

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO.

DEFENDANT

COMPLAINT AND AFFIDAVIT FOR CLAIM AND DELIVERY

COMES NOW Plaintiff, (hereinafter " ") and files this its Complaint for Claim and Delivery, pursuant to Miss. Code Ann. §11-38-1 et seq., against Defendant, , and in support thereof, would show unto the Court the following:

1.

is an adult resident citizen of , County, Mississippi.

2.

Defendant, (hereinafter " ") is an adult resident citizen of County, Mississippi and may be served with process of this Court at his/her residence, , Mississippi .

3.

On or about , Plaintiff and Defendant agreed that Plaintiff could store certain property in Defendant's storage building located in , Mississippi. Defendant changed the locks on the storage building so as to prevent the Plaintiff from obtaining possession of the property.

4.

On or about , Defendant, , repossessed a from the Plaintiff, . At the time of the repossession, Plaintiff owned several items of property (hereinafter referred to as "property") which were in the (itemization or property attached hereto as Exhibit " ") and Defendant had no lien or other claim to this property.

5.

Plaintiff has made demand on the Defendant to return the above described property or to allow Plaintiff to take possession of said property. Defendant has steadfastly refused to allow either the property to be returned voluntarily or to be repossessed by Plaintiff. By such refusal, Defendant is wrongfully detaining property of Plaintiff to which Plaintiff is legally entitled to immediate possession.

6.

Plaintiff petitions the Court for a fiat to be entered in this cause, directing the Clerk to issue summons to Defendant to appear for a hearing on the merits, without a jury, upon () days notice, and that the Court will determine Plaintiff's right to possession and shall enter a Final Judgment herein.

7.

Plaintiff knows of no other firm, persons or corporations who have an interest in the property described herein.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court enter an order directing the Clerk to issue summons to the Defendant requiring him/her to be and appear before this Court upon at least () days' notice for a hearing on the merits, without a jury, to determine Plaintiff's right to possession of the aforesaid property, last known to be located at a storage building belonging to in , Mississippi, and that upon such hearing, the Court will enter a judgment awarding possession of said property to Plaintiff, and ordering the Sheriff of County, Mississippi to immediately seize the property and to deliver it to Plaintiff, to be dealt with according to the terms and provisions of the Agreement, and the laws of the State of Mississippi. And Plaintiff prays that Defendant be assessed

reasonable attorney fees, all cost of Court and for such other general and specific relief to which it may be entitled.

Respectfully submitted this the day of , .

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS. CAUSE NO.

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SUMMONS

THE STATE OF MISSISSIPPI

TO:

, Mississippi

NOTICE TO DEFENDANT

THE COMPLAINT OR PETITION WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are summoned to appear and defend against said Complaint at o'clock .m. on the day of , , in the courtroom of the County Courthouse at , Mississippi, and in case of your failure to appear and defend a judgment will be entered against you for the money or other things demanded in the Complaint.

You are not required to file an answer or other pleading, but you may do so if you desire.

ISSUED under my hand and seal of said Court, this day of , .

(Seal)

CIRCUIT CLERK
OF COUNTY
, Mississippi

By: _____
Deputy Clerk

RECEIVED THIS DAY OF , .

BY: _____
SHERIFF

SHERIFF'S RETURN

STATE OF MISSISSIPPI)
COUNTY OF _____)

I personally delivered copies of the summons and complaint on the _____ day of _____, 20____, to:

After exercising reasonable diligence, I was unable to deliver copies of the summons and complaint to _____ within _____ County, Mississippi. I served the summons and complaint on the _____ day of _____, 20____, at the usual place of abode of said _____ by leaving a true copy of the summons and complaint with _____, who is the (husband, wife, son, daughter, etc.), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 20____, I mailed (by first class mail, postage prepaid) copies to the person served at his/her usual place of abode where the copies were left.

I was unable to serve the summons and complaint.

THIS the _____ day of _____, 20____.

, SHERIFF
OF _____ COUNTY, MISSISSIPPI

BY: _____
Deputy Sheriff

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI

PLAINTIFF

VS. CAUSE NO. _____

DEFENDANT

FIAT

TO: THE CIRCUIT CLERK OF _____ COUNTY, AT _____, MISSISSIPPI

YOU ARE HEREBY ORDERED to issue process in the form of a summons to the Defendant, _____, to be and appear before the Circuit Court of _____ County, Mississippi, at the Courthouse, in the city of _____, Mississippi, on the _____ day of _____, 20____, at _____ o'clock, _____ .m. to respond to the Plaintiff's Complaint for Claim and Delivery filed herein, a copy of which shall be attached to and served with the summons, to show cause, if any, why the Plaintiff should not be awarded permanent possession of the Mobile Home described in the Complaint for Claim and Delivery.

SO ORDERED, this the _____ day of _____, _____.

CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI

PLAINTIFF

VS. CAUSE NO. _____

DEFENDANT

ORDER

THIS DAY this cause came on for hearing on Plaintiff's Complaint for Claim and Delivery, after service of summons upon Defendant, _____, and said Defendant having appeared, and the Court having heard the arguments of the parties, and being advised in the premises, and the Court having jurisdiction of the parties and the subject matter, and the Court finding that the position of the Plaintiff is well taken and that Plaintiff is entitled to the relief requested herein.

IT IS THEREFORE ORDERED AND ADJUDGED, that the Plaintiff is entitled to immediate possession of property (attached as Exhibit " _____ " to Plaintiff's Complaint) last known to be located at a storage building belonging to _____ in _____, Mississippi.

IT IS FURTHER ORDERED AND ADJUDGED, that Plaintiff have and recover judgment for possession of said described property to be dealt with according to the terms and provisions of the agreement between Plaintiff and Defendant, plus a judgment for reasonable attorney fees, and all costs of court incurred herein.

IT IS FURTHER ORDERED AND ADJUDGED, that Defendant shall disclose to Plaintiff the location of the above described property and/or provide Plaintiff with directions to said property.

IT IS FURTHER ORDERED AND ADJUDGED, that the Sheriff of _____ County, Mississippi immediately seize said described property and deliver it to Plaintiff upon certified copy of this order being furnished to said officer.

SO ORDERED on this the day of , .

CIRCUIT COURT JUDGE

Prepared by:

IN THE CIRCUIT COURT OF _____ COUNTY, MISSISSIPPI

PLAINTIFF

VS. CAUSE NO. _____

DEFENDANT

ORDER

THIS DAY this cause came on for hearing on Plaintiff's Complaint for Claim and Delivery, after service of summons upon Defendant, _____, and said Defendant having failed to appear, and the Court having jurisdiction of the parties and the subject matter, and the Court finding that the position of the Plaintiff is well taken and that Plaintiff is entitled to the relief requested herein.

IT IS THEREFORE ORDERED AND ADJUDGED, that the Plaintiff is entitled to immediate possession of the property listed on Exhibit "A" to Plaintiff's Complaint, last known to be located at a storage building belonging to _____ in _____, Mississippi.

IT IS FURTHER ORDERED AND ADJUDGED, that Plaintiff have and recover judgment for possession of said described property to be dealt with according to the terms and provisions of the agreement between Plaintiff and Defendant, plus a judgment for reasonable attorney fees and all costs of court incurred herein.

IT IS FURTHER ORDERED AND ADJUDGED, that Defendant shall disclose to Plaintiff the location of the above described property and/or provide Plaintiff with directions to said property.

IT IS FURTHER ORDERED AND ADJUDGED, that the Sheriff of _____ County, Mississippi immediately seize said described property and deliver it to Plaintiff upon certified copy of this order being furnished to said officer.

SO ORDERED on this the day of , .

CIRCUIT COURT JUDGE

Prepared by: