

## How to Decide a SE Case

1. Look at the complaint.
  - a. Commercial or residential lease?
    - i. If residential, subsidized housing? Yes \_\_\_ No \_\_\_
  - b. Written or oral?
  - c. Is plaintiff a natural person? If not, name of plaintiff: \_\_\_\_\_
  - d. Is complaint signed by an agent? If yes, name of agent: \_\_\_\_\_
  - e. Identify claims by plaintiff. Possession plus rent \_\_\_ other \$ damages \_\_\_\_\_.
  
2. Look at the summons.
  - a. Served by posting? Yes \_\_\_ No \_\_\_
  - b. Date of service? \_\_\_\_\_ *Check minimum two –day notice.*
  
3. In court.
  - a. Preliminary matters:
    - i. Is defendant present? Yes \_\_\_ No \_\_\_ *If not, SCRA affidavit.*
  
    - ii. Resolve any issues raised by summons or complaint.
  
    - iii. Verify that plaintiff is owner or sub-lessor of property.
  
    - iv. Verify plaintiff's claims – money as well as possession? *(S/post requires dismissal of money claim or severance.*
  
    - v. If lease is written, require copy and take time to review.
      1. Terms, including duration, method of termination, amount and due date of rent.
      2. Forfeiture clause? Note triggers & procedure.
  
    - vi. If lease is oral, take testimony on terms: duration, method of termination, amount and due date of rent.
  
  - b. Plaintiff's evidence pertaining to breach.
  
  - c. Plaintiff's evidence pertaining to procedure for termination.
  
  - d. Plaintiff's evidence of money damages, if sought.

- e. Defendant's evidence related to defense.
4. Entering judgment.
- a. What the clerk needs to know: undisputed rent in arrears & amt of rent and when due
  - b. If complaint asks for rent and rent is not awarded, specify whether (1) it was not considered or (2) amount owed is zero.
  - c. Standard language for what happens next