

EVICCTIONS

PROCEDURES FOR AN UNLAWFUL DETAINER AFTER THE NOTICE EXPIRES:

1. Unlawful detainer filed
2. Process starts to attempt service on the defendant(s)
 - a. If defendant(s) is/are personally served, he/she has five days to file a response with the court.
 - b. If defendant(s) is/are sub-served, he/she has fifteen days to file a response with the court.
 - c. If defendant(s) evade(s) service, we have to request an Order to Post from the Court, which generally takes a week to a week and a half to receive the order back from court. Then the defendant(s) has/have fifteen days to answer from the day the Unlawful Detainer is posted on the property and mailed.
3. If the defendant(s) does/do not file an answer after the allotted time, a default judgment is sent to the Court on the next court day and judgment is entered by the clerk. Once the clerk enters the judgment a writ of possession is issued and sent to the sheriff's office. Lockout occurs ten to fifteen business from the day we send it over to the sheriff's office.
4. If the defendant(s) does/do file an answer, you have two options:
 - a. Your first option is that we request a trial date and the court sets the trial for approximately twenty-one days away. You must appear at the trial and you should get possession two to three weeks after the trial.
 - b. Your second option is that we do a Motion for Summary Judgment, which are generally heard the following week from the date the answer is filed with the court. With a Motion for Summary Judgment you do not need to appear, a declaration will need to be signed in lieu of appearance. Be advised, this is a higher fee than a trial because in essence you are paying to advance the "trial date." You should get possession two to three weeks after the trial.
5. If the defendant(s) file(s) bankruptcy before judgment is entered, your eviction would be delayed at least a month while the stay is lifted at the bankruptcy court. If the defendant(s) file(s) bankruptcy after judgment is entered, (if rental property only) the lockout will not be delayed, new instructions will be sent over to the sheriff.
6. If the defendant(s) file(s) a motion after they are served, these are normally a stall tactic. These motions are usually calendared a month away from the calendaring date. They can be advanced upon ex-parte application for an additional cost. The typical motions are, Demurrer; Motion to Strike and Motion to Quash.
7. The defendant(s) can also file a removal in federal court. Which will also delay your case, and cost additional moneys.

IF YOU WISH A STATUS ON YOUR CASE, PLEASE CALL OUR OFFICE BETWEEN THE HOURS OF 2:00 P.M. AND 5:00 P.M.

ONCE THE EVICTION HAS STARTED DO NOT ACCEPT ANY MONEY FROM THE TENANT. CALL MY OFFICE BEFORE HAVING ANY CONTACT WITH THE TENANT.