

Understanding the Eviction Process

The eviction process begins after there has been a breach of the lease, including nonpayment of rent.

Action	Timeline	Details
1. Notice	5-day Notice	Before filing an eviction, the landlord/property manager must give the tenant a 5- day notice (10 days for mobile homes) that an eviction will be filed and the reason. Examples are non-payment of rent, breach of lease, or criminal activity on property.
2. Complaint and Summons	Day 6	<p>If the tenant has not resolved the issue within 5 days, the landlord can file a complaint and summons with the court. A filing is the actual form or “complaint” the landlord fills out and submits to the court when they seek an eviction.</p> <p>The summons and complaint will be served to the tenant by a process server or constable.</p>
3. Eviction Hearing	3-6 days after service of the complaint and summons	The court will set the hearing after the tenant has been served.
4. Judgment	Usually issued at the conclusion of the hearing.	The judgment is the decision of the court that is issued after the hearing. If the judge rules in favor of the landlord, the tenant will have 5 days to vacate the premises.
5. Writ of Restitution	6 th day after entry of judgment	If the tenant fails to vacate the premises the landlord can obtain a Writ of Restitution which authorizes the Constable or Sheriff to remove the tenant from the premises within 5 business days.