

INSTRUCTIONS AND INFORMATION REGARDING FILING AN EVICTION

PLEASE READ CAREFULLY

FILING FEE- EXACT CASH OR MONEY ORDER/CASHIER'S CHECK.

NO PERSONAL CHECKS OR CREDIT CARDS ACCEPTED

INFORMATION/INSTRUCTIONS FOR FILING EVICTIONS

1. Eviction Petition:
 - A. Must be typed or printed neatly in BLUE or BLACK ink.
 - B. List the name(s) of the Parties filing the petition and whom the suit is filed against.
 - C. State tenant's full address, including apartment number
 - D. Mark the appropriate *GROUND'S FOR EVICTION*, ensuring time period is indicated, as well as delinquent rent and daily rate, if applied.
 - E. *NOTICE TO VACATE*- Notice MUST be no less than 72hours before filing with the Court, 10 days if filing claim against a mobile home that is to be removed from the premise.
 - F. Indicate Attorney fees if applied.
 - G. State tenant's work address or any other address where tenant(s) may be served. Give known phone number(s) of tenant(s) as well.
 - H. Ensure Plaintiff(s) signs all appropriate documents accordingly.

2. Following documents are needed to complete the Eviction process:
 - Information Sheet- Plaintiff must keep the Court updated on all contact information.
 - Eviction Petition (*appropriately filled out best to Plaintiff's knowledge*) <Two Pages>
 - Certificate of Last Known Address (*signed and dated*)
 - A copy of the Lease Agreement
 - Copy of Written Notice to Vacate
 - Military Affidavit/Certificate. Provide proof the Defendant *is / is not* in the military.

The Defendant(s) will be served a Citation, along with a copy of Plaintiff's Petition notifying the Defendant(s) that a suit has been filed against them in the respected Court.

The Citation will order the Defendant to appear in Court to answer to the suit.

There will be a hearing within 21 days from the date of filing.

**THE PLAINTIFF WILL BE NOTIFIED BY MAIL OR E-MAIL AS INDICATED
OF THE SCHEDULED COURT DATE.**

3. If Plaintiff(s) chooses to introduce witnesses to the suit, however, said witness(s) will not appear in court voluntarily, the Plaintiff(s) may ask of the Court to subpoena those individuals prior to trial. Allow minimum one week for service of the subpoena. Serving Fee(s) applied (see fee schedule below). Even though the Court will not object to notarized statements from individuals, personal appearance and testimony may be more beneficial to the suit.

4. Evictions may be dismissed in Open Court or by written *Motion for Dismissal*. If the case is settled prior to the Hearing date and an agreement has been established between said Plaintiff(s) and Defendant(s), notice of such may be submitted to the Court prior to the Hearing date.
Note- agreed *Motion for Dismissal* must be signed by both parties of the suit.

5. ***If a Judgment is rendered against the Defendant(s) to vacate the premises evicted as indicated in the suit and Defendant fails to abide by the judgment,*** the Plaintiff may file the following Writ with the Court:

Writ of Possession: *A constable or sheriff may use “reasonable force” in executing the writ by means of placing tenant(s)’ personal belongings in a manner that they do not block a sidewalk or street, as well as authorizes the officer, at the officer’s discretion, to engage in services of a bonded or insured warehouseman to remove and store part or all of the tenant(s)’ personal property, subject to applicable law, at no cost to the Plaintiff/landlord or the officer executing the writ. The officer may not require the Plaintiff/landlord to store the property. May not be issued before the sixth day after the judgment has been signed, unless a possession bond has been filed and approved. Saturdays, Sundays and Holidays do count in the six allocated days.*

6. ***If a Judgment is rendered, the Court does NOT collect said judgment, nor does it force it upon the parties to pay the judgment.*** If in the event the party the judgment filed against fails to pay in a reasonable amount of time, the receiving party may file the following documents in Court: an Abstract of Judgment and/or a Writ of Execution.

- a. **Abstract of Judgment:** *puts a lien on any real property the Defendant may own in a particular county where the Abstract is recorded. This can be obtained ten (10) days after the judgment has been signed.*
- b. **Writ of Execution:** *may be obtained thirty (30) days after the judgment has been signed. This document authorizes the Sheriff or Constable to seize any non-exempt property belonging to the Defendant(s). Those assets are then auctioned at a public sale and the proceeds are applied to the judgment. Additional instructions provided at the time of filing.*

FEE SCHEDULE FOR SMALL CLAIMS AND DEBT CLAIMS:

DESCRIPTION	J.P. FEES	CONSTABLE FEES	TOTAL
FILING FEE (IN-COUNTY DEFENDANTS) SMALL CLAIMS & DEBT CLAIM COURT CASES	\$46.00	\$95.00	\$141.00
FILING FEE (OUT-OF-COUNTY DEFENDANT)	\$46.00	Plaintiff must find out from the county where the defendant resides who will serve the papers and how much the fee will be.	
ABSTRACT OF JUDGMENT	\$ 5.00	-----	\$ 5.00
WRIT OF EXECUTION	\$ 5.00	\$250.00	\$255.00
CIVIL SUBPOENA	\$ 5.00	\$ 95.00	\$100.00
WRIT OF POSSESSION	\$ 5.00	\$200.00	\$205.00