THE EVICTION PROCESS

Eviction is a detailed legal process. Each step must be followed carefully. The time limits imposed by the law are critical. A tenant who fails to cure a violation of the lease in a three day notice case, or who fails to respond within five days to a Summons and Complaint, can lose his/her rental unit. Here is a brief flow chart description of the eviction process.

Eviction Notice
The rental property owner gives the tenant a three or thirty day notice to leave (or in some cases, to pay rent or comply with the rental agreement). Counting starts the day after the written notice is received by the tenant, and includes weekdays and holidays.

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Tenant Opposes the Eviction
A tenant who opposes an eviction should get help from an attorney, legal services agency or tenant group.

→ **Tenant Gives Up Rental Unit**
The tenant moves within the time limit given in the notice.

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Rental Property Owner Files Complaint With Court
After the three or thirty day notice expires, the owner may file papers with the court requesting that the eviction action continue. These papers are called a Summons and Complaint.

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Court Issues Summons and Complaint
The landlord serves the tenant with a copy of the Unlawful Detainer. The tenant has five days to file an answer in writing with the court.

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Tenant Files Response
Tenant files an answer with the court within five days.

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Trial
A date is set for hearing, either before a Judge or a Judge and Jury. Both tenant and owner appear in court to present their cases.

→ **Tenant Prevails**
The tenant stays in his/her home. Owner pays costs if so required by the rental agreement.

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Rental Property Owner Prevails

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Court Issues Writ of Execution
The tenant may be ordered to pay back rent (if any is due) plus court costs as required by the rental agreement. The court will order the Sheriff to evict the tenant.

→ **Eviction**
The Sheriff serves a notice on the tenant to move within five days. If the tenant does not move, the Sheriff will escort the tenant from the property. The tenant may not return to the property.