

FORM SUMMARY

Name of Form: Affidavit Based on Noncompliance Non-Eviction (Small Claims)

Form Number: SC – 5410VA

Statutory Reference: §799.24(3), Wisconsin Statutes

Benchbook Reference:

Purpose of Form: To provide a document by which a plaintiff may request the court to schedule a hearing to vacate the dismissal of an action based upon noncompliance of a defendant(s).

Who Completes It: The plaintiff(s) or plaintiff's attorney.

Distribution of Form: Original will be filed with the court after it has been signed and notarized.

Accompanying Forms: None.

New Form/Modification: Modified; last update 05/18.

Modifications: Added remote notary statement pursuant to 2019 WI Act 125.

Comments: If either party believes there has a violation of a written agreement between themselves, they may request the court to take appropriate action. If the violation is by a party who owes money, and the amount of money is agreed to, the court may simply be asked to enter a judgment for the money damages plus costs (using SC-5420V). If the violation is such that there are no money damages or that the parties agree that the court should first hold a hearing to determine whether there has been a violation or determine what the appropriate relief should be, the court would be asked to conduct a hearing and make the appropriate determination (using SC-5410V).

About this Form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office.

As a *pro se* voluntary form, its use is NOT mandatory but it is required to be accepted and distributed by the circuit courts of the State of Wisconsin.