

IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

Petitioner (Name, Address & Phone Number):

Case No.: _____

v.

Respondent(s) (Name, Address & Phone Number):

**PETITION FOR SUMMARY RELIEF
WRONGFUL OCCUPATION OF RESIDENTIAL RENTAL PROPERTY**

W.V.A. Code § 55-3A-1, 50-5-8(a), 37-15-3, Mag. Ct. Civ. Rule 6A

The above-named petitioner as the (*check one*) owner agent of the owner of residential property located at:

Street or Road Address: _____

City: _____ County: _____ Apt./Lot No.: _____ swears to or

affirms the following as true:

The petitioner has a right to recover possession of the property described above in that the above-named respondent(s) is/are wrongfully occupying such property as tenant(s) because (*check all that apply*):

rent payment is in arrears in the amount of \$ _____.

breach of a warranty or leasehold covenant has occurred.

the property has been deliberately or negligently damaged by the respondent(s) or by persons whom the respondent(s) knowingly permitted.

The following is a brief description of the rent arrearage, breach, act, or omission checked above:

WHEREFORE, the petitioner requests possession of the above-described property and, if any, the following additional relief from the court (*check all that apply*):

past due rent payment in the amount of \$ _____.

other (*specifically describe relief requested*):

Date Signature

Taken, subscribed and sworn or affirmed before me this _____ day of _____, 20_____.

My commission expires on _____.

Notary Signature

NOTICE: Any party in a civil action seeking over \$20.00 or possession of real estate has the right to elect that the case be tried by a jury. You must give written notice to the magistrate court 5 days from when service of the summons and petition is made for wrongful occupation actions. If you do not notify the magistrate court within the appropriate time period, you give up your right to a jury trial. The jury fee will be assessed against the losing party if the case is tried by a jury or may be prorated between the parties if the case is settled before trial.

(OPTIONAL) NOTICE OF ELECTION: As petitioner in the above action, I wish to have a jury trial.

Date Signature

NOTICE: Any person involved in court proceedings who has a disability and needs special accommodations should inform the court sufficiently in advance so that arrangements can be made if possible.