Eviction Checklist

CHECKLIST

	Task	Statutory Reference
☐	Determine what type of notice is necessary to initiate eviction process (e.g., 5-day, 14-day, 28-day notice).	Wis. Stat. §§ 704.17, 704.19.
☐	Properly serve the notice (personal service, substituted service, post & mail service, certified mail service).	Wis. Stat. § 704.21.
☐	Complete the Affidavit of Service of Notice Terminating Tenancy, or retain a copy of the certified mail receipt.	Wis. Stat. § 799.40(1g).
☐	Draft and file the Summons and Complaint for Evictions*, and file either the Affidavit of Service of Notice Terminating Tenancy or the certified mail receipt. *If you are also requesting money damages, you must also state that claim on this form. Check all boxes that apply. (You can mark more than one box). If you do not know the exact amount yet, state that the damages amount is to be determined.	Wis. Stat. § 799.41.
☐	Have the Summons and Complaint properly served upon the tenant and file the Affidavit of Service.	Wis. Stat. §§ 799.16, 799.12.
☐	Draft and file a Declaration of Non-Military Service.	Wis. Stat. § 321.62.
☐	Appear in person on the return date for the eviction.	Wis. Stat. § 799.206.
☐	If the action proceeds to the cause of action for monetary damages, file and serve upon opposing party an Affidavit of Damages, along with supporting documents no later than 30 days after the eviction.	Wis. Stat. §§ 799.01, 799.209.
☐	Appear in person for return date on monetary damages and appear in person for trial on monetary damages.	Wis. Stat. 799.209, 799.21.

Pre-Judgment: Basic Steps for Handling Small Claims for EVICTION ACTIONS

This guide is provided by the Wisconsin court system to give you general information about Wisconsin small claims eviction actions. Resources available in each county may be found at the link below:

https://www.wicourts.gov/services/public/selfhelp/docs/countylegalresources.pdf

For additional information, please see the Pre-Judgment and Post-Judgment Basic Steps Documents. These basic steps documents and any forms mentioned in this basic guide may be obtained from the clerk of court or online at:

https://www.wicourts.gov/forms1/circuit.htm.

In addition to the guidance in this handbook, follow local court rules or procedures:

Wisconsin Circuit Court Rules

NOTICE: Small Claims laws change often. The small claims forms are intended to be useful in many cases, but you may have to add or attach additional information as it applies to your case. Talk to a lawyer if you are unsure whether these forms are the most appropriate for your situation.

COURT STAFF CANNOT GIVE LEGAL ADVICE.

Before filing an eviction action, you must serve proper notice terminating tenancy according to Chapter 704 of the Wisconsin Statutes. Some counties require proof of this notice before an eviction will be granted. You must also determine if the eviction action is due to a foreclosure action per §799.41(2), Wis. Stats.

☐ 1. **Decide in which county you will file your case.** This will usually be the county where the subject property is located. You should review local court rules to make sure you are following the proper procedure.

☐ 2. **Fill out a *Small Claims Summons and Complaint form.*** Complete the general *Summons and Complaint, (SC-500) form* or *Summons and Complaint (with Instructions), (SC-500I) form* which has step-by-step instructions on the left side.

☐ 3. **Determine if the eviction is to remove a tenant whose tenancy is terminated as a result of a foreclosure judgment and sale.** Use the check boxes on the *Summons and Complaint, (SC-500) form* to provide this information.

☐ 4. **Once you have filled out the form, you should make at least two (2) copies** for each tenant you are suing and a copy for yourself.

☐ 5. **File the *Summons and Complaint.*** The *Summons and Complaint* must be filed and the copies file stamped, and a filing fee paid to the clerk of court in the county where you are filing your case.

☐ 6. **Have each tenant you are suing served with a copy of the *Summons and Complaint*.** For the court to hear the case, each tenant must be provided with a copy of the *Summons and Complaint* far enough in advance of the first court date. A sheriff or private process server must attempt to personally serve all tenants. If personal service cannot be accomplished, the sheriff or process server should attempt to make substitute service. The plaintiff, sheriff or process server may post a copy if the Summons and Complaint on the property where it may be conveniently read and mail copies of the *Summons and Complaint* to the tenants per §799.16, Wis. Stats. See *Pre-Judgment: Basic Steps to Small Claims Service, (SC-6050V) form* for additional information.

☐ 7. **Complete a *Declaration of Nonmilitary Service, (GF-175) form* for each tenant you are suing.**

☐ 8. **File your proof(s) of service and *Declaration(s) of Nonmilitary Service* with the Clerk of Court.** File the *Declaration(s) of Nonmilitary Service* and the proof(s) of service you received from the sheriff or private process server. File these documents with the clerk of court at or before the first court date according to local court rules. If you (as opposed to the sheriff or process server) posted and provided copies to the defendant by mail, you must also complete and file an *Declaration of Service, (SC-5100V) form.*

☐ 9. **Attend the first court date.** All parties are required to attend the first court date. However, DEFENDANTS may be allowed to appear in writing or by telephone if a local court rule grants that privilege. Follow the local court rules where your case is filed or your case may be dismissed. https://www.wisbar.org/Directories/CourtRules/Pages/Circuit-Court-Rules.aspx. If the court grants you an eviction judgment, skip to number 12 below and file the necessary paperwork.

☐ 10. **If your case cannot be settled at the first court date, the court will schedule a trial.** Before the trial, you may contact the tenant to try to settle your case. Some counties require the parties attend mediation. If you reach an agreement, put your agreement in writing and file it with the clerk of court before the trial. You may use the *Stipulation for Dismissal (Eviction), (SC-5300VA) form* and *Order for Dismissal (Eviction), (SC-5300VB) form* to do this. If you have not reached an agreement before the trial, organize your paperwork and evidence in support of your claim and make enough copies for the court and all parties. If you have witnesses, arrange for them to attend. Practice what you are going to say. Make sure to follow local court rules for filing documents or statements before the trial.

☐ 11. **Attend the trial.** Be on time and be polite. Don't get emotional. Explain why the court should give you what you are asking for. The court will review your evidence and listen to your witnesses, if any. When the court makes its decision, listen carefully. See the instructional packet, *Basic Guide to Wisconsin Small Claims Actions, (SC-6000V) form* for additional information about preparing and attending trial.

☐ 12. **Complete any post-eviction judgment.** If you are granted an eviction judgment and the tenants do not move out, you must have the sheriff help you remove the tenants. In order to do so, you must pay a fee to obtain a signed *Writ of Restitution, (SC-512) form* from the clerk of court. Take the writ to the sheriff within 30 days of being issued by the court. You will be required to pay a service fee to the sheriff. You may also be required to provide a bond to the sheriff. Contact the local sheriff's department for additional information. You

may be required to obtain a sheriff's indemnity bond from your insurance company before the sheriff will serve the execution. Contact the appropriate sheriff for further instruction.

This form is also available in Spanish.
(Este formulario está disponible en español.)

Enter the name of the county in which you are filing this case.

STATE OF WISCONSIN, CIRCUIT COURT,
WAUKESHA COUNTY

The plaintiff is the person bringing the law suit.

Enter the Plaintiff's name and address. If two plaintiffs are living at the same address, then the names and addresses may be listed together.

For more plaintiffs, check the "additional plaintiffs" box and attach another sheet with their names and addresses.

Plaintiff:

First name Middle name Last name

Address

Address

City State Zip

☐ **See attached for additional plaintiffs.**

-vs-

If this is an Amended Complaint, check the box.

Enter the case number given you by the Clerk.

The defendant is the person or business you are suing. Enter the name(s) and address(es) of the defendant(s).

For more than two defendants, check the "additional defendants" box and attach another sheet with their names and addresses.

To: Defendant(s):

First name Middle name Last name

Address

Address

City State Zip

☐ **See attached for additional defendants.**

☐ Amended

Summons and Complaint (Small Claims)

Case No. _____

On the far right: Check one of the boxes to show what type of small claims case you are filing.

Note: The clerk will provide the phone number for the disability box.

☐ Claim for money ($10,000 or less)	31001
☐ Tort/Personal injury ($5,000 or less)	31010
☐ Return of property (replevin)	31003
☐ Eviction and related claims	31004
☐ Eviction due to foreclosure	31002
☐ Arbitration award	31006
☐ Return of earnest money	31008

If you require reasonable accommodations due to a disability to participate in the court process, please call _____ prior to the scheduled court date. Please note that the court does not provide transportation.

☐ One or both parties require the services of an interpreter. Which party? _____
Which language? _____ Complete and file the Interpreter Request (GF-149) form.

SUMMONS

Do not check either of these boxes.

The clerk will check one or both and circle "AND" or "OR" according to local court procedure.

The clerk will circle what you need to do and will provide the date, time, and place to appear and/or answer.

To the Defendant(s):
You are being sued as described on the attached complaint. If you wish to dispute this matter:

☐ You must appear at the time and place stated.

AND / OR (circle one, if applicable)

☐ You must file a written answer and provide a copy to the plaintiff or plaintiff's attorney on or before the date and time stated.

If you do not appear or answer, the plaintiff may win this case and a judgment entered for what the plaintiff is asking.

When to Appear/File an Answer	
Date	Time
Place to Appear/File an Answer	

Note: Leave dates blank; the clerk or plaintiff's attorney will enter them.

Clerk/Attorney Signature	Date Summons Issued	Date Summons Mailed

COMPLAINT

Plaintiff's Demand:

The plaintiff states the following claim against the defendant(s):

Check the box for the type of small claims case you have filed.

See *Basic Guide to Wisconsin Small Claims Actions* (SC-6000V).

1. Plaintiff demands judgment for: *(Check as appropriate)*
   - ☐ Claim for Money $_____
   - ☐ Tort/Personal injury $_____
   - ☐ Return of property (replevin) *(Describe property in 2 below.)*
     (Not to include Wis. Stats. 425.205 actions to recover collateral.)
   - ☐ Eviction and related claims
   - ☐ Eviction due to foreclosure
   - ☐ Return of Earnest Money
   - ☐ Confirmation, vacation, modification or correction of arbitration award.

   Plus interest, costs, attorney fees, if any, and such other relief as the court deems proper.

Briefly explain the facts and why the court should award you what you are asking for.

For Eviction Actions: If you are seeking money damages, you must also state that claim on this form. If you do not know the exact amount of money damages yet, state that the amount of money damages cannot yet be determined.

2. Brief statement of dates and facts:
   (If this is an eviction action and you are seeking money damages, you must also state that claim on this form.)

_____

_____

If you need more room, check this box and attach additional sheets.

☐ **See attached for additional information.** Provide copy of attachments for court and defendant(s).

Check if you are the plaintiff or the attorney.

I am the ☐ plaintiff.
☐ attorney for the plaintiff.

Complete this section accordingly.

▶ _____ Plaintiff's Signature	_____ Attorney's Signature
_____ Plaintiff's Name Printed or Typed	_____ Attorney's Name Printed or Typed
_____ Plaintiff's Address	_____ Attorney's Address
_____ Plaintiff's Email Address	_____ Attorney's Email Address Telephone Number
_____ Plaintiff's Telephone Number Date	_____ Date State Bar No (if any)

COPIES: For each person you are suing, make two copies of this signed original and any attachments, and bring them to the clerk of court.

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

_____,
Plaintiff(s),

vs.

CASE #_____

_____,
Defendant(s).

AFFIDAVIT OF SERVICE OF NOTICE OF TERMINATION OF TENANCY

STATE OF WISCONSIN)
)ss
WAUKESHA COUNTY)

The undersigned, being first sworn on oath, deposes and says:

1. I am an adult resident of the State of Wisconsin and makes this affidavit upon personal knowledge.

2. I provided the tenant(s), _____, with the following type of notice of termination of tenancy on _____:
   a. ☐ 5-Day Notice
   b. ☐ 14-Day Notice
   c. ☐ 28-Day Notice
   d. ☐ _____-Day Notice

3. The notice of termination of tenancy was served upon the tenant in the following manner:
   a. ☐ Personal Service: given to tenant personally on _____.
   b. ☐ Substituted Service: leaving a copy with any competent person apparently in charge of the rented premises or occupying the premises or a part thereof, and by mailing a copy by regular or other mail to the tenant's last-known address on _____.
   c. ☐ Post & Mail: Only permissible if reasonable diligence was exercised to serve the tenant via personal service. Attempts to personally deliver made at the following dates & times: (1)_____, (2)_____, (3)_____. Mailed on_____.
   d. ☐ Certified Mail: please attach certified mail receipt.

Dated: _____

_____
Landlord or Agent of Landlord

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

_____
Notary Public State of Wisconsin
My Commission expires _____

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

, Plaintiff(s),

vs.

CASE #

, Defendant(s).

AFFIDAVIT OF DAMAGES

STATE OF WISCONSIN)
)ss
WAUKESHA COUNTY)

The undersigned, being first sworn on oath, deposes and says:

1. I am an adult resident of the State of Wisconsin and makes this affidavit upon personal knowledge.

2. I am claiming lost rents in the amount of , which is comprised of months of rent at a rate of per month. Attached is a true and correct copy of the lease.

3. I am claiming late fees in the amount of , which is comprised on months of late fees at a rate of per month. Attached is a true and correct copy of the lease.

4. I am claiming double rent under Wis. Stat. § 704.27 in the amount of , which was calculated as follows: Daily rent in the month of was , and tenant held over for days in said month, for a total of . If tenant held over for multiple months, please calculate as set forth above:

5. I am claiming the following cleaning and/or repair costs, and attached are true and correct copies of the photographs, invoices, and proofs of payments :
   a.
   b.
   c.

6. I mailed a copy of this Affidavit of Damages via regular mail on to the tenant(s) last known address, which is .

7. The TOTAL damages equal $ minus the SECURITY DEPOSIT equals $.

Dated: _____

_____
Landlord or Agent of Landlord

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

_____
Notary Public State of Wisconsin
My Commission expires _____

Filling out the Declaration of Nonmilitary Service

The Servicemembers Civil Relief Act is a federal law protecting military members as they enter active duty. It helps servicemembers devote their energy to the nation's defense by suspending certain legal and financial proceedings. It may block the entry of default judgments in some cases.

Wisconsin Circuit Court Form GF-175, Declaration of Nonmilitary Service, is used when you want the court to enter a default judgment in your favor if the defendant does not reply to your complaint or does not appear in court. You will need to tell the court if the defendant is on active duty with any branch of military service.

If you have personal knowledge relevant to the defendant's military service:

You can fill out the declaration if you can truthfully provide the court with enough information to conclude that the defendant is not on active duty in the military service. Here are some **examples** of information that the court might be willing to consider in reaching its decision:

- I know the defendant personally and s/he has never given any indication that s/he is in the military service.
- I called the defendant, who informed me on [date] that s/he is not in the military service.
- I see this person regularly and therefore believe she/he is not on active duty.

If you do not have personal knowledge about the defendant's military service:

If you have the defendant's social security number or birth date: The Department of Defense has a website to help you find out whether the defendant is on active duty in the military service. They have information for all branches of the United States military service and for the Wisconsin Army and Air National Guard. The website is found at https://scra.dmdc.osd.mil/scra/#/home

You must provide last name, first name, and either social security number or birth date. If you have the defendant's social security number, the website will be able to confirm the defendant's military status. If you have only the birth date, the website might or might not be able to confirm. If you don't have either one, you will not be able to use the website.

If the defendant is in the military service, the website will provide the beginning date of active duty status. If the defendant is not, it will provide a certificate saying that the defendant is not known to be in the military service. You can print this certificate and submit it with your affidavit.

NOTE: The Department of Defense frequently changes its website procedures. If you have trouble accessing the website, check the Department of Defense, Defense Manpower Data Center, website at https://dwp.dmdc.osd.mil/dwp/app/faqs

If you do not have the social security number: If you do not have the defendant's social security number or birth date, it may be very difficult for you to find out if the defendant is on active military duty. If you have tried the Department of Defense website without success, you may check the box on the GF-175 that indicates you are unable to verify the defendant's military status. Describe efforts made.

This information was updated on 4/23/2026.

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

Plaintiff/
Petitioner: _____
-vs-
Defendant/
Respondent: _____

Declaration of Nonmilitary Service

Case No. _____

I, the undersigned, declare that:

1. I am the ☐ plaintiff/petitioner or ☐ plaintiff's/petitioner's attorney in this case.
2. This declaration is made for the purpose of obtaining a default judgment against the above named defendant/respondent.

☐ 3. I believe the defendant/respondent is not on active military duty at this time because:

(Choose one)

☐ I know the defendant/respondent personally and s/he has never given any indication that s/he is in service with the United States military or National Guard.

☐ I contacted the defendant/respondent, who informed me on [Date] _____ that s/he is not on active duty at this time.

☐ I see the defendant/respondent regularly and therefore believe s/he is not on active duty at this time.

☐ Other personal knowledge: _____

☐ 4. I obtained a certificate from the United States Department of Defense website showing that the defendant/respondent ☐ **is** ☐ **is not** on active duty status. This certificate is attached.

☐ 5. I have attempted to determine military status but do not have sufficient information. I have no reason to believe s/he is on active duty at this time. Describe efforts made: _____

Verification: Under penalty of perjury, I state that the above declaration is true, except as those matters stated upon information and belief, and as to those matters, I believe them to be true.

I am the: ☐ plaintiff/petitioner.
☐ attorney for the plaintiff/petitioner.

_____
Signature of Plaintiff/Petitioner

_____
Name Printed or Typed of Plaintiff/Petitioner

_____
Address

_____
Email Address

_____
Telephone Number Date

_____
Signature of Plaintiff's/Petitioner's Attorney

_____
Name Printed or Typed of Plaintiff's/Petitioner's Attorney

_____
Address

_____
Email Address Telephone Number

_____
Date State Bar No. (if any)