

CARES ACT AFFIDAVIT

1. The undersigned is the lessor, plaintiff or agent of the plaintiff in the civil action for recovery of possession of a dwelling located in Greene County, Missouri at the address of:

_____.

2. I have knowledge that the Coronavirus Aid, Relief and Economics Security Act (CARES Act) places a temporary moratorium on the initiation of legal actions against tenants to recover possession of covered dwellings from March 27th until July 25th, 2020, and I am prohibited from filing a petition against a tenant to recover possession for nonpayment of rent if the dwelling is a “covered property” as that term is defined in the CARES Act.

3. I understand that the terms “covered dwelling” and “covered property” are defined in the CARES Act as follows:

(1) COVERED DWELLING.—The term “covered dwelling” means a dwelling that—

(A) is occupied by a tenant—

(i) pursuant to a residential lease; or

(ii) without a lease or with a lease terminable under State law; and

(B) is on or in a covered property.

(2) COVERED PROPERTY.—The term “covered property” means any property that—

(A) participates in—

(i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 1212491(a))); or

(ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r); or

(B) has a—

(i) Federally backed mortgage loan; or

(ii) Federally backed multifamily mortgage loan.

(3) DWELLING.—The term “dwelling”—

(A) has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602); and

(B) includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).

(4) FEDERALLY BACKED MORTGAGE LOAN.—

The term “Federally backed mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term “Federally backed multifamily mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

4. I hereby state under oath that the accompanying petition for possession is not subject to the CARES Act moratorium because the property is not a “covered dwelling” or the petition does not seek possession of the dwelling based upon the nonpayment of rent or other fees.

The undersigned being first duly sworn, states that (he)(she) has read the foregoing affidavit, and the facts herein stated are true. A knowingly false statement in this affidavit may be punishable by law.

_____ (Signature)

Title: _____

_____ (Print Name)

Subscribed and sworn to before me this ____ day of _____, 2020.

Notary or Clerk of the Greene County Circuit Court

Signature must be witnessed by a notary or court clerk.



IN THE CIRCUIT COURT OF GREENE COUNTY
SPRINGFIELD, MISSOURI

| | |
|---|---|
| Judge or Division: | |
| Case Number: | (File Stamp) |
| Plaintiff(s): Name: _____ Address: _____ _____ Phone: _____ Name: _____ Address: _____ _____ Phone: _____ | Defendant(s): Name: _____ Address: _____ _____ Phone: _____ Name: _____ Address: _____ _____ Phone: _____ |

PETITION OF LANDLORD FOR RECOVERY OF RENT AND/OR POSSESSION

1. Plaintiff(s) is (are) the owner(s) of the following described real property located in Greene County, Missouri at the address of: _____.
2. Defendant(s) has (have) rented or leased the aforementioned real property and have agreed to pay as follows: _____.
3. That said rental payment is now in arrears and there is now due unpaid rent in the amount of \$ _____.
4. That on the _____ day of _____, plaintiff(s) demanded of the defendant(s) the payment of said rent, but that the Defendant(s) has (have) wholly failed and refused to pay the same, or any part thereof.
5. In addition, Defendant(s) owes to Plaintiff(s) such other sums (i.e. late fees, utilites, etc.), other than property damage, as defined in the lease in the amount of \$ _____.

Check the Box or Boxes that Apply:

☐ Wherefore, the Plaintiff(s) pray(s) for a judgment and an order of this court demanding that the Plaintiff(s) be put in possession of the aforementioned real property.

☐ Wherefore, the Plaintiff(s) pray(s) for a judgment that he (she) (it) have and recover from the Defendant(s) the sum of \$ _____ and for his (her) (its) costs herein expended in the amount of \$ _____.

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI, plaintiff(s) herein (agent of the Plaintiff(s) herein duly authorized to make this affidavit and file this statement), being first duly sworn, states that he (she) has read over the foregoing petition, and the facts herein stated are true.

**NOTE: The seal of the Greene
County Circuit Court MUST be affixed
for this Petition to be valid.**

Subscribed and sworn to before me
this _____ day of _____, _____.
Plaintiff

Signature must be witnessed by a notary or court clerk.

Notary or Clerk of the Greene County Circuit Court