

Respond to an eviction lawsuit

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If you get served with a **Summons and Complaint for Unlawful Detainer**, your landlord has started an eviction lawsuit against you. If you don't respond in writing by the deadline in the Summons, you could lose automatically. This guide will help you respond quickly with a **Notice of Appearance**.

Form attached:

Notice of Appearance (general civil) (NJP General 005)

Renters with low incomes may be appointed a free lawyer before a court may proceed with an eviction. If you receive a Summons and Complaint, call our **Eviction Defense Screening line** at **1-855-657-8387** or apply online (<https://nwjustice.org/apply-online>) to find out if you qualify.

What is a Notice of Appearance (NOA)?

The Notice of Appearance simply tells the landlord and the court you want to defend yourself in the case and you want to get notice if anything else happens in the case. You can use the blank NOA form above or fill it out online.

You must submit your NOA on time even if you don't have legal help.

What is my deadline for responding?

The Summons will state your deadline. Your landlord should serve the papers on you at least **7 days** before the deadline to submit your Notice of Appearance. Even if the landlord didn't give you at least 7 days, you should still respond, if possible, by the date on the Summons.

What happens if I miss the deadline for submitting a Notice of Appearance?

If you miss the deadline to respond, your landlord may try to get an court order to evict you, even without a hearing.

If you miss the deadline, your landlord may win the eviction court case automatically and the judge may order you to pay money to the landlord.

Even if you miss the deadline, you should still serve your landlord or landlord's lawyer and submit a Notice of Appearance to the court. If the judge has not yet entered a default against you, this might stop your landlord from winning automatically.

If you miss this deadline, try to get legal help right away.

The Summons says I must go to a hearing to give my Answer. What does that mean?

An "Answer" is another way of responding to an Eviction Summons and Complaint in writing.

You can, but don't have to, submit a written Answer where you respond specifically with your defenses to what your landlord claims you did anytime up to the hearing date.

If you think you want to give a written Answer, you must file it with the court and deliver a copy to the landlord or their lawyer.

If you're appointed a lawyer, it's best to have the lawyer prepare the Answer for you.

A written Answer is optional, especially if you are filing a NOA anyway. You can still defend yourself verbally at the court hearing even if you don't file a written Answer before the hearing.

What is an Order to Show Cause?

It's a notice from the judge that a court hearing has been scheduled in your case. The first hearing in an eviction lawsuit is called a "Show Cause Hearing" and is where you can defend yourself and give good reasons ("show a cause") why you shouldn't be evicted.

If you get an Order to Show Cause, you should go to the hearing. If you don't go, the judge may order you to pay the landlord money.

Even if you've moved out, if you don't show up at the hearing you may lose automatically and the judge may order you to pay all the money that your landlord asked for.

Step-by-step

1. **Check your deadline!** It should be on the Summons you received.

You must file and serve a Notice of Appearance or some kind of written response by the deadline to avoid being defaulted.

2. **Fill out the NOA form online or print it to fill out by hand.**

Caption: Fill in the top area with the name of the court, the parties' names, and the case number if there is one on the papers you received. See an example.

Form section 1: You must put an address where you agree to accept legal papers for this case. If you're afraid to give your mailing address, use an address where you'll know immediately if papers arrive about your case. This could be a post office box or "in care of" a friend's address.

If you agree to accept legal papers by email, put an email address you check often.

Form section 2: Put when and how you plan to serve the other party, or wait to fill this out until after you've served them.

Date and sign. Put the city and state where you signed.

3. **Make at least 3 copies.**

- One for the person or company that sued you (or their lawyer)
- One for the court
- One for yourself

4. You can serve by **hand delivery** or **first class mail**. Sometimes you can serve by **email** or **fax**, but only if the other party has put in writing that they agree to accept legal papers for this case in that way.

For hand delivery, the other party (or lawyer) must receive their copy by the deadline. Ask them or their office staff to date-stamp your copy. Hand delivery means one of these:

- Handing it to the other party (or their lawyer)
- Leaving it at their office with their clerk or other person in charge of the office
- If no one is in charge, leaving it in a place in the office where someone can easily find it (example: on top of the front desk)
- If the office is closed or the person has no office, leaving it at their home with an adult who lives there

If you mail, you must mail your papers **more than 3 days before** your deadline.

- When counting, don't count the day of mailing, weekends, or court holidays (example: if you mail something on a Monday, it counts as served on Thursday)
- If the third day is on a weekend or holiday, it isn't "served" until the next court day

If you send your papers by regular first-class mail, you can have an extra copy sent by certified mail, return receipt requested, for extra proof of mailing. Attach a copy of the tracking information or signed return receipt card to your proof of service.

If you email, keep a copy of the email you sent and any reply from the other party that shows they received it.

If you fax, keep the transmission confirmation page that shows it was delivered.

5. **File your NOA with the court clerk.** (If the case hasn't yet been filed, skip this step.)

You can be served with a lawsuit before the case is filed in court. Look for a case number on the papers you received. It should be on the top right of the first page. **If there's a case number, the case has been filed.** If you **don't** see a case number, it may not be filed yet. You can call the court clerk to check.

To file in person: Take your completed papers to the court clerk and file the originals. Have your copies date-stamped to prove when they were filed. Keep your copies.

To file by mail: mail the court clerk 2 copies with a postage-paid return envelope addressed to you. Mail early so the court receives it by the deadline!

Some courts let you file papers online (e-file). Check your court clerk's website for instructions.

6. Try to talk to lawyer.

After you file your NOA, you still must answer (respond) to the specific claims in the landlord's Petition for Unlawful Detainer. A lawyer can help you do this.

7. **Go to the Show Cause Hearing**. Bring your original NOA with you to the hearing.

Your court hearing may be by phone or online. The court papers should list the location or call-in information. Call the court if you're unsure.

If your hearing is online, follow these tips for phone and video hearings.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.

Superior Court of Washington, County of _____

Petitioner / Plaintiff:

And Respondent / Defendant:

No. _____

Notice of Appearance

(No mandatory form)

Notice of Appearance

To: Petitioner / Plaintiff or their Attorney (*name*): _____

And to the Superior Court Clerk

1. **Appearance.** My name is: _____. I am filing this notice to appear in this case. I must be notified of any court hearings and receive copies of any papers filed in this case.

I agree to accept legal papers for this case at the following address/es:

Street or mailing address *city* *state* *zip*

☐ Email (*optional*): _____

2. **Proof of service.** I declare: on (*date*): _____, I served or will serve a copy of this Notice of Appearance to the Petitioner / Plaintiff or their Attorney named above by (*check all that apply*):

☐ **hand delivery** ☐ **first class mail** ☐ **certified mail** to (*address*):

Street or mailing address *city* *state* *zip*

☐ **fax to:** _____ ☐ **email to:** _____
(*only if allowed by agreement, order, or your county's Local Court Rule*)

I declare under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): _____ Date: _____

▶ _____

Respondent / Defendant signs here

Print name