

PATH OF AN EVICTION THROUGH THE COURT PROCESS**Step One: SERVE THE NOTICE**

1. Serve the tenant with the appropriate Notice and fill out the Proof of Service.
2. The last day of the Notice must land on a business day. If not, the tenant has through the next business day to comply. If the tenant fails to comply, you can proceed with filing the unlawful detainer lawsuit.

**Step Two: CONDUCT THE INITIAL LEGAL REVIEW**

1. Conduct the initial review and determine what documents will be required for proper assessment of the case and open physical file.
2. Conduct the legal review of lease, addenda, correspondence, application, and if for non-payment, ledger or rent history.
3. Conduct the legal review of Notice and Proof of Service.
4. Verify the ownership of subject property.
5. Determine if any occupant is a member of the military and if so, take appropriate procedural steps.
6. Determine if any unknown occupants are residing in the subject property, if so, prepare a third party claim.

**Step Three: FILE AND SERVE SUMMONS & COMPLAINT FOR UNLAWFUL DETAINER**

1. Review the prepared Summons & Complaint.
2. Verify the Complaint either by plaintiff or attorney.
3. File the Summons & Complaint with the court.
4. Serve the defendant with the Summons & Complaint.
5. Wait 5 days to file the Default & Judgment after personal service or 15 days after either substitute service or service by court-ordered posting.

**Step Four: OBTAIN JUDGMENT BY DEFAULT** or

If the defendant does not respond with the court, Default Judgment package is filed and, depending upon the court, wait 2 to 14 working days for the court to enter Judgment.

OBTAIN JUDGMENT BY TRIAL

If the defendant files a response with the court, the trial will normally be set within approximately 20 days. If the defendant files pre-trial motions and/or requests formal discovery (interrogatories/depositions) additional delays can occur.

**Step Five: ISSUE WRIT OF POSSESSION**

Depending upon the court, wait 5 to 14 work days for the court to issue the Writ of Possession.

**Step Six: SUBMIT WRIT OF POSSESSION TO SHERIFF FOR LOCK OUT**

1. Prepare Sheriff instructions including any information regarding any dangerous people, animals or conditions on the property.
2. Depending upon the Sheriff, wait 5 to 14 days for Sheriff to post the Writ of Possession at the premises; then wait 6 to 7 days before lockout.