Petition for Removal of Unlawful Occupant of Property Containing a Residential Dwelling

_____ County, Missouri Circuit Court
(County where court is located. City of Saint Louis is considered a county.)

Use this form to ask for a court Order to remove a person or persons unlawfully occupying property containing a residential dwelling. This form is to be filed in the county where the property is located.

Case Number: _____
(Will be assigned by the court when case is filed)

_____
(Your Name)
Petitioner,

You are the **Petitioner**. The Petitioner is the person who starts a court case. This person is the property owner, or an authorized agent of a property owner, of property containing a residential dwelling being unlawfully occupied.

And

_____
Respondent.

☐ Check this box if more than one person is unlawfully occupying the residential dwelling and complete an Addendum for each person.

The **Respondent** is the person or persons unlawfully occupying property containing a residential dwelling owned by Petitioner. Unlawful occupant or unlawful occupants is any person or persons who detain, occupy, or trespass on property containing a residential dwelling without the permission of the property owner, who otherwise have no legal right to occupy the property and have no protections provided to a tenant under state law.

A. Parties

I am the ☐ property owner ☐ authorized agent of the property owner.

☐ The property being occupied includes a residential dwelling. The address of the property is:

Information about the person who is an unlawful occupant of your property containing a residential dwelling.

If you don't know something, leave it blank.

Respondent:

Name: _____

Alias or nickname (list all): _____

Age: _____

Race and Ethnicity: (Select one or more) ☐ American Indian or Alaska Native ☐ Asian
☐ Black or African American ☐ Native Hawaiian or other Pacific Islander ☐ White
☐ Hispanic or Latino ☐ Middle Eastern or North African (MENA) ☐ Other ☐ Unknown

Sex: ☐ Male ☐ Female Height: _____ Weight: _____

Hair (Select one): ☐ Blond ☐ Black ☐ Blue ☐ Brown ☐ Green ☐ Grey ☐ Orange ☐ Pink
☐ Purple ☐ Red ☐ Sandy ☐ Unknown or Completely Bald ☐ White

Eyes (Select one): ☐ Black ☐ Blue ☐ Brown ☐ Dichromatic ☐ Green ☐ Grey ☐ Hazel
☐ Multicolored ☐ Maroon ☐ Pink ☐ Unknown

Identifying marks (Examples: tattoos, birthmark, scars, beard, pierced ear, glasses):

Phone number: _____

Does Respondent carry a weapon or firearm? ☐ Yes ☐ No

If Yes, list the weapon(s) or firearm(s): _____

Do you meet the following seven requirements?

1. Respondent has entered and remains or continues to reside on the property. ☐ Yes ☐ No
2. The property was not open to members of the public at the time Respondent entered. ☐ Yes ☐ No
3. Respondent is occupying the property without the permission of the property owner and is not a guest of the property owner and is not authorized to make use of the property. ☐ Yes ☐ No
4. The property owner has directed Respondent to leave the property and Respondent has failed or refused to vacate the premises. ☐ Yes ☐ No
5. The property has not been leased to any person for three consecutive months and Respondent is not a current or former tenant of the property pursuant to any agreement with the property owner. ☐ Yes ☐ No

6. Respondent is not an immediate family member of the property owner. ☐ Yes ☐ No

7. There is no pending litigation related to the real property between the property owner and any known unlawful occupant or unlawful occupants. ☐ Yes ☐ No

B. Provide the details

In your own words, describe the unlawful occupation for all respondents:

☐ I have photographs or other evidence of damages to my property.

C. I request the court

Issue an emergency temporary order (ex parte order) to have the sheriff remove Respondent from my property containing a residential dwelling. I am also requesting the court to issue a full order to permanently exclude Respondent from my property after a hearing is held on this petition.

Use this section to ask the court for what you want in the case. **Check all that apply.**

1. I want the court to order Respondent NOT to:

- ☐ commit or threaten to commit any acts of violence, molestation, stalking, assault, or disturbing my peace or my property;
- ☐ commit or threaten to commit violence against my pets;
- ☐ enter the premises of my property or dwelling unit;
- ☐ communicate with me by phone, email, text, social media, or in any other way;
- ☐ come within _____ (feet) of the premises of my property or dwelling unit;
- ☐ other: _____.

2. Other:

- ☐ I ask Respondent to pay all **costs of repair** to my premises or dwelling unit relating to damages caused by Respondent.
- ☐ I ask Respondent be permanently expelled from occupying Petitioner's premises or dwelling unit.
- ☐ I ask Respondent's personal property be expelled from Petitioner's premises or dwelling unit.
- ☐ I ask Respondent to pay all **costs associated with service** of any ex parte order authorized against Respondent.
- ☐ I ask Respondent to pay **court costs.**

D. Signatures

I swear or affirm under penalty of perjury the facts are true according to my best knowledge and belief.

☐ I certify no confidential information is included on this document.

_____ _____
Sign Date

_____ _____
Attorney Signature (if applicable) Date

_____
Attorney's name, bar number

_____
Attorney's address, telephone number