

FORM SUMMARY

Name of Form: Order for Hearing Non-Eviction (Small Claims)

Form Number SC-5410VB

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 the plaintiff(s)' attorney.

Who Signs It: **BY THE COURT:** Circuit Court Judge/Circuit Court Commissioner.

Distribution of Form: Original is filed with the court.

Accompanying Forms:

New Form/Modification: Modification; last update 09/24.

Modifications: Removed references to affidavit as part of 23 Wis Act 245 (unsworn declaration).

Comments: 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).

About this Form: 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.

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.

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.