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**AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COURT**

		}	Case No.
		}	(to be filled in by the Clerk's Office)
	Plaintiff,	}	VERIFIED COMPLAINT FOR JUDGMENT OF FORCIBLE ENTRY AND/OR FORCIBLE DETAINER
v.		}	
	Defendant.	}	

I, _____, request that the Tribal Court enter a judgment of forcible entry as defined under Agua Caliente Tribal Code Section 11.04.050 against defendant.

The complaint and request for judgment is based on the following facts:

I. JURISDICTION

A. Subject Matter: This case is brought under Agua Caliente Tribal Code Chapter 11.04.

B. Personal: The Tribal Court has personal jurisdiction over the parties under Agua Caliente Tribal Code Section 2.60.030(b)(2)c.

1. Plaintiff

a. I am an ___ owner ___ lessor ___ or sublessor of real property or a dwelling within the meaning of Agua Caliente Tribal Code Section 11.04.030. (Attach any documents including purchase contracts, lease or rental agreements that prove your ownership of the property).

1 b. List address or description of real property from which you are
2 seeking to have defendant evicted:

3 c. My current address and telephone number are:

4 2. Defendant

5 a. Defendant is currently in possession of the property named above.

6 b. Defendant's last known address and phone number are:

7 **II. FACTUAL BACKGROUND**

8 A. The property is ___ residential ___ commercial within the meaning of
9 Agua Caliente Tribal Code Section 11.04.030.

10 B. The property is:
11 ___ Land within or beyond the exterior boundaries of the Reservation
12 owned by any member of the Tribe that is held in trust by the United States or is subject
13 to a restriction against alienation imposed by the United States; or

14 ___ Land within the exterior boundaries of the Reservation owned by a
15 member of any other federally recognized Indian tribe that is held in trust by the United
16 States or is subject to a restriction against alienation imposed by the United States; or

17 ___ Land within or beyond the exterior boundaries of the Reservation
18 owned by the Tribe that is held in trust by the United States or is subject to a restriction
19 against alienation imposed by the United States; or

20 ___ Land within the exterior boundaries of the Reservation owned by the
21 Tribe in fee simple; or

22 ___ Land within the exterior boundaries of the Reservation subject to the
23 civil or criminal jurisdiction of the Tribe.

24 C. Actions of Defendant – Forcible Entry (Agua Caliente Tribal Code Section
25 11.04.050)

26 1. On or about (date) _____, the defendant forcibly
27 entered the property.

28 a. The defendant broke into the property (Describe):

 b. The defendant entered the property by fraud, intimidation,
or stealth, or by violence or circumstances of terror. (Describe):

1 c. After entering peaceably, turns out the party in actual possession by
2 force, threats, or menacing conduct. (Describe): _____
_____.

3 D. Actions of Defendant – Forcible Detainer (Agua Caliente Tribal Code
4 Section 11.04.060)

5 1. On or about (date) _____, the defendant entered
6 the property.

7 a. The defendant, by force or by menaces and threats of violence,
8 unlawfully holds and has possession of the property. (Describe): _____
_____.

9 b. The defendant unlawfully entered the property at night or during
10 the absence of the occupants. (Describe):
11 _____
_____.

12 c. On or about (date) _____, the defendant was given
13 notice in writing to leave the property. (Describe): _____
_____.

14 d. The defendant has not surrendered the property to the rightful
15 occupant.

16 2. The defendant is currently using force, threats, or menacing behavior to
17 keep the rightful occupants from the property. (Describe): _____
18 _____.

19 E. Claim for Damages or Compensation. Agua Caliente Tribal Code Section
20 11.04.070(a)(4).

21 1. The defendant owes unpaid rent in the amount of \$_____.

22 2. The defendant owes repair costs to the property in the amount of
23 \$_____. [List damage to the property caused by defendant and provide estimated
24 or completed repair costs incurred by plaintiff]

25 3. Plaintiff seeks additional actual damages in the amount of
26 \$_____. Specify:

27 4. Plaintiff seeks attorneys' fees and costs of suit.

28 5. Plaintiff seek statutory damages.

1 F. Notice to Defendant. [State specifically the method used to serve the
2 defendant with the notice or notices of termination upon which the complaint is based.
3 This requirement may be satisfied by attaching a proof of service of the notice or notices
4 of termination served on the defendant. Agua Caliente Tribal Code Section
5 11.04.070(a)(7)].

6 **III. RELIEF REQUESTED**

7 A. I request that the Tribal Court enter a judgment of forcible entry and/or
8 forcible detainer against the Defendant pursuant to Agua Caliente Tribal Code Section
9 11.04.240 and grant me an immediate writ of possession so that I can have the
10 Defendant removed with the assistance of law enforcement if he does not immediately
11 leave the property.

12 B. I request that the Tribal Court enter a judgment for restitution of the
13 detained premises, actual damages, statutory damages, attorneys' fees, costs of suit,
14 and/or rent due.

15 Dated: _____

16 _____
17 Signature of Filing Attorney or Landlord Pro Se

18 **LANDLORD VERIFICATION**

19 I am the plaintiff in this proceeding and have read this complaint. I declare under
20 penalty of perjury under the laws of the Agua Caliente Band of Cahuilla Indians Tribe
21 that the foregoing is true and correct.

22 Dated:

23 _____
24 (Type or Print Name)

25 _____
26 (Signature of Plaintiff)