



APPENDIX A

TYPES OF CIVIL SERVICE PROCESS

SUMMONS

A. A summons is a writ notifying the person or corporation named as defendant that a lawsuit has been filed against them. It lists the court in which they are to appear and when. Often other documents such as a complaint are attached to be served at the same time. Service may be accomplished in several ways.

1. Certified mail is the method of service preferred by statute in most cases. However, personal, corporate, agent, or residence service may be requested by the plaintiff or plaintiff's attorney.
2. The following page is an example of a Summons.

**SUMMONS FOR SERVICE WITHIN STATE AND RETURN
IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT**

74.2

VS. Plaintiff (s)

Defendant (s)

CASE NO. _____

SUMMONS

To the above-named defendant:

You are hereby notified that an action commenced against you will be on this court's docket at 9:00 a.m. on the _____ day of _____, 19____. **JURY ROOM, FIRST FLOOR, SEDGWICK COUNTY COURTHOUSE.** Should you either fail to appear before this court, personally or by counsel, at such time, or prior to such time file with this court a pleading in response to the petition which is herewith served upon you, judgment by default will be taken against you for the relief demanded in the petition. Any pleading filed with this court must also be served on the plaintiff(s) or the plaintiff's attorney, whose name and address appears below, prior to the above time should you fail to appear at such time, and your responsive pleading may state as a counterclaim any related claim which you may have against the plaintiff(s).

To the Sheriff of Sedgwick County, Kansas:

This summons must be served and your return of service made promptly; in any event, your return is due no later than five days, excluding intervening Saturdays, Sundays and holidays, before the date stated in the summons for the defendant to either appear or plead to the petition.

Dated: _____, 19____

**REASONABLE ACCOMMODATIONS WILL BE
PROVIDED IN ACCORDANCE WITH THE
AMERICANS WITH DISABILITIES ACT.**



Clerk of the District Court of Sedgwick County, Kansas

By _____, Deputy

RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served this summons:

(1) **Personal Service.** By delivering a copy of such summons and a copy of the petition to each of the following defendants on the dates indicated:

_____, 19____, _____, 19____

(2) **Residence Service.** By leaving a copy of such summons and a copy of the petition at the usual place of residence of each of the following defendants with some person of suitable age and discretion residing therein on the dates indicated:

_____, 19____, _____, 19____

(3) **Agent Service.** By delivering a copy of such summons and a copy of the petition to each of the following agents authorized by appointment or by law to receive service of process on the dates indicated:

_____, 19____, _____, 19____

(4) **Residence Service and Mailing.** By leaving a copy of such summons and a copy of the petition at the usual place of residence of each of the following defendants and mailing by first-class mail on the dates indicated a notice that such copy has been so left:

_____, 19____, _____, 19____

(5) **Certified Mail Service.** I hereby certify that I have served the within summons: (1) By mailing on the _____ day of _____, 19____, a copy of the summons and a copy of the petition in the above action as certified mail return receipt requested to each of the within-named defendants; (2) the name and address on the envelope containing the process mailed as certified mail return receipt requested were as follows:

_____ By _____

(6) **Certified Mail Service Refused.** I hereby certify that on the _____ day of _____, 19____, I mailed a copy of the summons and petition in the above action by first-class mail, postage prepaid, addressed to _____ at _____ By _____

(7) **No Service.** The following defendants were not found in this county:

PLAINTIFF'S ATTORNEY (Name and Address):

Dated: _____, 19____

By _____, Deputy

CIVIL-61, NO. 3 (REV 6/84)

PG-100

FAMILY LAW SERVICE

A. Divorce Papers

1. Almost all divorce papers have a temporary order with the summons and petition.
2. Two (2) temporary orders must be returned along with the summons.
3. The summons has a pre-printed return, and the temporary orders must be stamped for the return.
4. One (1) of the returns goes to the clerk and one (1) goes to records for law enforcement purposes.
5. Personal service is required. (K.S.A. 60-1607(a)(1) and K.S.A. 60-303).
6. Some papers may still be titled Domestic Court.
7. The following page is an example of a Summons.

Plaintiff (s)

VS.

Defendant (s)

SUMMONS

CASE NO. _____

To the above-named Defendant:

You are hereby summoned and required to serve upon _____, plaintiff's attorney, whose address is _____, a pleading to the petition which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. Your pleading must also be filed with the court. As provided in subsection (a) of K.S.A. 60-213, and amendments thereto, your answer must state as a counterclaim any related claim which you may have against the plaintiff, or you will thereafter be barred from making such claim in any other action.

REASONABLE ACCOMMODATIONS WILL BE PROVIDED IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.

Clerk of the District Court of Sedgwick County, Kansas

Dated: _____



By: _____, Deputy

RETURN ON SERVICE OF SUMMONS

I hereby certify that I have served the within summons:

[1] **Personal Service.** By delivering on the _____ day of _____, 19____, a copy of the summons and a copy of the petition to each of the within-named defendants _____

[2] **Residence Service.** By leaving on the _____ day of _____, 19____, for each of the within-named defendants _____

a copy of the summons and a copy of the petition at the respective dwelling place or usual place of abode of such defendants with some person of suitable age and discretion residing therein.

[3] **Agent Service.** By delivering on the _____ day of _____, 19____, a copy of the summons and a copy of the petition to each of the following agents authorized by appointment or by law to receive service of process _____

[4] **Residence Service and Mailing.** By leaving a copy of the summons and a copy of the petition at the dwelling house or usual place of abode and mailing by first-class mail to each of the following defendants a notice that such copy has been so left _____

[5] **Certified Mail Service.** I hereby certify that I have served the within summons: (1) By mailing on the _____ day of _____, 19____, a copy of the summons and a copy of the petition in the above action as certified mail return receipt requested to each of the within-named defendants; (2) the name and address on the envelope containing the process mailed as certified mail return receipt requested were as follows: _____

[6] **Certified Mail Service Refused.** I hereby certify that on the _____ day of _____, 19____, I marked a copy of the summons and petition in the above action by first-class mail, postage prepaid, addressed to _____, if _____

[7] **No Service.** The following defendants were not found in this county: _____

Dated: _____, 19____

Sheriff

By: _____, Deputy

PS-11-43

B. Protection From Abuse (PFA)

1. A specific order directed to an individual to prevent contact and/or harassment on a temporary basis.
2. After the initial court date, a final order can be issued, good for one (1) year.
3. Two (2) returns are on top of the serve copy and a personal history work sheet will be attached.
4. Make a return on each return using the rubber stamp.
5. One (1) of the returns goes to the clerk and the other return goes to records for law enforcement purposes along with the worksheet.
6. All PFA's must be served by a commissioned deputy.

7. PFA's are to be served by personal service.
8. The records section will use the worksheet to enter the PFA information in N.C.I.C. and file the worksheet with the return and N.C.I.C. confirmation in the appropriate records section file.

C. **(R)** Protection From Abuse (PFA) & Protection From Stalking (PFS) Orders - Temporary Order of Protection

1. If a plaintiff calls or comes to the office seeking help in obtaining child custody or protection from abuse, he/she is to be referred to the Family Law Clerk's Office. All questions will have to be answered by the Clerk's Office or court personnel. He/she is to be instructed that deputies from the Judicial Division only enforce court orders, and nothing can be done by them without proper paperwork from the courts.
2. Plaintiffs are to go to the Family Law Clerk's Office. At the Clerk's Office, the plaintiff will be given a set of papers that must be filled out.
3. When the papers are filled out, the plaintiff will be instructed to proceed to the district court administrative office.
4. The plaintiff will give the completed papers to an interviewer who will then determine if there are sufficient grounds for the issuance of a Temporary Order of Protection. If sufficient grounds are found, the plaintiff will be asked to take an oath and the protection order will be initiated.
5. When the interviewer is finished preparing the Temporary Order of Protection and a judge has signed the order, the plaintiff will then be instructed to take the order and return to the Family Law Clerk's Office where a case number will be assigned. After logging the papers, the clerk will give the plaintiff two (2) copies of the order. One (1) copy is for the plaintiff to keep and the second copy is to be given to the police to serve in the event the defendant comes around the plaintiff prior to the defendant being served by the civil section.
6. The Clerk's Office will forward two (2) copies of the Temporary Order of Protection to the Judicial Division. The plaintiff will be told that the civil section will attempt to serve the order on the following working day or as soon thereafter as possible.
7. In the event that a plaintiff comes to the Judicial Division and states that the defendant is currently in custody, a deputy will verify this from the computer. The deputy will attempt to make service at the jail at the earliest possible time. If the defendant is not in custody, the plaintiff will be informed of this and told that the service will be attempted on the next working day.
8. If a plaintiff comes to the Judicial Division immediately with the completed paperwork, the Judicial Division will attempt to reinforce instructions given by the Clerk's Office or interviewer to proceed home. If the defendant is at the home, the plaintiff will go to the nearest phone, notify 911 of the situation and request law enforcement assistance from the agency having jurisdiction.

9. **(R)** There are numerous forms associated with Protection From Abuse Orders and Protection From Stalking Orders. In most cases only a few of the forms will be used. The various forms are hyperlinked below.

PFA Forms –

1. [General Instructions for anyone seeking a Protection From Abuse Order](#)
2. [Information for Law Enforcement Form](#)
3. [Petition for Protection from Abuse Order](#)
4. [Uniform Child Custody Jurisdiction and Enforcement Act \(UCCJEA\) Affidavit](#)
5. [Answer](#)
6. [Counter Petition for Protection From Abuse Order](#)
7. [Emergency Order - Protection from Abuse Order](#)
8. [Summons and Notice of Hearing](#)
9. [Temporary Order - Protection from Abuse Order](#)
10. [Final Order - Protection from Abuse](#)
11. [Final Order - Protection from Abuse \(Mutual Order\)](#)
12. [Final Order - Protection from Abuse \(Consent Order\)](#)
13. [Motion to Modify Protection from Abuse Order](#)
14. [Modification of Final Order - Protection from Abuse](#)
15. [Motion to Extend Final Protection From Abuse Order](#)
16. [Extension of Final Order - Protection From Abuse](#)
17. [Notice of Dismissal](#)
18. [Order of Dismissal](#)
19. [Judgment of Denial](#)
20. [Child Support Addendum](#)
21. [Minor Defendant Addendum](#)
22. [Sheriff's Office Worksheet](#)

PFS Forms –

1. [General Instructions for those seeking a Protection from Stalking Order](#)
2. [Protection from Stalking Confidential Form](#)
3. [Information for Law Enforcement](#)
4. [Petition for Protection from Stalking Order](#)
5. [Summons and Notice of Hearing](#)
6. [Temporary Order - Protection From Stalking](#)
7. [Final Order - Protection from Stalking](#)
8. [Motion to Modify Protection from Stalking Order](#)
9. [Modification of Final Order - Protection from Stalking](#)
10. [Motion to Extend Final Protection from Stalking Order](#)
11. [Extension of Final Order - Protection from Stalking](#)
12. [Notice of Dismissal](#)
13. [Order of Dismissal](#)
14. [Judgment of Denial](#)
15. [MINOR DEFENDANT ADDENDUM](#)
16. [Sheriff's Office Worksheet](#)

SUMMONS - UNLAWFUL AND FORCIBLE DETAINER

- A. This type of summons is filed by a landlord as a part of the eviction process. In the complaint, the landlord alleges failure to pay rent or other violations of the lease. The landlord requests the court to return the control of the property back over to him and to order the tenants to leave the property. Service may be made by personal service, residential service, RSTD, or certified mail.
- B. The following page is an example of a Summons.

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

74-2

VS. Plaintiff(s)

Defendant(s)

CASE NO.

SUMMONS — Unlawful and Forcible Detainer

STATE OF KANSAS, SEDGWICK COUNTY, ss.
THE STATE OF KANSAS to the Sheriff of Sedgwick County, Kansas:
You are commanded to summon

to appear in the JURY ROOM, FIRST FLOOR, SEDGWICK COUNTY COURTHOUSE, at 9:00 a.m. on the _____ day of _____, 19____
to answer to the action of the above-named plaintiff(s) for the peaceable and forcible entry, and unlawful and forcible detention of the following described premises, to wit:

for judgment for the sum of \$ _____, for rent due _____,
with interest thereon at the lawful rate, and costs of the action, and return this writ within 3 days, excluding intervening Saturdays, Sundays and holidays.

Witness my hand, at Wichita, Kansas, in said County, this _____ day of _____, A.D., 19____.

REASONABLE ACCOMMODATIONS WILL BE
PROVIDED IN ACCORDANCE WITH THE
AMERICANS WITH DISABILITIES ACT.



Clerk of the District Court of Sedgwick County, Kansas

By _____ Deputy Clerk

☐ Indicate this box to request conventional sheriff or process server service of the summons and not certified mail service. If you do not mark this box the sheriff may make certified mail service or you may make certified mail service. Follow strict terms of the "return" on the summons forms if you make the service yourself.

STATE OF KANSAS

ss.

SHERIFF'S RETURN

SEDGWICK COUNTY

Received this writ _____, 19____, and as directed, I served the following persons, at the times following to wit:

[1] (Personal Service.) By delivering a copy of the above summons to each of the following persons on the dates indicated:

_____, 19____, _____, 19____

[2] (Residence Service.) By leaving a copy of the above summons at the usual place of residence of each of the following persons on the dates indicated:

_____, 19____, _____, 19____

[3] (No Service.) The following persons were not found in said county:

PLAINTIFF'S ATTORNEY (Name and Address)

By _____ Sheriff
_____ Deputy

CIVIL 183, 8 (Rev. 6/94)

PS-500

WRIT OF RESTITUTION AND EXECUTION

- A. Rental Property evictions are governed by the Kansas Residential Landlord and Tenant Act found in Chapter 58 of the Kansas Statutes annotated.
- B. If the judge orders an eviction, the landlord files a Writ of Restitution and Execution.
- C. This orders the Sheriff's Office to forcibly evict the residents.
- D. The Judicial Division must act within ten (10) days of receipt of the writ unless otherwise specified in the individual writ.
 - 1. Evictions must be scheduled in advance by the eviction squad.
- E. The Judicial Division only evicts people, not property.
 - 1. The landlord is solely responsible for the disposition of the former tenants property in accordance with the Kansas Residential Landlord Tenant Act.
 - 2. The landlord is responsible for effecting a means of entry into the property being evicted. The Sheriff's Office will not force entry absent a court order to do so.
- F. The Sheriff's Office cannot evict someone until the Judicial Division receives the Writ of Execution.
- G. If the tenants come back on the property, they can be arrested for trespassing. The Patrol Division handles the calls on this type of case.
- H. The following page is an example of a Writ Of Restitution And Execution.

Plaintiff (s)
VS.

Defendant (s)

CASE NO. _____

WRIT OF RESTITUTION AND EXECUTION

THE STATE OF KANSAS to the Sheriff of Sedgwick County, Kansas:

Whereas, on the _____ day of _____, 19____, in an action pending in this court, _____, plaintiff, recovered judgment against _____, defendant, for restitution of the following described premises, to wit: _____

for court costs, actual and estimated, in the sum of _____ dollars, and for rent in the sum of _____ dollars.

You are hereby commanded to cause such defendant to be forthwith removed from such premises and the plaintiff to be restored to possession of the same and that of the non-exempt personal property of such judgment debtor, _____, you cause judgment and costs, together with your fees for execution of this writ, to be satisfied as provided by law.

You shall execute that portion of this writ requiring you to restore the plaintiff to the possession of such premises within 10 days, and make return of this execution, showing the manner in which you have executed the same, within 30 days from the time of your receipt thereof.

Dated: _____, 19____



Judge

SHERIFF'S RETURN

On _____, 19____, at _____ o'clock _____ M., received this writ.

On _____, 19____, above described premises vacated and plaintiff(s) restored to possession.

On _____, 19____, advertised the same for sale.

On _____, 19____, sold the following goods and chattels at the prices indicated, and the moneys received from such sale are herewith delivered to the court.

\$ _____ \$ _____
\$ _____ \$ _____

Total received \$ _____

For want of bidders, the following goods remain unsold:

PLAINTIFF'S ATTORNEY and/or PRO SE
(Name, Address, and Phone No.)

Dated: _____, 19____

Sheriff

By _____, Deputy
PS-583

THE SHERIFF WILL CANCEL AN EVICTION IF:

1. The eviction is on appeal.
2. The landowner has changed the locks prior to our arrival.
3. The eviction is on a foreclosure and the tenants have declared bankruptcy.
4. The Sheriff cannot contact anyone to respond to address.
5. If the landowner or representative does not respond within a reasonable amount of time.
6. Entry cannot be made.
7. The landowner requires the Sheriff's Office's presence only to post the door.
8. Any other questions the deputy may have need to be addressed to the Civil Section supervisor.

SEIZURES

- A. **(R)** Sometimes the court orders the Sheriff's Office to seize property, money, vehicles, or other items in a Writ of Execution. The disposal of these items is up to the court. Monies are usually turned in to the Clerk of the District Court and applied against the judgment. Property and vehicles may be ordered sold by the court at the Sheriff's sale. The Civil Section, commissioned deputies are most often assigned such tasks. Property that is seized by order of the court must be posted.
- B. If the deputy is attempting to collect money on a Writ of Execution and the person says that he/she has paid all that is owed, the deputy will ask to see the Satisfaction of Judgment form. (This is a form from the court that states he/she has paid what is owed and that the judgment is satisfied in the eyes of the court.) If they have this form, the deputy should try and obtain a copy, and attach the copy to the return. If he/she has only one (1) copy, then the deputy will transcribe all of the information on the copy to the return. The deputy **WILL NOT COLLECT ANY MONIES OR PROPERTY** without checking with the court to see which order is valid.
 - 1. If he/she does not have this form, the Writ is presumed to be valid.
- C. If the deputy attempting service is informed of any of the following circumstances, he/she will contact the supervisor of the Civil Section immediately:
 - 1. The presence of a lien or exception on an item being seized.
 - 2. Items being seized are the property of a third party, not a defendant or respondent in the case in question.
 - 3. Bankruptcy filing.
 - 4. Or any other circumstance that a defendant/respondent claims negates the court order.

SHERIFF PROCEDURES AFTER JUDGMENT HAS BEEN GRANTED

- A. Eviction must be executed within ten (10) days after receipt.
- B. **(R)** Deputies will contact property owner or his/her representative the day before the eviction is scheduled.
- C. If residence is vacant, eviction procedures are not necessary.
- D. Plaintiff must have access to a key, locksmith, or some other method of entry. If entry is not gained, eviction will be cancelled.
- E. At the time of the eviction, deputies will remove only people, not property or animals.

- F. After people are removed, deputies will inspect the residence to secure landowner's safety, searching for hidden persons, firearms, explosives, or other dangerous devices.
- G. Any violation of state or federal law will be reported and necessary arrests made.
- H. If you are evicting a trailer from a lot, the trailer must be entered to complete the eviction.
- I. After the residence has been cleared, the door will be posted with a notice and the landowner or representative will be given a signed copy of the eviction. If the tenants return without the landowner's permission, the landowner should call 911 and make a criminal trespass report.
- J. The landowner is responsible for the welfare of all property and animals left at residence.
- K. If the landowner allows the tenants back in to remove property and they refuse to leave, the landowner has voided the eviction and will need to refile.
- L. The landowner may opt to change the locks or board up the residence after the people have been removed.
- M. The landowner may opt to remove property and place it in storage.
- N. The following pages are examples of a Journal Entry Of Judgment, Praecipe For Execution, Execution (In Replevin), and Writ Of Execution.

VS Plaintiff(s)

Defendant(s)

CASE NO.

PURSUANT TO CHAPTER 61 OF
KANSAS STATUTES ANNOTATED

JOURNAL ENTRY OF JUDGMENT

On this _____ day of _____, 19____, this action comes on for final judgment or disposition.
Plaintiff's attorney advises the court that each defendant against whom judgment is entered has been properly served with summons or process herein and that this court has jurisdiction to enter the judgment requested.

Whereupon, the court finds that judgment should be entered: ☐ by reason of the default of the said defendant(s); ☐ by agreement of the parties; or ☐ by a trial of the issues herein and the testimony of the following witnesses:

(Witnesses for Plaintiff)

(Witnesses for Defendant)

JUDGMENT IS ENTERED AS FOLLOWS:

- ☐ (RECOVERY OF MONEY) Judgment for plaintiff(s) against _____, defendant(s) for the principal balance of \$ _____, together with \$ _____ interest to the date of judgment and costs. Principal balance shall bear interest at 12% per annum from this date until payment in full. (CONTRACTS UNDER KSA 61-1723) After recomputation of interest, unearned and earned, in accordance with KSA 61-1723, judgment for the plaintiff(s) against _____, defendant(s), for the principal balance of \$ _____. Said principal balance shall draw interest at ** _____% from _____ to _____, and thereafter draw interest at _____% per annum until payment in full and costs.
- ☐ (REPLEVIN, POSSESSION ONLY) Judgment for the plaintiff(s) against _____, defendant(s) for possession of the article(s) of specific personal property described in the plaintiff's verified petition (or affidavit), possession of which has been heretofore delivered to the plaintiff as shown by the return on the order for delivery of property filed herein, and costs. Plaintiff(s) and surety are discharged from further liability on their bond filed herein.
- ☐ (REPLEVIN, POSSESSION OR VALUE) Judgment for the plaintiff(s) against _____, defendant(s) for possession of the article(s) of specific personal property described in the plaintiff's petition; or for the value stated in said petition of each of such articles which cannot be found and returned to the plaintiff(s) and costs.
- ☐ (FORECLOSURE OF SECURITY INTEREST) Judgment for plaintiff(s) against _____, defendant(s) for the principal balance of \$ _____, together with \$ _____ interest to the date of judgment, and said principal balance shall bear interest at _____ from the date of judgment until payment in full, for foreclosure of the security interest in the specific personal property described in the petition of the plaintiff(s), and costs. If such judgment is not satisfied within ten (10) days, the clerk shall issue an order of special execution directing the sale of said personal property according to law.
- ☐ (FORCIBLE DETAINER) Judgment for the plaintiff(s) against _____, defendant(s) for restitution of the premises described in the plaintiff's petition and costs, for which a writ of restitution and execution shall issue.
- ☐ NO WRIT NECESSARY
- ☐ OTHER _____

Atty., Plt. _____

Atty., Def. _____

Record taken by _____

Judge, District Court, Div. No. _____

VS. *Plaintiff(s)*

Defendant(s)

CASE NO. _____

PURSUANT TO CHAPTER 61 OF
KANSAS STATUTES ANNOTATED

PRAECIPE FOR EXECUTION

To the Clerk of the Above Named Court, Greeting:

You will please issue an EXECUTION against the property of the _____
(Plaintiff or Defendant)

(Name and Address)

in the above entitled cause, directed to the Sheriff of said Court to execute according to law.

Dated _____, 19 _____

(Signature)

(Name typed or printed)

DATE OF JUDGEMENT _____

Attorney for _____

(Plaintiff or Defendant)

JUDGEMENT AMOUNT DUE _____

INTEREST RATE _____

RE: INFORMATION TO SHERIFF BY ATTORNEY REQUESTING EXECUTIONS ONLY:

CASE NO. _____

Can Judgment debtor be found in Sedgwick County, Kansas, for inquiry by deputy concerning his property?

YES NO

If so, where? _____

Are you aware of any non-exempt (KSA 60-2301, 2304, 2305) Property belonging to the judgment debtor?

YES NO

If so, what? _____

Location _____

Incumbrances _____

Is the primary purpose of this execution for purposes of qualifying for proceedings in aid of execution?

YES NO

Is this execution to keep a judgment alive?

YES NO

May the writ be returned after one attempt to levy and prior to thirty days?

YES NO

REMARKS: OTHER: _____

ATTORNEY: _____

PHONE: _____

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

STATE OF KANSAS, SEDGWICK COUNTY, ss.

EXECUTION
(In Replevin)

FOR CLERK'S USE ONLY

74.2

Plaintiff(s)

vs.

Defendant(s)

CASE NO.

THE STATE OF KANSAS, to the Sheriff of SEDGWICK COUNTY, GREETING:

Whereas, _____
on the _____ day of _____, 19_____, in an action then pending in the District
Court, Sedgwick County, Kansas, recovered judgment against _____
for the possession of _____

and for the sum of \$ _____ as costs of suit or, in case said goods cannot be had then the sum of \$ _____.

Now, Therefore You are Hereby Commanded that you take possession of the said _____

and collect the costs amounting to \$ _____ and in case you cannot find the said _____

then the sum of \$ _____ the value of said _____

and costs to be made out of the goods and chattels of the said defendant _____ said judgment and costs to be satisfied, as provided
by law. And make return of this execution, with your certificate thereon, showing the manner in which you have executed the same,
within thirty days from the time of your receipt hereof.

WITNESS my hand, and the Seal of Said Court affixed at my office in Wichita, the said County, this _____ day of
_____, A.D., 19_____.

(SEAL)

Clerk of the District Court of Sedgwick County, Kansas

By _____ Deputy

SHERIFF'S RETURN

STATE OF KANSAS, SEDGWICK COUNTY, ss.

I certify that I received this Execution in Replevin the _____ day of _____, 19_____,
and in accordance therewith, I seized from the defendant(s) the following personal property _____

and delivered the same to plaintiff the _____ day of _____, 19_____.

Sheriff of Sedgwick County, Kansas

By _____ Deputy

PLAINTIFF'S ATTORNEY (Name and Address):

PS-528

Attorney for Plaintiff: _____ Address: _____
IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

74.2

VS. Plaintiff(s) _____

CASE NO. _____

PURSUANT TO CHAPTER 61 OF
KANSAS STATUTES ANNOTATED

Defendant(s) _____

WRIT OF EXECUTION

THE STATE OF KANSAS to the Sheriff of the District Court of Sedgwick County, Kansas:

Whereas, on the _____ day of _____, 19____, in an action then pending in this court,
_____ recovered judgment against _____ for the sum of _____
(plaintiff or defendant) (defendant or plaintiff)
dollars; and court costs, actual and estimated, in the sum of _____ dollars; that credits
of _____ dollars have been received; and that there remains due the sum of _____ dollars.

Now, Therefore, You are Hereby Commanded that of non-exempt personal property of the said judgment debtor, _____
_____, you cause said judgment and costs to be satisfied, as provided by law. Make return of
this execution showing the manner in which you have executed the same, within thirty (30) days from the time of your receipt thereof.



Dated _____, 19____.

Clerk of the District Court of Sedgwick County, Kansas

By _____, Deputy

SHERIFF'S RETURN

On _____, 19____, at _____ o'clock _____ M., received this writ.
On _____, 19____, at _____ o'clock _____ M., levied on the non-exempt personal property of _____
described in the following schedules:
On _____, 19____, advertised the same for sale.
On _____, 19____, sold the following items of personal property at prices indicated, and the moneys received from said sale are
herewith delivered to the court.

\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
TOTAL RECEIVED \$ _____	

The following goods remain unsold _____

_____ for want of bidders.
I certify the above to be the times and manner of executing the
above writ.

By _____ Sheriff

By _____ Deputy

1305-57 (Rev. 5/89)

1305-494

WRIT OF ASSISTANCE

- A. Owned property (houses, etc.).
- B. If the judge orders an eviction, the mortgage holder files a Writ of Assistance.
- C. This orders the Sheriff's Office to forcibly evict the residents.
- D. The Sheriff's Office must evict within thirty (30) days of receiving the writ or the time frame stated in the writ.
- E. All other matters are handled the same as a Writ of Restitution and Execution.
- F. If the home owner has filed Bankruptcy, the writ will not be carried out. Unless the Sheriff's Office has been properly given notice lifting the stay.
- G. The following page is an example of a Writ of Assistance.

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

FOR CLERK'S USE ONLY

74.2

Plaintiff(s)

VS

Defendant(s)

CASE NO.

WRIT OF ASSISTANCE

The State of Kansas to the Sheriff of Sedgwick County in Said State, Greeting:

WHEREAS, On the _____ day of _____, A.D., 19____, an order was made in the action above entitled, by said Court, that said defendants, and all persons claiming under them since the commencement of such action should vacate, quit, and surrender to the _____

possession of the following described premises, located in Sedgwick County and State of Kansas, to-wit:

and that a writ of assistance issue to you requiring you to oust and eject said defendants and any persons claiming under them from said above described premises and to put said purchaser into the peaceable possession thereof, in case said defendants and any persons claiming under them fail to obey said order of the court.

NOW THEREFORE, You are commanded forthwith execute said order of the court according to the tenor of same.

Witness my hand and seal of said court, this _____ day of _____, A.D., 19____.

Attorney for Purchaser.

Clerk of the District Court

By _____, Deputy



SHERIFF'S RETURN

STATE OF KANSAS
Sedgwick County, ss.

I received this writ on the _____ day of _____, A.D., 19____, and on the _____ day of _____, 19____, as commanded therein. I executed the same by ousting and ejecting from the premises therein described the defendants and persons therein named, and giving the purchaser therein named the peaceable possession of same _____

Sheriff of Sedgwick County, Kansas

1305-65 (Rev. 3/84)

PG 451

BY

Deputy.

ORDERS TO APPEAR

A. Order to Appear for Hearing in Aid of Execution

1. Issued after execution is returned "No Goods Found".
2. Commands the person named to appear in court to be examined by the court as to assets available to satisfy the judgement.
3. Personal, residence, and certified mail service.
4. The following page is an example of an Order To Appear For Hearing In Aid Of Execution.

B. Order to Appear and Show Cause

1. Issued when defendant failed to appear on Order in Aid of Execution.
2. Order commanding the party to appear and show cause to determine if they should be found in contempt of court.
3. Personal service only per K.S.A. 20-1204a(b).

VS. Plaintiff(s)

CASE NO. _____

Defendant(s)

ORDER TO APPEAR FOR HEARING IN AID OF EXECUTION

TO:

Judgment Debtor(s):

(Address)

You are hereby ordered to personally appear in the JURY ROOM, FIRST FLOOR of the Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas, at 1:30 p.m. on the _____ day of _____, 19____, to be examined and answer concerning your property, assets and income.

This order is directed to you for the reason that judgment was entered against you in the above entitled action and to this date remains unpaid and unsatisfied.

Failure to appear at the above time and place may cause you to be cited and punished for contempt of this court.

Dated _____, 19____

REASONABLE ACCOMMODATIONS WILL BE PROVIDED IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.



Judge

RETURN ON SERVICE OF ORDER

I hereby certify that I have served this order:

[1] (Personal Service.) By delivering a copy of the above order to each of the following persons on the dates indicated:

_____, 19____, _____, 19____
_____, 19____, _____, 19____

[2] (Residence Service.) By leaving a copy of the above order at the usual place of residence of each of the following persons on the dates indicated:

_____, 19____, _____, 19____
_____, 19____, _____, 19____

[3] (No Service.) The following defendants were not found in this county:

ATTORNEY FOR:

(Name and Address)

Dated: _____, 19____

Sheriff

By: _____
1305-28 (REV 8/94)

Deputy
PS-429

GARNISHMENT

A statutory proceeding whereby a person's property, money, or credits in possession or under control of, or owing by, another are applied to payment of former's debt to third person by property statutory process against debtor and garnishee.

- A. Order directed to an employer or financial institution to attach funds, property, or credits to recover money owed to a judgment.
- B. This is a special service consideration.
- C. If the garnishee does not return the garnishment to the clerk, the garnishee may become liable for the debt.
- D. If the garnishment is refused, the garnishee may become liable for the debt.
- E. Most garnishments are accepted without problems.
- F. If garnishee refuses service:
 - 1. Explain the garnishment process.

2. If they still refuse:

- a. Get his/her name and state they he/she refused service on the return.
- b. If they refuse to give a name, write a description of the person who refused on the return.

G. DO NOT MAKE A RETURN ON THE REQUEST FOR SERVICE.

H. Personal service, certified mail, first class mail (chapter G1 only), or corporate service.

I. All garnishments addressed to the Sedgwick County Sheriff's Office for debts owed by departmental employees shall be served in the following manner.

1. A deputy of supervisory rank shall serve the papers upon the Division of Finance (room 823).

J. The following pages are examples of Orders of Garnishment.

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS

74.2

Plaintiff/Petitioner

VS

Defendant/Respondent

Address

Social Security Number

Garnishee

Garnishee's Address

CASE NO.

(To Attach Earnings)

Purpose of Garnishment

- ☐ Support _____ % to be withheld
☐ Bankruptcy
☐ Federal or State Tax
☐ Other _____

ORDER OF GARNISHMENT

The State of Kansas to said Garnishee:

You are hereby ordered as a garnishee to file with the clerk of the above-named court, within 40 days after service of this order upon you, your answer under oath stating whether you are indebted to the defendant by reason of earnings (compensation for personal services, whether denominated as wages, salary, commission, bonus or otherwise) due and owing the defendant and stating the amount of any such indebtedness. Computation of the amount of your indebtedness shall be made as prescribed by the answer form served herewith and shall be based upon defendant's earnings for any pay period or periods which end during the 30-day period beginning the day this order is served upon you. You are further ordered to withhold from each payment for earnings due the defendant for any pay period or periods ending during such 30-day period the payment of that portion of defendant's earnings required to be withheld pursuant to the directions accompanying the answer form until the further order of the court. If you do not receive an order of the court to dispose of earnings withheld from the defendant within 60 days from the date your answer is filed, and your answer is not contested by the plaintiff, you may petition the court for an order allowing you to return withheld funds to the defendant. Your answer on the form shall constitute substantial compliance with this order.

Failure to file your answer may entitle the plaintiff to judgment against you for the full amount of the claim and costs.

WITNESS my hand and seal of the court at Wichita in this county, this _____ day of _____, 19____.

ATTORNEY

ADDRESS

AMOUNT OF CLAIM



Clerk of the District Court, Sedgwick County, Kansas

By _____ DEPUTY CLERK

RETURN ON SERVICE OF ORDER OF GARNISHMENT

I hereby certify that I received the foregoing Order of Garnishment at _____ o'clock _____ M., on the _____ day of _____, 19____, and I executed the same in the following manner:

(1) (Service on Garnishee) I served said order of garnishment, together with two (2) copies of a form for garnishee's answer, on each of the garnishees at the time and in the manner following: _____

(2) (Service on Defendant) I also served a copy of said order of garnishment on each of the defendants on the dates and in the manner following: _____

All done in _____ County, Kansas.

Sheriff of _____ County, Kansas

By _____

PS 447

Plaintiff(s) _____
VS
Defendant(s) _____
Defendant's Address _____
Defendant's TIN/SS NUMBER (if known) _____
Garnishee _____
Garnishee's Address _____

CASE NO. _____
(To Attach Other Than Earnings)
Purpose of Garnishment
☐ Support _____ % to be withheld
☐ Bankruptcy
☐ Federal or State Tax
☐ Other _____

ORDER OF GARNISHMENT

The State of Kansas to said Garnishee:

You are hereby ordered as a garnishee to file with the clerk of the above-named court, within _____ () days after service of this order upon you, your answer under oath stating whether you are at the time of the service of this order upon you, and also whether at any time thereafter but before you sign your answer, indebted to the defendant, or have in your possession or control any property belonging to the defendant, excluding earnings (compensation for personal services, whether denominated as wages, salary, commission, bonus or otherwise) due and owing the defendant, and stating the amount of any such indebtedness and description of any such property. For the purpose of this order, if you are, at the time this order is served upon you, an executor or administrator of an estate containing property or funds to which defendant is or may become entitled as a legatee or distributee of the estate upon its distribution, you are deemed to be indebted to the defendant in the extent of such property or funds. You are further ordered to withhold the payment of any such indebtedness, or the delivery away from yours, of any such property, until the further order of the court. Your answer on the form served herewith shall constitute substantial compliance with this order.

"If you are a bank, savings and loan association, credit union or finance company and are holding any funds, credits or indebtedness belonging to or owing the defendant, the amount to be withheld by you pursuant to this order of garnishment is not to exceed \$ _____ (amount stated in direction)

Failure to file your answer may entitle the plaintiff to judgment against you for the full amount of the claim and costs.

WITNESS my hand and seal of said court at Wichita in this county, this _____ day of _____, 19 _____.



Clerk of the District Court, Sedgwick County, Kansas

ATTORNEY _____

By _____ Deputy Clerk

RETURN ON SERVICE OF ORDER OF GARNISHMENT

I hereby certify that I received the foregoing Order of Garnishment at _____ o'clock _____ PM, on the _____ day of _____, 19 _____, and I executed the same in the following manner:

(1) (Service on Garnishee) I served said order of garnishment, together with two (2) copies of a form for garnishee's answer, on each of the garnishees at the time and in the manner following: _____

(2) (Service on Defendant) I also served a copy of said order of garnishment on each of the defendants on the dates and in the manner following: _____

All done in _____ County, Kansas.

Sheriff of _____ County, Kansas

By: _____ PS-411

SUBPOENAS

- A. A subpoena is a command to appear at a certain time and place to give testimony upon a certain matter. Both plaintiff and the defendant have the right to subpoena witnesses to testify in their behalf.
- B. Subpoenas may be served by personal service, certified mail, residence service, or RSTD. Exception: If the subpoena is a Family Law subpoena for the respondent or plaintiff, personal service is needed.
- C. The following page is an example of a Subpoena.

SUBPOENA

74.2

VS.

TO:

CASE NO.

WE COMMAND YOU to be and appear in your own proper person before the judge of Division _____ of the District Court of the County of Sedgwick, at the Courthouse in Wichita, County of Sedgwick, on the _____ day of _____, 19____, at _____ o'clock _____ M., of that day, then and there to testify on the behalf of the _____ in a certain controversy now pending and undetermined in said court, wherein _____ is plaintiff and _____ is defendant, and this do you in nowise omit under the penalty of the law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Wichita, this _____ day of _____, 19____.

Attorney for



Clerk of the District Court, Sedgwick County, Kansas

By _____ Deputy Clerk

REASONABLE ACCOMMODATIONS WILL BE PROVIDED IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.

SHERIFF'S RETURN

Received this writ _____, 19____. Served the same by delivering a certified copy to each person named personally, at the times following to wit:

_____	19____	_____	19____
_____	19____	_____	19____
_____	19____	_____	19____

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to wit:

_____	19____	_____	19____
_____	19____	_____	19____

The following persons not found in Sedgwick County:

_____	19____	_____	19____
_____	19____	_____	19____

Sheriff

Deputy

ATTORNEY FOR:

(Name and Address)

NOTE: Affidavit required only if service is made by person other than a Sheriff or his deputy.

PS 637

☐ CIVIL — Room 616
☐ CRIMINAL — Room 714
☐ DOMESTIC — Room 714
☐ PROBATE — Room 925

Clerk of the District Court
Sedgwick County Courthouse
525 North Main
Wichita, Kansas 67203-3794

SUBPOENA DUCES TECUM

- A. A subpoena duces tecum requires an individual or company to produce documents or records in court to aid in the trial of the case at hand.
- B. If the subpoena is directed towards a person, the usual types of service will apply. If the subpoena is directed to a company, care must be taken to ensure that the person to whom the subpoena is delivered has the authority to accept such service and to produce the required records. Note the person served and his/her title on the return.
- C. The following pages are examples of a Subpoena Duces Tecum (Business Records) and Subpoena (Business Records).

VS.

TO:

SUBPOENA DUCES TECUM
Business Records

CASE NO. _____

You are commanded to produce the records listed below before Division _____ floor, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas 67203 on the _____ day of _____, 19____ at _____ M. and to testify on behalf of the above named parties. Failure to comply with this subpoena may be deemed a contempt of the court.

Records to be produced:

You may make written objection to the production of any or all of the records listed above by serving such written objection upon _____ attorney, at _____, within 10 days after service of this subpoena -OR- on or before _____, 19____. If such objection is made, the records need NOT be produced except upon order of the court. (K.S.A. 60-245).

The personal attendance of a custodian of business records and the production of original records is required by this subpoena. The records will not be returned unless requested by the witness.

Dated _____, 19____



Clerk of the District Court, Sedgwick County, Kansas

By _____ Deputy Clerk

REASONABLE ACCOMMODATIONS WILL BE PROVIDED FOR THOSE NEEDING SPECIAL ASSISTANCE

SHERIFF'S RETURN

Received this writ _____, 19____. Served the same by delivering a certified copy to each person named personally, at the times following to wit:

_____, 19____
_____, 19____

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to wit:

_____, 19____
_____, 19____

The following persons not found in Sedgwick County:

_____, 19____
_____, 19____

Sheriff

Deputy

ATTORNEY FOR:

(Name and Address)

☐ CIVIL - Room 616

☐ CRIMINAL - Room 714

☐ DOMESTIC - Room 714

☐ PROBATE - Room 925

Clerk of the District Court
Sedgwick County Courthouse
525 North Main
Wichita, Kansas 67203-3794

SUBPOENA
Business Records

74.2

VS.

TO:

CASE NO.

You are commanded to produce the records listed below before Division _____ floor, Sedgwick County Courthouse, 525 N. Main, Wichita, Kansas 67203 on the _____ day of _____, 19____ at _____, AL, and to testify on behalf of the above named parties. Failure to comply with this subpoena may be deemed a contempt of the court.

Records to be produced:

You may make written objection to the production of any or all of the records listed above by serving such written objection upon _____, attorney, at _____ within 10 days after service of this subpoena - **OR** - on or before _____, 19____. If such objection is made, the records need **NOT** be produced except upon order of the court.

Instead of appearing at the time and place listed above, it is sufficient compliance with this subpoena if a custodian of the business records delivers to the Clerk of the Court by mail or otherwise a true and correct copy of all the records described above and mails a copy of the attached affidavit to _____ within 10 days after the receipt of this subpoena.

The copy of the records shall be separately enclosed in a sealed envelope or wrapper on which the title and number of the action, name and address of the witness and the date of this subpoena are clearly inscribed. If return of the copy is desired, the words "return requested" must be inscribed clearly on the sealed envelope or wrapper. The sealed envelope or wrapper shall be delivered to the Clerk of the Court.

The records described in this subpoena shall be accompanied by the affidavit of a custodian of the records, a form for which is attached to this subpoena. If the business has none of the records described in this subpoena, or only part thereof, the affidavit shall so state, and the custodian shall send only those records of which the custodian has custody. When more than one person has knowledge of the facts required to be stated in the affidavit, more than one affidavit may be made.

The reasonable cost of copying the records may be demanded of the party causing this subpoena to be issued. If the costs are demanded, the records need not be produced until the costs of copying are advanced.

The copy of the records will not be returned unless requested by the witness.

REASONABLE ACCOMMODATIONS WILL BE
PROVIDED IN ACCORDANCE WITH THE
AMERICANS WITH DISABILITIES ACT.



Clerk of District Court, Sedgwick County, Kansas

By _____

Deputy Clerk

Dated _____, 19____

SHERIFF'S RETURN

Received this writ _____, 19____. Served the same by delivering a certified copy to each person named personally, at the times following to wit:

_____ 19____
_____ 19____

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to wit:

_____ 19____
_____ 19____

The following persons not found in Sedgwick County:

_____ 19____
_____ 19____

Sheriff

Deputy

ATTORNEY FOR:

(Name and Address)

- ☐ CIVIL - Room 616
☐ CRIMINAL - Room 714
☐ DOMESTIC - Room 714
☐ PROBATE - Room 925

Clerk of the District Court
Sedgwick County Courthouse
525 North Main
Wichita, Kansas 67203-3794