) Instruments.
- (c) Books.
- (d) One utility trailer.
- (e) One firearm with a maximum value of five hundred dollars.

(3) The personal servitude of habitation and the usufruct under Article 223 of the Civil Code.

(4)(a) The clothing, bedding, linen, chinaware, non-sterling silverware, glassware, living room, bedroom, and dining room furniture, cooking stove, heating and cooling equipment, one noncommercial sewing machine, equipment for required therapy, kitchen utensils, pressing irons, washers, dryers, refrigerators, deep freezers, electric or otherwise, used by him or a member of his family.

(b) The family portraits.

(c) His arms and military accoutrements.

(d) The musical instruments played or practiced on by him or a member of his family.

(e) The poultry, fowl, and one cow kept by him for the use of his family.

(f) All dogs, cats, and other household pets.

(5) Any wedding or engagement rings worn by either spouse, provided the value of the ring does not exceed five thousand dollars.

(6) Federal earned income tax credit, except for seizure by the Department of Revenue or arrears in child support payments.

(7) Seven thousand five hundred dollars in equity value for one motor vehicle per household used by the debtor and his family household for any purpose. The equity value of the motor vehicle shall be based on the NADA retail value for the particular year, make, and model.

(8) Seven thousand five hundred dollars in equity value for one motor vehicle per household which vehicle is substantially modified, equipment, or fitted for the purposes of adapting its use to the physical disability of the debtor or his family and is used by the debtor or his family for the transporting of such disabled person for any use.

(9) The proceeds from a property insurance policy received as a result of damage caused by a gubernatorially declared disaster to an asset considered exempt under this Section and that are held

separately in an escrow account identified as insurance proceeds paid from the damage of an exempt asset shall be considered exempt to the same extent that the value of the underlying asset is considered exempt.

B.(1) In cases instituted under the provision of Title 11 of the United States Code, entitled "Bankruptcy", there shall be exempt from the property of the estate of an individual debtor only that property and income which is exempt under the laws of the state of Louisiana and under federal laws other than Subsection (d) of Section 522 of said Title 11 of the United States Code.

(2) No property upon which a debtor has voluntarily granted a lien shall, to the extent of the balance due on the debt accrued thereby, be subject to the provision of this Chapter or be exempt from forced sale under process of law.

(3) Proceeds from the involuntary sale or distribution of personal property that is exempt from seizure under the laws of this state, made at or after the filing of a petition under any Chapter of Title 11 of the United States Code, shall remain exempt for purposes of state law exemptions, not applicable under 11 U.S.C.A. §522(b)(2)(A). For purposes of this Subsection, "involuntary sale" shall mean any non-consensual sale or disposition of property.

C. The state of Louisiana expressly waives any immunity from suit insofar as the garnishment of the nonexempt portion of the wages, salaries, commissions, or other compensation of public officials, whether elected or appointed, public employees, or contractors is concerned, of itself, its agencies, boards, commissions, political subdivisions, public corporations, and municipal corporations.

D.(1) Except as provided in Paragraph (2) of this Subsection and in R.S. 11:292, the following shall be exempt from all liability for any debt except alimony and child support: all pensions, all tax deferred arrangements, annuity contracts, and all proceeds of and payments under all tax-deferred arrangements and annuity contracts, as defined in Paragraph (3) of this Subsection.

(2) No contribution to a tax-deferred arrangement or to an annuity contract, as defined in Paragraph (3) of this Subsection, shall be exempt if made less than one calendar year of the date of filing for bankruptcy, whether voluntary or involuntary, or the date writs of seizure are filed against the tax-deferred arrangement or annuity contract. A transfer from one tax-deferred arrangement to another or from one annuity contract to another shall not be considered a contribution for purposes of this Paragraph.

(3) The term "tax-deferred arrangement" includes all individual retirement accounts or individual retirement annuities of any variety or name, whether authorized now or in the future in the Internal Revenue Code of 1986, or the corresponding provisions of any future United States income tax law, including balances rolled over from any other tax-deferred arrangement as defined herein, money purchase pension plans, defined benefit plans, defined contribution plans, Keogh plans, simplified employee pension (SEP) plans, simple retirement account (SIMPLE) plans, Roth IRAs, or any other plan of any variety or name, whether authorized now or in the future in the Internal Revenue Code of 1986, or the corresponding provisions of any future United States Income tax law, under which United States Income tax on the tax-deferred arrangement is deferred. The term "annuity contract" shall have the same definition as defined in R.S. 22:912(B).

AFFIDAVIT OF DISTINCTION
(R.S. 9:5503)

State of Louisiana)
Parish of)

BEFORE ME, the undersigned authority, personally came and appeared:

_____, who being duly sworn, deposed as follows:

I, being of sound mind acknowledge and understand that any Intentional falsification of information I am about to provide shall subject me to penalties for the crime of inquiring public records and false swearing.

My full name is _____. I am _____ years old and I was born on _____ at _____. My social security number is xxx-xx-____. I presently reside at _____ and my previous address is _____. Name and address of my employer _____; Name and address of location of employment _____; Occupation _____; Marital status, _____. If married full name of spouse _____, spouse's social security number is xxx-xx_____.

I HEREBY AFFIRM AND ATTEST, under penalty of law, that I am not the same person as the debtor or debtors named in the following described recorded judgment, lien, privilege, or mortgage:

Judgment Registry Number _____ filed _____
Suit _____ Judgment rendered on the _____ day of _____ 20____ in favor of _____ and against _____ in the full sum and true sum of \$_____.

and
Amended Judgment Registry Number _____ filed _____ Suit _____
_____ vs. _____, et al against _____ \$_____. The default Judgment previously rendered on the _____ day of _____, 20____ in favor of _____, and against the Defendant, _____, be set aside and annulled on basis of Defendant's answer to the Petition.

THUS DONE, READ AND SIGNED at _____, State of Louisiana, this _____ day of _____, 20_____.

WITNESSES:

Name typed:

Affiant:

Name typed:

Notary Public
Print name: _____
LA Bar #: _____
My commission expires: _____

ACKNOWLEDGMENT

I (we), _____ attorney for _____
hereby acknowledge that the above-named affiant is not the same person identified or named in
the above-identified or described encumbrance and that the property of the affiant is not subject
to the lien resulting from the encumbrances.

THUS DONE, READ AND SIGNED at _____, State of Louisiana,
this _____ day of _____, 20____.

Attorney Signature

Notary Public
Print name: _____
LA Bar #: _____
My commission expires: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

JUDGMENT
(BY DEFAULT WITH CONTRACTUAL INTEREST)

On motion of _____, plaintiff in proper person or through counsel of record, that the defendant(s) have failed to appear and answer, and that the legal delay in which to answer having elapsed, and plaintiff producing to the Court due proof in support of plaintiff's demands, the Court considering the law and evidence to be in favor of the plaintiff:

IT IS ORDERED, ADJUDGED AND DECREED that judgment is rendered in favor of the plaintiff, and against the defendant, _____, for \$ _____, with _____% annual interest thereon from _____ day of _____, 20____, until paid, and for all costs of court.

JUDGMENT READ, RENDERED AND SIGNED in chambers on this _____ day of _____, 20____, at _____, Louisiana.

JUDGE, _____

COURT OF _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION TO REVIVE JUDGMENT

The motion of _____, domiciled in the Parish of _____, State of Louisiana, respectfully represents:

1.

On _____, 20____, in the matter of _____ vs. _____, Docket No. _____, _____ Court, _____ Parish, State of Louisiana, Judgment was rendered in favor of the petitioner and against the defendant, _____, in the amount of \$ _____, with legal interest thereon from _____ 20____, until paid and all cost of this suit.

2.

No payments have been made on the Judgment and the amount recited in the preceding paragraph continues to be due.

3.

Petitioner is entitled to have the Judgment, rendered _____, 20____, a copy of which is attached hereto as Exhibit "A", revived, under authority of LSA-C.C.P Art. 2031 (A).

WHEREFORE, Petitioner prays for Judgment reviving the Judgment previously rendered by this Honorable Court on _____, 20____ more fully described above.

RESPECTFULLY SUBMITTED:

BY: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

PAYMENT AGREEMENT

I, _____, hereby agree to pay
\$ _____ to _____, as settlement in the above case.
I further agree to pay this amount at the rate of \$ _____ per _____,
beginning on the _____ day of _____, 20 _____, or as follows:

Until paid in full. I also understand that if I fail to keep this agreement, I will be
summoned back to Court to show cause.

SIGNED: _____
ADDRESS: _____
PHONE: _____

I, _____, hereby accept the payment arrangements outlined
hereinabove, and agree to notify the Court in writing of payment in full.

SIGNED: _____
ADDRESS: _____
PHONE: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

PETITION TO MAKE JUDGMENT EXECUTORY

The petition of _____, who is domiciled in _____ Parish, respectfully represents:

Plaintiff obtained Judgment against the defendant, _____, who is domiciled in _____ Parish, for the amount of _____ (\$_____), with legal interest from _____ day of _____, 20____, and costs in the matter entitled “_____ versus _____”; No. _____ of the docket of the _____ Court of _____.

A certified copy of this Judgment is attached hereto as an exhibit.

This Judgment was signed on this _____ day of _____, 20____, and no appeal has been taken from it. Plaintiff desires to have this Judgment made executory in this Court.

WHEREFORE, PETITIONER PRAYS that there be Judgment in this matter, making the Judgment, attached hereto as an exhibit, executory in this Court.

NAME

ADDRESS

CITY, STATE AND ZIP CODE

PHONE NUMBER

BAR ROLL NO.

ORDER

CONSIDERING THE FOREGOING PETITION;

IT IS ORDERED, ADJUDGED, AND DECREED that the Judgment, which is attached hereto, be made executory in this Court, on this _____ day of _____, 20____.

JUDGE, _____ COURT

Please serve:

Defendant(s): _____

Address: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION FOR JUDGMENT ON THE PLEADINGS
(LA. CODE OF CIVIL PROCEDURE ARTICLE 965)

On Motion of the plaintiff, _____, on suggesting to the Court that, since the defendant's Answer does not deny any of plaintiff's allegations, these allegations should be regarded as true, and on suggesting that there are no issues of fact remaining, plaintiff is entitled to a Judgment based on the submitted pleadings;

Wherefore, it is requested that Judgment be awarded in favor of the plaintiff as prayed for in the original Petition.

Respectfully,

(Sign your name) _____

(Print your name) _____

(Your address) _____

(Phone No.) _____

JUDGMENT

IT IS ORDERED, ADJUDGED, and DECREED that there be Judgment in favor of the plaintiff, _____, and against the defendant, _____, in the full sum of _____ (\$ _____) DOLLARS, with legal interest from date of judicial demand, until paid, and all costs of this suit.

JUDGMENT READ, RENDERED, and SIGNED in Chambers, at _____, Louisiana, on this _____ day of _____, 20_____.

JUDGE, _____ COURT

OR

IT IS ORDERED, ADJUDGED, and DECREED that this matter be set for hearing on the _____ day of _____, 20_____ at _____ a.m./p.m.

_____, Louisiana, this _____ day of _____, 20_____.

JUDGE, _____ COURT

Please serve:

Party(ies): _____

Address(es): _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

RULE FOR JUDGMENT PRO CONFESSO

On Motion of _____, plaintiff herein, and on suggesting to the Court that _____, garnishee herein, has failed to file Answers to Garnishment Interrogatories served on said garnishee, and that Mover is entitled to and desires Judgment against said garnishee for the full amount herein sued upon, together with reasonable attorney's fees for the filing of this Rule:

IT IS ORDERED that garnishee, _____, show cause in the _____ Court, at _____ o'clock __.m., on the _____ day of _____, 20____, why Judgment should not be rendered against garnishee for the full amount herein sued upon, together with reasonable attorney's fees for the filing of this Rule.

_____, Louisiana, on this _____ day of _____, 20_____.

JUDGE, _____ COURT

SUBMITTED BY:
(NAME) _____
(ADDRESS) _____
(CITY, STATE) _____
(ZIP CODE) _____

SERVE GARNISHEE:

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

JUDGMENT OF REVIVAL

CONSIDERING the Motion to Revive Judgment filed by the plaintiff; and

CONSIDERING the law and evidence being in favor thereof;

IT IS HEREBY ORDERED that the Judgment entered on _____ day of _____, 20____, in the matter of “_____ vs. _____,” Suit No. _____ on the docket of this said Court, a copy of which is attached hereto, is hereby revived.

(OPTIONAL) IT IS HEREBY ORDERED that this Judgment shall be recorded in the public records of this parish and shall serve as evidence of the revival of the aforesaid Judgment.

Signed at _____, Louisiana this _____ day of _____, 20____.

JUDGE, _____
COURT OF _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

NOTICE OF JUDGMENT

To: _____

Vs. No. _____

In accordance with Article 1913 of the Louisiana Code of Civil Procedure, you are hereby notified that judgment was rendered against you in the above-numbered and entitled cause as per certified copy attached hereto.

Witness the HONORABLE _____, Judge of said Court, this _____ day of _____, 20_____.

_____, Louisiana, on this _____ day of _____, 20_____.

_____, Clerk of Court

By: _____, Deputy Clerk

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

SATISFACTION OF JUDGMENT

The Judgment in favor of _____, Plaintiff, and against _____, Defendant, in the amount of \$ _____, dated _____, has been paid in full and this is your authority to cancel the Judgment, this ____ day of _____, 20 _____.

PLAINTIFF

DATE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

ORDER RECOGNIZING SATISFACTION OF JUDGMENT

NOW INTO COURT comes plaintiff, _____.

Judgment was previously entered against defendant, _____.

Said Judgment was signed on the _____ day of _____, 20 ____.

The undersigned respectfully represents to this Court that this Judgment has been satisfied and requests that this Court issue recognition of such fact and recall any outstanding writs.

SUBMITTED BY:

(Sign your name) _____

(Print your name) _____

(Your street address) _____

(City, State, Zip) _____

(Bar Roll No.) _____

ORDER

Accordingly, **IT IS HEREBY ORDERED** that the Judgment signed on _____ day of _____, 20____, be and same is recognized as fully satisfied and any outstanding writ(s) be recalled.

_____, Louisiana, on this _____ day of _____, 20____.

JUDGE, _____ Court

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

ORDER GRANTING PRELIMINARY INJUNCTION

The rule to show cause why a preliminary injunction should not be issued was heard on the _____ day of _____, 20____.

Present: Esq., counsel for mover
 Esq., counsel for respondent

Absent:

The court heard the evidence and the arguments of counsel. For oral reasons assigned:

IT IS ORDERED that a preliminary injunction issue herein, without bond, directed to respondent, restraining, enjoining and prohibiting him, his agents, employees, and all persons, firms or corporations acting or claiming to act in his behalf, or in concert with him, from disposing of, alienating or encumbering any of the property belonging to the community of acquets and gains existing between respondent and mover, and held in the name of respondent; and from withdrawing, converting or disposing of any of the funds or deposit in any bank or trust company in the name of respondent.

This order signed in open court this _____ day of _____, 20____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

RULE TO DISSOLVE TEMPORARY RESTRAINING ORDER AND FOR DAMAGES

Rule to Show Cause

On motion of, the defendant, through his undersigned counsel, and on suggesting to the court that:

1.

On _____[Date], the court issued a temporary restraining order in the case restraining, enjoining and prohibiting defendant, his agents, employees, and all other persons, firms, or corporations acting or claiming to act in his behalf, from entering on the lands owned by plaintiff in Parish, Louisiana, described in the order (The Property), in order to make seismographic or other geological tests.

2.

Contrary to the representations made in the petition, defendant is the lessee of The Property under a lease dated _____ executed by, who was then the owner of The Property, and the lease expressly gives the defendant the right to enter The Property in order to make seismographic and other geological studies.

3.

The plaintiff acquired The Property subject to the terms of this lease, which was recorded in the official records of Parish, Louisiana on _____[date], in Conveyance book_____, Folio_____.

4.

The temporary restraining order should therefore be dissolved and the defendant awarded damages for expenses incurred as a result of delay, an additional sum for attorney's fees for services rendered in connection with the dissolution of the temporary restraining order. It is Ordered by the Court that, the plaintiff herein, show cause of _____[date] at _____[time] why the temporary restraining order should not be dissolved and the plaintiff compelled to pay the damages sustained by the defendant as a consequence of its wrongful issuance, together with attorney's fees for services rendered in connection with the dissolution of the temporary restraining order.

_____, Louisiana, this _____ day of _____, 20_____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

**MOTION FOR COURT REPORTER TO PROVIDE COUNSEL WITH TRIAL
TRANSCRIPTS**

_____, the Defendant in the above-styled and numbered cause, through his/her attorney(s) of record, _____, respectfully files this, his/her Motion for Court Reporter to Provide Defense Counsel with Trial Transcripts, and in support of same, would state unto this Honorable Court the following, to-wit:

1. Defendant's counsel has been recently appointed to represent Defendant by the Court and this counsel was not Defendant's counsel during trials on the cause.
2. It is absolutely imperative for the present defense counsel to have his/her own copies of the trial transcripts for trial preparation and for the defendant's upcoming trial.
3. Defendant requests these transcripts for these and for other reasons to be so assigned at a hearing hereon, if so required.

RESPECTFULLY SUBMITTED, this the _____ day of _____, 20_____.

Attorney for Defendant

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

STATE OF LOUISIANA TO:

NAME

Address

City, State, Zip

TEMPORARY RESTRAINING ORDER AND RULE TO SHOW CAUSE

YOU ARE HEREBY ORDERED, RESTRAINED, ENJOINED AND PROHIBITED in the name of the State of Louisiana and this Honorable Court from disposing of or encumbering any or all of the property owned in indivision by plaintiff and defendant until further order of this Honorable Court, and from harassing or physically abusing the plaintiff.

YOU ARE HEREBY ORDERED, DIRECTED AND COMMANDED, in the name of the State of Louisiana and of this Honorable Court, to show cause before this Court on the _____ day of _____, 20_____, at _____ o'clock A.M. why there should not be judgment in favor of petitioner, _____, and against you as follows:

- A. Ordering the issuance of preliminary writs of injunction in the form and substance of the above temporary restraining orders.
- B. Awarding plaintiff and defendant the joint custody of the minor children, _____[name of child] and _____[name of child], approving a Joint Custody Implementation Plan and naming plaintiff the domiciliary parent of the said minor children.
- C. Ordering defendant to pay unto plaintiff a sum in accordance with the Louisiana Child Support Guidelines as child support for the care and support of the above-named minor children and an additional reasonable sum as an interim spousal support allowance for the plaintiff, both retroactive to the filing date of the attached petition.
- D. Awarding plaintiff the use and occupancy of the family residence at Louisiana, and the use of the community movables located herein.
- E. Allocating a portion of the divisible community movable property to plaintiff.

All as prayed for in the petition this day and filed, a certified copy of which is attached hereto and made a part hereof.

_____, Louisiana, this _____ day of _____, 20_____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

**MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiff respectfully moves this Court for a Temporary Restraining Order and Preliminary Injunction pursuant to Rule _____ of the [State] Rules of Civil Procedure and alleges in support thereof:

1. On _____[date], Plaintiff filed a verified Complaint in Equity with the Court. A true and correct copy of the verified Complaint in Equity is attached hereto as Exhibit "A" and is incorporated herein by reference as if set forth in full herein.
2. Unless the requested Temporary Restraining Order and Preliminary Injunction are granted, Plaintiff will suffer great immediate and irreparable injury which cannot be compensated by damages because _____[state reasons].
3. Defendant will not suffer any appreciable injury if the Temporary Restraining Order and Preliminary Injunction are granted because _____[state reasons].
4. Defendant's wrongful conduct is actionable and Plaintiff's right is clear.
5. Plaintiff is likely to succeed on the merits of its claims.
6. Plaintiff has no adequate remedy at law.
7. I have served a copy of this Temporary Restraining Order on the opposing party OR I have not served a copy of this Temporary Restraining Order on the opposing party because (state reasons):

Respectfully Submitted:

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP CODE

PHONE: _____

ORDER

WHEREFORE, Plaintiff respectfully prays that this Court:

- (a) Enter a Temporary Restraining Order enjoining Defendant from [specify conduct to be enjoined], and
- (b) Issue a Rule to Show Cause why a Preliminary Injunction similarly enjoining Defendant should not be entered.

_____ Louisiana, this _____ day of _____, 20____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

RULE TO SHOW CAUSE

IT IS ORDERED that this matter for a preliminary injunction be set on the _____ day of _____, 20____ at ____ a.m./p.m.

_____, Louisiana, this _____ day of _____, 20____.

Judge

PLEASE SERVE:

Party(ies):

Address(es):

PRELIMINARY INJUNCTION

INJUNCTION

The State of Louisiana

To: _____[Name]

You are hereby enjoined, restrained and prohibited from disposing of, alienating or encumbering any of the property belonging to the community of acquets and gains existing between _____ [Name] and _____ [Name], and held in your name; and from withdrawing, converting, or disposing of any of the funds on deposit in your name in any bank or trust company. Your agents, employees, and all persons, firms or corporations acting or claiming to act in your behalf or in concert with you are likewise enjoined, restrained and prohibited.

You and all other persons having notice of this order are so to remain enjoined, restrained and prohibited until the further order of this court.

_____, Louisiana, this _____ day of _____, 20____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

PETITION FOR DIVORCE AND DETERMINATION OF INCIDENTAL MATTERS

The petition of _____(Name), with respect shows:

1.

Plaintiff is domiciled in _____ Parish, Louisiana.

2.

Defendant is domiciled in _____ Parish, Louisiana.

3.

The last matrimonial domicile of plaintiff and defendant was in _____ Parish, Louisiana.

4.

Plaintiff and defendant were married on _____[date], in _____ Parish, Louisiana.

5.

Plaintiff and defendant separated on the _____ day of _____, _____[year] and have not reconciled.

6.

Plaintiff desires to be divorced from the defendant.

7.

A legal regime of community of acquets and gains exists between plaintiff and defendant. The legal regime should be terminated retroactive to the filing date of this petition.

8.

It has been necessary for plaintiff to secure the services of an attorney at law and to incur costs to institute and prosecute this action, and there should be judgment in favor of plaintiff for costs and for reasonable attorney fees incurred to the date of the judgment of divorce that terminates the community property regime and decreeing the attorney fees and costs to be a community obligation.

9.

Plaintiff requests that the following incidental matters be determined in these proceedings.

10.

[Number of children] minor children were born of the marriage of plaintiff and defendant, [Name of child], born [date of birth], and [Name of child], born [date of birth]. Defendant should be ordered to show cause why there should not be judgment awarding plaintiff and defendant the joint custody of the minor children, with Custody to be approved by the Court.

11.

Defendant is gainfully employed, plaintiff is unemployed and is in need of support, and defendant should be ordered to show cause why there should not be judgment in favor of plaintiff and against defendant ordering defendant to pay plaintiff a sum in accordance with the Louisiana Child Support Guidelines as child support for the care and support of the minor children and an additional reasonable sum as an interim spousal support allowance for the plaintiff, both retroactive to the filing date of this petition.

12.

Plaintiff is and has been free from fault prior to the filing of a proceeding to terminate the marriage in the causes giving rise to the termination of the marriage and is in need of final spousal support, and in due course the defendant should be ordered to pay plaintiff a reasonable sum as final spousal support.

13.

Defendant should be ordered to show cause why plaintiff should not be awarded the use and occupancy of the family residence located at [address] [Parish], Louisiana and the use of the community movables located therein.

14.

Plaintiff fears that before hearing can be had herein, defendant may or will dispose of some or all of the property owned in community by plaintiff and defendant to plaintiff's irreparable injury and harm.

15.

Defendant should be ordered to show cause why a preliminary writ of injunction in the form and substance of the above temporary restraining order should not issue herein.

16.

In due course, a final injunction should issue herein in the form and substance of the temporary restraining order.

17.

Defendant has physically abused plaintiff and threatens to continue to do so, and plaintiff fears that defendant will harass, abuse, physically harm, molest or threaten plaintiff during the pendency of these proceedings, and a temporary restraining order should issue herein, without bond, directed to defendant restraining and enjoining defendant from harassing or physically abusing plaintiff.

18.

Defendant should be ordered to show cause why a preliminary writ of injunction in the form and substance of the said temporary restraining order should not issue herein.

19.

In due course, a final injunction should issue herein in the form and substance of the said temporary restraining order.

20.

Plaintiff and defendant own, as community property, checking and savings accounts, investment accounts, certificates of deposit and other divisible movable property. Plaintiff is in need of funds to pay attorney fees and to maintain a household prior to partition, and the defendant should be ordered to show cause why the use of a portion of the community movable property should not be allocated to plaintiff pursuant to R.S. 9:374E.

21.

Defendant should be ordered to answer the accompanying interrogatories, separately and fully, in writing, and under oath, at the return date of the rules nisi issued herein. Because of the complexity of the issues concerning spousal support, child support, and community property in these proceedings, the court should permit plaintiff to propound to defendant interrogatories exceeding thirty-five in number, including subparts.

22.

Defendant should be ordered to produce the following instruments, records and documents, which are material and relevant to the issues in this case, at the return date of the rules nisi issued herein: (List Documents)

WHEREFORE, plaintiff _____ prays that defendant, _____, be served with a Notice of the filing of this petition, with a certified copy of this petition, the temporary restraining orders, rules to show cause, and order of court assigning the date and hour of the trial hereon, and after due proceedings that there be judgment in favor of plaintiff and against defendant as follows and that the following orders issue herein:

- A. Decreeing a divorce between plaintiff and defendant.
- B. Terminating the community of acquets and gains existing between the parties effective upon the filing date of this petition.
- C. Ordering the issuance of a temporary restraining order, without bond, directed to defendant, restraining, enjoining and prohibiting defendant from disposing of or encumbering any or all of the property owned in community by plaintiff and defendant until further order of the court.
- D. Ordering the issuance of a rule nisi directed to defendant to show cause why a preliminary writ of injunction in the form and substance of the above temporary restraining order should not issue herein.
- E. In due course, ordering the issuance of a final injunction in the form and substance of the temporary restraining order.
- F. Ordering the issuance of a temporary restraining order, without bond, directed to the defendant restraining, enjoining and prohibiting defendant from harassing or physically abusing plaintiff.

G. Ordering the issuance of a rule nisi directed to defendant to show cause why a preliminary writ of injunction in the form and substance of the above temporary restraining order should not issue herein.

H. In due course, ordering the issuance of a final injunction in the form and substance of the temporary restraining order.

I. Ordering the issuance of a rule nisi directed to defendant to show cause why plaintiff should not be awarded the use and occupancy of the family residence located at [address][Parish], Louisiana and the use of the community movables located therein and

J. Ordering the issuance of a rule nisi directed to defendant to show cause why plaintiff and defendant should not be awarded the joint legal custody of the minor children, and why a Joint Custody implementation Plan should not be approved by this Honorable Court.

K. Ordering the issuance of a rule nisi directed to defendant to show cause why defendant should not be ordered to pay plaintiff a sum in accordance with the Louisiana Child Support Guidelines as child support for the care and support of the minor children, [Name] and [Name], and an additional reasonable sum as an interim spousal support allowance for the plaintiff, both retroactive to the filing date of this petition.

L. In due course, the defendant should be ordered to pay plaintiff a reasonable sum as final spousal support.

M. Ordering the issuance of a rule nisi directed to the defendant to show cause why plaintiff should not be allocated the use of a portion of the divisible community movable property pursuant to R.S. 9:374E.

N. Awarding plaintiff costs and reasonable attorney fees and decreeing them to be a community obligation.

O. Ordering defendant to answer the accompanying interrogatories, categorically, in writing, and under oath at the return date of the rules nisi issued herein.

P. Permitting plaintiff to propound to defendant interrogatories exceeding thirty-five in number, including subparts.

Q. Ordering defendant to produce the following instruments, records and documents at the return date of the rules nisi issued herein:

(List Documents)

(Attorney's Name, Firm Address, etc.)

(Insert Service Information)

AFFIDAVIT OF PLAINTIFF

PARISH OF _____

BEFORE ME, the undersigned Notary Public, personally came and appeared _____ who, after being duly sworn, did depose and state:

That he/she is plaintiff in the above and foregoing petition and that all the allegations contained therein are true and correct to the best of his/her information, knowledge and belief.

SWORN TO AND SUBSCRIBED before me, Notary Public, on this the _____ day of _____, 20_____.

NOTARY PUBLIC
Print name: _____
LA Bar #: _____
My commission expires: _____

ORDER

THE ABOVE PETITION AND AFFIDAVIT CONSIDERED:

IT IS ORDERED that a temporary restraining order issue herein, without bond, directed to defendant, _____, restraining, enjoining and prohibiting him from disposing of or encumbering any or all of the property owned in community by plaintiff and defendant until further order of the court, and further restraining, enjoining and prohibiting defendant from harassing or physically abusing plaintiff.

IT IS FURTHER ORDERED that defendant do show cause, on the _____ day of _____, 20_____, at the hour of _____ o'clock, why there should not be judgment in favor of plaintiff, _____, and against defendant, _____, as follows:

- A. Ordering the issuance of preliminary writs of injunction in the form and substance of the above temporary restraining orders.
- B. Awarding plaintiff and defendant the joint custody of the minor children, and naming plaintiff the domiciliary parent of the said minor children, and approving a Joint Custody Implementation Plan.
- C. Ordering defendant to pay unto plaintiff a sum in accordance with the Louisiana Child Support Guidelines as child support for the care and support of the above-named minor children and an additional reasonable sum as an interim spousal support allowance for the plaintiff, both retroactive to the filing date of the attached petition.
- D. Awarding plaintiff the use and occupancy of the family residence at _____ [address], Louisiana and the use of the community movables located therein.
- E. Allocating plaintiff the use of a portion of the divisible community property movable property pursuant to R.S. 9:374E.

IT IS FURTHER ORDERED that plaintiff is permitted to propound to defendant interrogatories exceeding thirty-five in number, including subparts, that defendant, _____, answer the accompanying interrogatories, separately and fully in writing, and under oath, at the return date of the rules nisi issued herein and produce the following instruments, records and documents at the return date of the said rules nisi:

(List documents)

_____ Louisiana, this _____ day of _____, 20_____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER FOR CONTINUANCE

NOW INTO COURT, COMES _____
PLAINTIFF/DEFENDANT, who respectfully moves this Honorable Court for a continuance of
the trial which is presently scheduled in this matter for the _____ day of _____, 20____,
at _____ o'clock _____ M. Let this trial be continued for the following reasons:

RESPECTFULLY SUBMITTED BY:

ORDER

CONSIDERING THE FOREGOING MOTION:

IT IS ORDERED that this matter be continued and set for trial on the _____ day of
_____, 20____ at _____ M, Room _____

_____, Louisiana, on this _____ day of _____, 20____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER FOR SET FOR TRIAL

On motion of _____, appearing through undersigned counsel, and on suggesting to the court that an examination of this record shows that answers have been filed in this case, and that the case is now ready for trial on the merits.

Considering the preceding motion, it is ordered by the court that this case be set for trial on the merits on the _____ day of _____, 20____, at _____ A.M./P.M.

Order signed at _____, Louisiana on the _____ day of _____, 20____.

Judge

Respectfully submitted,

Attorney for Movant

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER TO SET FOR NEW TRIAL

NOW INTO COURT, comes _____,
PLAINTIFF/DEFENDANT in the above-captioned matter, and moves this Honorable Court for
a hearing for a new trial from the Judgment signed on the _____ day of _____,
20____, at a time to be scheduled by this Court. Let this new hearing for a new trial be scheduled
for the following reasons:

RESPECTFULLY SUBMITTED BY:

ORDER

CONSIDERING THE FOREGOING MOTION:

IT IS ORDERED that this matter be set for a Hearing on Motion for New Trial on the _____
day of _____, 20__ at _____ o'clock _____ A.M. , Room _____ on behalf of the
plaintiff/defendant, _____, at _____,

_____, Louisiana, on this _____ day of _____ 20____.

Judge

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER FOR EXTENSION OF TIME

On motion of _____, through undersigned counsel, on suggesting to the court that counsel has just been retained to represent the defendant in this matter and that defendant desires an extension of time of 30 days in which to plead.

It is ordered that defendant be granted an extension of 30 days within which to file responsive pleadings.

Order signed at _____, Louisiana on the _____ day of _____, 20____.

Respectfully submitted,

Attorney for Movant

CERTIFICATE OF SERVICE

I certify that I served a copy of the preceding pleading by mailing a copy first class mail properly addressed, postage prepaid, to counsel for plaintiff, _____.

Respectfully submitted,

Attorney for Movant

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER FOR JUDGMENT OF DISMISSAL

NOW INTO COURT, comes plaintiff, _____ who respectfully requests that this suit be dismissed;

CONSIDERING THE FOREGOING MOTION;

IT IS ORDERED, adjudged, and decreed that the suit herein be and the same is hereby dismissed at plaintiff's cost, with/without prejudice;

_____, LOUISIANA, ON THIS _____ DAY OF _____, 20____.

Judge

Submitted By:

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER TO APPOINT PROCESS SERVER

On Motion of _____,
plaintiff(s), and on suggesting to the Court that:

1.

The Constable/Sheriff of this Parish received the
_____ previously addressed to the defendant(s), _____,
in this proceeding.

2.

The Constable/Sheriff has made a return certifying that he has been unable to make
service.

3.

The Court should, therefore, appoint a person, not a party to these proceedings, over the
age of majority and residing within the Parish where the service is to be made, to make service of
process.

IT IS ORDERED, by this Court, that _____, a person
not a party to these proceedings, over the age of majority, and residing in the Parish of
_____, be and he/she is hereby appointed to make service of process on
_____, defendant(s) in these proceedings, in the same manner required by
law.

_____, Louisiana, on this _____ day of
_____ 20____.

JUDGE DIV. _____

BY:

Civil Subpoena

SERVICE/RETURN INFORMATION

SUIT NO: _____
NAME: _____
ADDRESS: _____
ADDRESS: _____
CITY, STATE, ZIP: _____

COURT: _____
ADDRESS: _____
TELEPHONE: _____

Hearing: _____

Date: _____ Time: _____ Courtroom: _____

Official: _____

You are hereby commanded to appear at _____ Court located at _____
_____ (address), on the date and time stated above, and to remain
until discharged by the Court by whom you are summoned in order to testify to the truth, to the
best of your knowledge, in the above-captioned case, on the part of the _____
_____ (plaintiff/defendant).

(Ordered by _____)

AND, THEREFORE, YOU ARE NOT TO FAIL TO APPEAR, UNDER PENALTY OF THE
LAW.

By order of said Court, on this _____ day of _____, 20____, at _____,
Louisiana.

Chief Deputy Clerk

Civil Subpoena

SERVICE/RETURN INFORMATION

SUIT NO: _____
NAME: _____
ADDRESS: _____
ADDRESS: _____
CITY, STATE, ZIP: _____

COURT: _____
ADDRESS: _____
TELEPHONE: _____

Hearing: _____

Date: _____ Time: _____ Courtroom: _____

Official: _____

You are hereby commanded to appear at _____ Court located at _____
_____ (address), on the date and time stated above, and to remain
until discharged by the Court by whom you are summoned in order to testify to the truth, to the
best of your knowledge, in the above-captioned case, on the part of the _____
_____ (plaintiff/defendant).

(Ordered by _____)

AND, THEREFORE, YOU ARE NOT TO FAIL TO APPEAR, UNDER PENALTY OF THE
LAW.

By order of said Court, on this _____ day of _____, 20____, at
_____, Louisiana.

Chief Deputy Clerk

CIVIL SUBPOENA FILE COPY

Civil Subpoena

SERVICE/RETURN INFORMATION

SUIT NO: _____
NAME: _____
ADDRESS: _____
ADDRESS: _____
CITY, STATE, ZIP: _____

COURT: _____
ADDRESS: _____
TELEPHONE: _____

Hearing: _____

Date: _____ Time: _____ Courtroom: _____

Official: _____

RETURN OF SERVICE

Received the said subpoena on the _____ day of _____, 20____, and made service thereof on the _____ day of _____, 20____ on the named individual, _____, as follows:

- PERSONAL SERVICE: By tendering a certified copy of the subpoena to _____ at _____ in the Parish of _____, State of Louisiana.
- DOMICILIARY SERVICE: By leaving a certified copy of the subpoena at his/her Dwelling, house or usual place of abode at _____ in the Parish of _____, State of Louisiana with _____, of person of suitable age (date-of-birth) _____ and discretion (relationship) _____ who was then residing in the domiciliary establishment.
- DUE AND DILIGENT: After diligent search and inquiry, was unable to find the name individual, _____, or his/her domicile, or any one legally authorized to represent him/her. I, therefore, return said subpoena petition NOT SERVED this _____ day of _____, 20____ because _____

Deputy Parish/City Constable
City of _____, Louisiana

MILEAGE: \$ _____ SERVICE: \$ _____ = TOTAL \$ _____
NOTICE DATE: _____

SERVICE/RETURN INFORMATION

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

REQUEST FOR SUBPOENA(S) DUCES TECUM

(This form is to be completed for non-hearing matters)

Please issue Subpoena(s) Duces Tecum for the following individual(s)

- 1. _____ 2. _____
- _____
- _____

Commanding person(s) to furnish to _____

copies of the following: _____

Please mail copies to _____

and no later than _____.

This request is being made by _____.

_____, Louisiana, this _____ day of _____, 20 _____.

Mover

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER TO APPOINT CURATOR

On motion of _____, who is unable to locate the Defendant, _____, and therefore requests the Court to appoint a curator to represent the defendant in the above-named suit.

This _____ day of _____, 20_____

ORDER

Considering Plaintiff's allegations that Defendant's whereabouts are unknown,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that _____ be appointed curator to represent the above-named Defendant in the above-named suit.

DONE this _____ day of _____, 20 _____, at _____, Louisiana.

JUDGE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER TO RELEASE WEAPON/EVIDENCE

This Motion and Order relates to the following described property:

1.

In the above-identified case, the defendant has been sentenced.

2.

The evidence in the case indicated that the above described weapon/evidence was used in connection with the offense or found in possession or in the immediate control of defendant at the time of his arrest.

WHEREFORE, this Honorable Court, on its own Motion orders that the above-described weapon/evidence be released to:

Name: _____

Address: _____

_____, Louisiana, on this _____ day of _____, 20____.

Judge

RETURN

I HEREBY CERTIFY that the above-described weapon/evidence was released to the party named in the foregoing Motion and Order on the _____ day of _____, 20____.

SIGNED this _____ day of _____, 20____, at _____, Louisiana

Police

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

REQUEST FOR SUBPOENA

Please issue Subpoena(s) for the following individual(s) to appear in court on the _____ day of _____, 20____, at _____ a.m.

1. _____

2. _____

3. _____

4. _____

This request is being made by _____,
_____, Louisiana, this _____ day of _____, 20____.

Mover

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

APPEAL BOND

KNOW ALL MEN BY THESE PRESENTS, That we

_____ as principal,
_____ and

as surety are held and firmly bound unto _____
executors, administrators and assigns in the sum of _____

_____ Dollars for the payment where we bind ourselves, our heirs, executors and administrators, firmly
by these presents, dated in the City of _____ on this _____ day of
_____ in the year of our Lord two thousand and
_____.

WHEREAS the above burden _____

_____ have this day filed _____ of appeal from a final judgment
rendered against _____ in
the suit of _____

_____ No. _____ of the _____ Court on the
_____ day of _____, 20____, and signed on the _____ day of
_____, 20_____.

NOW THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that the above-
bound _____ shall
prosecute _____
appeal, and shall satisfy whatever judgment rendered against
_____ or that same shall be satisfied by the
proceeds of _____ estate, real or personal, if
_____ be cast in the appeal; otherwise that the said _____
_____ shall be liable in _____ place.

*Signed, Sealed and Delivered
in the Presence of*

(SEAL)

(SEAL)

AFFIDAVIT OF SURETY

_____ being duly sworn, says that _____
are/is worth over and above all _____ debts and
obligations _____ Dollars in assets that can be subjected to
levy under execution, and that _____ resides in the Parish/City of
_____.

Sworn to and subscribed before me this _____
day of _____, 20_____,
in _____, Louisiana.

NOTARY

Print name: _____

LA Bar #: _____

My commission expires: _____

AFFIDAVIT OF PRINCIPAL

_____ being duly sworn, says that _____ is
informed and believes that _____
the surety on this bond, is worth over and above _____ debts and obligations in assets
that can be subjected to levy under execution, the amount for which _____ has bound
_____ in this bond.

Sworn to and subscribed before me this _____
day of _____, 20_____,
_____, Louisiana.

NOTARY

Print name: _____

LA Bar #: _____

My commission expires: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION FOR DEVOLUTIVE APPEAL

On motion of _____, and on suggesting to the Court that judgment was rendered in the above-styled matter on _____, 20____, and that mover desires to appeal, _____, the judgment of the Court.

_____, Louisiana, this _____ day of _____, 20_____.

NAME

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

ORDER

Considering the above motion;

IT IS ORDERED that mover be granted an _____ appeal from the Judgment of _____, 20____, and said appeal be returnable to the _____ Circuit Court of Appeal on _____, 20_____.

Appeal bond is hereby fixed in the amount of _____.

This the _____ day of _____, 20_____.

JUDGE

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

**MOTION FOR APPEAL AND REQUEST FOR TRIAL DE NOVO
FROM RULING OF TRAFFIC HEARING OFFICER**

On motion of _____, defendant, and upon suggesting to the Court that:

I.

This matter was tried by the Traffic Hearing Officer of the _____ Court on the _____ day of _____, 20_____, and said hearing officer rendered a verdict on the _____ day of _____, 20_____.

II.

Pursuant to the Rule of Court for the _____ Court for the City/Parish of _____, mover requests that an appeal in the form of a trial de novo (new trial) be granted in the above-captioned matter, to be heard on a day and time to be set by this Court.

MOVER/DEFENDANT

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

ORDER

IT IS ORDERED that a trial de novo be granted in the above-captioned matter, and that the trial de novo be set for hearing on the _____ day of _____, 20_____, at _____ a.m. in Division _____ of this Court.

_____, Louisiana, this _____ day of _____, 20_____.

JUDGE

PLEASE SERVE:

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

STATE OF LOUISIANA

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER TO CANCEL JUDGMENT OF BOND FORFEITURE

On motion of _____, defendant/surety in this matter, appearing herein through the undersigned, and on suggesting to this Honorable Court that this matter has been completed, the attachment has been recalled, and that mover now desires to set aside the Judgment of Bond Forfeiture against _____, in the amount of \$_____, recorded in Mortgage Office Book _____, Folio _____, dated _____, Parish of _____, State of Louisiana.

DEFENDANT/SURETY

ORDER

IT IS ORDERED, ADJUDGED, AND DECREED that the Motion to Set Aside and Cancel the Judgment rendered in this matter, in favor of the State of Louisiana, and against _____, recorded in the mortgage records of the Parish of _____, State of Louisiana, be granted and the Clerk of Court for the Parish/City of _____ is hereby authorized and empowered to cancel and erase from the records of his office the Judgment of Bond Forfeiture dated _____, recorded in Mortgage Office Book _____, Folio _____.

_____, Louisiana, this _____ day of _____, 20____.

JUDGE

APPROVED BY: _____
ASSISTANT DISTRICT/CITY ATTORNEY

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

**NOTICE OF APPEAL AND REQUEST FOR TRIAL DE NOVO
FROM JUSTICE OF THE PEACE COURT**

NOW INTO COURT, comes plaintiff/defendant, _____, who respectfully represents:

Notice is hereby given to this Honorable Court of the intent of plaintiff/defendant, _____, to appeal a certain judgment rendered by the Justice of the Peace Court for the Parish of _____, in the matter entitled: _____ . A copy of said judgment is attached hereto as Exhibit "A". Said judgment was rendered on _____.

In accordance with the provisions of Louisiana Code of Civil Procedure Article 4925, plaintiff/defendant is entitled to a trial de novo.

WHEREFORE, plaintiff/defendant, _____, prays that a copy of this notice and request for trial de novo be served upon the plaintiff/defendant, _____, and that this Court order a trial.

_____, Louisiana, this _____ day of _____, 20_____.

NAME

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

ORDER

Considering the above and foregoing;

Let plaintiff/defendant, _____, be granted a trial de novo in the above-captioned matter and let this matter be set for trial on the merits on the _____ day of _____, 20_____, at _____ a.m. in _____, Louisiana.

IT IS FURTHER ORDERED that the appeal be suspensive, conditioned upon defendant's furnishing security by depositing the monthly rent of _____ in the registry of the court.

Signed in _____, Louisiana, this _____ day of _____,

20_____.

JUDGE

PLEASE SERVE:

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

APPLICATION FOR PEACE BOND
PURSUANT TO LA. C.C.R.P. ART. 28

Now into Court comes Complainant, _____, a resident of and domiciled in the City/Parish of _____, State of Louisiana, who being a person of full age of majority, respectfully represents that:

I.

Complainant's current address is: _____

II.

Defendant's current address is _____

III.

Complainant and Defendant are related as:

- a. Spouse _____
- b. Former Spouse _____
- c. Other _____

IV.

Complainant alleges that Defendant has threatened or is about to commit a specific breach of the peace as follows: _____

WHEREFORE, Complainant prays that:

Service of this application for peace bond and rule to show cause be made on defendant as required by law;

Complainant further prays that the Court grant any additional equitable relief to which Complainant is entitled.

COMPLAINANT

ORDER

Considering the above and foregoing Application for Peace Bond,

IT IS ORDERED that the defendant show cause on the _____ day of _____, 20_____, at _____ a.m. why the Peace Bond as requested by Complainant should not be granted and why Defendant should not be ordered to pay for all costs of these proceedings.

IT IS FURTHER ORDERED that a warrant of arrest of Defendant be issued since imminent and serious harm is threatened.

_____, Louisiana, this _____ day of _____, 20_____.

JUDGE

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared _____, who, having been duly deposed, stated unto me, Notary, that _____ is the Complainant in the foregoing application for Peace Bond and all of the allegations of facts and circumstances contained in the application are true and correct to Complainant’s best knowledge, information and belief.

COMPLAINANT

Sworn to and subscribed before me this _____ day of _____, 20_____.

NOTARY PUBLIC

Print name: _____

LA Bar #: _____

My commission expires: _____

_____ COURT FOR THE PARISH/CITY OF _____

STATE OF LOUISIANA

CASE/CITATION NO. _____

DIV: _____

V.

FILED: _____

DEPUTY CLERK

MOTION AND ORDER FOR SUSPENSIVE APPEAL

Whereas, on the ____ day of _____, 20____, the _____ Court for the Parish/City of _____ rendered judgment in the above-entitled and numbered case in favor of _____ and against _____ in the amount of \$_____.

IT IS ORDERED, ADJUDGED, AND DECREED that _____ is granted a suspensive appeal from the final judgment rendered in this civil action and signed on _____. The amount of security to be furnished by _____ For the suspensive appeal shall be set at _____, as required by the Louisiana Code of Civil Procedure Art. 2124(B). The appeal is returnable to the _____ Court from date that estimate costs are paid in accordance with Code of Civil Procedure article 2126.

_____, Louisiana, this ____ day of _____, 20_____.

JUDGE

Respectfully Submitted,

Name

Address

Phone