

**APPLICATION TO WAIVE FEES AND COSTS,
AFFIDAVIT/DECLARATION IN SUPPORT OF APPLICATION
TO WAIVE FEES AND COSTS
AND
ORDER REGARDING WAIVER OF FEES AND COSTS
LANDLORD OR TENANT INSTRUCTIONS
(Forms #35, #36 and #37)**

The court can permit any party to participate in a lawsuit without payment of fees and costs if the person proves that he/she is financially unable to pay the fees and costs. Once granted to a party, it remains in effect until the court changes it or the end of the case. The court can also require a losing party to pay the fees and costs of the winning party.

In order to ask the court to waive fees and costs, the party must file the following three forms:

Form #35 Application to Waive Fees and Costs

Form #36 Affidavit/Declaration in Support of Application to Waive Fees and
Costs

Form #37 Order Regarding Waiver of Fees and Costs

These three documents need to be filed when you first file the Complaint for Unlawful Detainer, Form #10, or Answer to Complaint for Unlawful Detainer, Form #21. The court clerk will take the papers and submit them to the judge for decision. Your filing time deadlines are met when you file the waiver pleadings regardless of whether the waiver is granted or denied.

The fees and costs that are normally waived are:

1. Filing fee for any pleading;
2. Cost of Serving the Complaint and Summons;
3. Interpreter costs; and
4. Filing fee for appeal. (Note that separate fee waivers may be needed for the initial case and the appeal.)

The other possible costs that are not waived, unless specifically ordered by the court, include witness fees and the cost of recording or transcribing the trial or hearing.

FILLING OUT FORM #35

Header

You must fill in the blanks indicating what township and county as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

Parties

You must fill in the names, addresses and phone numbers of the Landlord/Plaintiff and Tenant/Defendant as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

Case No. and Dept. No.

Use the identical Case Number and Department Number as was assigned on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

Body of Application

There is nothing to do here.

SIGNATURE SECTION

You must sign, print your name, and put in the date where indicated in the signature block.

FILLING OUT FORM #36

It is essential that all of the information in the Affidavit be correct and truthful.

Note: You swear you are telling the truth in the Affidavit and lying is a criminal misdemeanor.

Header

You must fill in the blanks indicating what township and county as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

Parties

You must fill in the names, addresses and phone numbers of the Landlord/Plaintiff and Tenant/Defendant as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

Case No. and Dept. No.

Use the identical Case Number and Department Number as was assigned on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

Body of Affidavit

Print your name.

Number 1

There is nothing to do here, except, again, it is essential that all of the information in the Affidavit be correct and truthful.

Number 2

There is nothing to do here. This sentence states that you are unable to pay the costs and fees of this case.

Number 3

Fill in the blanks for all the requested information.

AFFIDAVIT/DECLARATION

You have a choice between signing the document in front of a notary, making the document an affidavit, or signing a declaration without a notary. Generally, clerks are available to certify that you signed the document. However, both alternatives mean that if you are not being truthful, you could be prosecuted for perjury.

FILLING OUT FORM #37

Header

You must fill in the blanks indicating what township and county as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

Parties

You must fill in the names, addresses and phone numbers of the Landlord/Plaintiff and Tenant/Defendant as set forth on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

Case No. and Dept. No.

Use the identical Case Number and Department Number as was assigned on the Landlord/Plaintiff's Complaint for Unlawful Detainer, Form #10.

Body of the Order

There is nothing to do here; the court will complete this part of the form.