

Petitioner (Name, Address & Phone Number):

Case No.: _____

Petitioner's Attorney (Name & Address), if applicable:

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

**CIVIL SUMMONS: WRONGFUL OCCUPATION OF
RESIDENTIAL RENTAL PROPERTY OR FACTORY-BUILT HOME SITE**

W.Va. Code §§ 55-3A-1, 50-4-5, 50-5-8, 55-3B-5; Mag. Ct. Civ. Rules 3, 6A, 8, 10; Cir. Ct. Civ. Rule 4

In the name of the State of West Virginia, _____,
as a respondent named in the above-styled civil action, you are hereby notified and summoned to appear on this action on
_____ at _____ a.m./ p.m. at the _____ County Magistrate Court at
_____.

If you fail to appear or otherwise answer, judgment by default may be taken against you and you may be evicted from the premises. YOU MAY SUBMIT YOUR ANSWER TO THE PETITIONER WITHIN FIVE (5) DAYS OF THE RECEIPT OF THIS NOTICE AND IN NO CASE LATER THAN THE FIFTH DAY NEXT PRECEDING THE DATE OF HEARING BY COMPLETING THE FORM ACCOMPANYING THIS SUMMONS AND MAILING OR DELIVERING A COPY TO THE COURT AND TO THE PETITIONER.

Date

Magistrate Court Clerk/Deputy Clerk/Assistant

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 five (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 a respondent 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 accommodation should inform the court sufficiently in advance so that arrangements can be made if possible.

SERVICE OF PROCESS

METHOD OF SERVICE (*check one*):

- A. Respondent was served in person.
- B. Respondent was not found.
- C. Substituted personal service; the respondent was not found at his/her usual place of abode; so a copy of the summons and petition was delivered and the purpose explained to _____, who is a member of the defendant's family above the age of 18 who resides with the defendant.

Service was completed on the _____ day of _____, 20_____, by delivery of a true written copy of the Summons together with the Petition by (*check one*):

- A. Certified mail, return receipt attached
- B. Sheriff's Process Server

Signature of Sheriff's Process Server

Date

Name (*print*)

- C. Private Process Server/Credible Person

Name and Address (*print*)

I received \$ _____ from the petitioner for serving the within summons on the respondent.

Date

Signature of Private Process Server/Credible Person

STATE OF WEST VIRGINIA, COUNTY OF _____, to-wit:

The foregoing instrument was taken, subscribed, and sworn to or affirmed and acknowledge before me this _____ day of _____, 20_____.

Signature of Notary

My commission expires on _____.