

## FORM SUMMARY

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| <b>Name of Form:</b>          | <b>Declaration Based on Noncompliance Non-Eviction (Small Claims)</b>  |
| <b>Form Number</b>            | <b>SC-5410VA</b>   |
| <b>Statutory Reference:</b>   | §799.24(3), Wisconsin Statutes   |
| <b>Benchbook Reference:</b>   |  |
| <b>Purpose of Form:</b>       | 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 the defendant(s).  |
| <b>Who Completes It:</b>      | The plaintiff(s) or the plaintiff(s)' attorney.  |
| <b>Distribution of Form:</b>  | Original is filed with the court.  |
| <b>Accompanying Forms:</b>    |  |
| <b>New Form/Modification:</b> | Modification; last update 09/24.   |
| <b>Modifications:</b>         | Removed references to affidavit as part of 23 Wis Act 245 (unsworn declaration).   |
| <b>Comments:</b>              | <p>If either party believes there has been 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 Form SC-5420VA, Declaration Based on Noncompliance for Money Judgment Non-Eviction (Small Claims). 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 Form SC-5410VA, Declaration Based on Noncompliance Non-Eviction (Small Claims).</p> |
| <b>About this Form:</b>       | <p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p><b>As a <i>pro se</i> 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.</b></p> <p><b>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</b></p>   |