

**Rule 17.400—Form 409: Application and Affidavit to Defer Payment of Costs**

**Petitioner:** Use this form only if you cannot afford to pay the fees to file and serve the Petition.

- Use this form if it would cause you to suffer a hardship if you had to pay the filing fee and cost of serving papers.
- You may need to provide proof of your income and assets and your expenses.
- Costs and fees paid to someone other than the court or sheriff **cannot be waived**. For example, you may have to pay to publish a legal notice in the newspaper or to hire an expert to testify.

*If you do not understand how to use this form, or if you should use this form, talk to an attorney.*

In the Iowa District Court for \_\_\_\_\_ County  
*County where the petition is filed*

**Upon the Petition of**

\_\_\_\_\_  
**Petitioner** *Full name: first, middle, last*

and concerning

\_\_\_\_\_  
**Respondent** *Full name: first, middle, last*

Equity case no. \_\_\_\_\_

**Application and Affidavit to Defer  
Payment of Costs**

**1. Request and Information**

A. I am Petitioner.

B. For my Application and Affidavit, I state that:

*Check all that apply*

- (1)  I am unable to pay the filing fee or service costs or other court costs.
- (2)  I ask the court for permission to proceed without prepayment of costs and fees.
- (3)  I am filing this Application and Affidavit in good faith.
- (4)  I believe I am entitled to what I am asking for in this case.

C. Household

There are \_\_\_\_\_ people living in my household.  
*Number*

D. My household income is \$ \_\_\_\_\_ per month.

*Put the total amount of all income and benefits before deductions for all members of your household.*

E. My income comes from:

*List the sources of your income. Examples: salary, wages, or benefits such as unemployment, Title 19, FIP.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Continued on next page*

F. My household has the following monthly expenses:

- (1) Rent or mortgage    \$ \_\_\_\_\_
- (2) Utilities            \$ \_\_\_\_\_
- (3) Phone                \$ \_\_\_\_\_
- (4) Food                 \$ \_\_\_\_\_
- (5) Transportation     \$ \_\_\_\_\_

G. I have \$ \_\_\_\_\_ in cash, checking, and savings.

*Continued on next page*

**2. Attorney Help**

Check one

- A.  An attorney did not help me prepare or fill in this paper.
- B.  An attorney helped me prepare or fill in this paper.

If you check B, you must fill in the following information:

\_\_\_\_\_  
*Name of attorney or organization, if any*      *Attorney's PIN – Ask the attorney*

\_\_\_\_\_  
*Business address of attorney or organization*      *City*      *State*      *ZIP code*

(\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_ \_\_\_\_\_  
*Attorney's phone number*      *Attorney's fax number – optional*      *Attorney's email address – optional*

**3. Certification of Service by Mailing or Delivery**

Section 3 to be completed **only if filing in paper** or if the other party is **exempt** from electronic filing. This document, if filed electronically, will automatically be served on registered parties.

I, \_\_\_\_\_, certify that on \_\_\_\_\_, 20\_\_\_\_\_  
*Print your name*      *Month*      *Day*      *Year*

I mailed or gave a copy of this Application and Affidavit to the other party or the other party's attorney at this address:

\_\_\_\_\_  
*Name of person to whom I delivered or mailed it*

\_\_\_\_\_  
*Party's or attorney's mailing address*      *City*      *State*      *ZIP code*

**4. Oath and Signature**

I, \_\_\_\_\_, certify under penalty of perjury and pursuant to the laws of  
*Print your name*

the State of Iowa that I have read this Application and Affidavit and that the information I have provided in this Application and Affidavit is true and correct.

Signed on: \_\_\_\_\_, 20\_\_\_\_\_  
*Month*      *Day*      *Year*      *Your signature\**

\_\_\_\_\_  
*Mailing address*      *City*      *State*      *ZIP code*

(\_\_\_\_\_) \_\_\_\_\_ \_\_\_\_\_  
*Phone number*      *Email address*      *Additional email address – if available*

\* Whether filing electronically or in paper, you must **handwrite** your signature on this form. If you are filing electronically, scan the form after signing it and then file electronically.