Overview of the Summary Eviction Process (Non-Payment of Rent)

Landlord serves Tenant with a 5-Day Notice to Pay Rent or Quit

Tenant vacates the property or pays rent within the 5-day notice period.

If Tenant pays rent or vacates within the 5-day notice period, no eviction needed. If Tenant Vacates, Landlord can take possession of the premises without court action (but will likely want to ensure tenant has no intent to return).

Tenant fails to vacate or pay rent within the 5-day notice period.

Tenant can file an *Answer* with the Justice Court before noon on the fifth

day of the notice period.

Landlord files a *Complaint* with the Justice Court after the 5-day notice period expires.

If Tenant <u>DID</u> file an *Answer* with the Justice Court, a hearing will be scheduled and a notice of the hearing date will be mailed to all parties.

If Tenant <u>DID NOT</u> file an *Answer* with the Justice Court, an eviction order will be **GRANTED** and sent to the constable.

The summary eviction hearing is held, and the Judge makes a decision.

Eviction is DENIED. Landlord may still file a "formal" eviction action. Eviction is GRANTED. An eviction order will be entered and electronically sent to the constable. Landlord pays constable to perform the lock-out.

Constable posts the eviction order on Tenant's door noting the date on which the lock-out will be done.

Tenant can file a *Motion to Stay or Vacate* the eviction order or can appeal the eviction to the District Court. A Tenant may not file a *Motion to Stay* if a hearing has already been held, and only one *Motion to Stay* can be filed per case.

Constable requires
Tenant to vacate the premises.