

EVICTIIONS

PROCEDURES FOR AN UNLAWFUL DETAINER AFTER THE SERVED NOTICE EXPIRES

1. Unlawful detainer filed
2. Process server serves the defendant(s)
3. If defendant is personally served, he/she has ten days to file a response at the Court.
4. If defendant is sub-served, he/she has fifteen days to respond file a response at the Court.
5. If defendant evades service and we have to request an Order To Post from the Court, the defendant has fifteen days to file an answer at the Court from the day the Unlawful Detainer is posted on the property and mailed.
6. If the defendant does 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. The sheriff's office posts the subject premises and lockout occurs seven to ten days later.
7. If the defendant does 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 seven to ten days after the trial.
 - b. Your second option is that we do a Motion for Summary Judgment. We set the motion at least five days after we file it with the court, each Court has specific days on which motions are heard. With a Motion for Summary Judgment you do not need to appear at the hearing and once judgment is entered you should get possession in seven to ten days.
8. If the defendant(s) file bankruptcy before judgment is entered your eviction would be delayed by approximately three to four weeks while the stay is lifted at the bankruptcy court. If the defendant(s) file bankruptcy after judgment is entered, the lockout will not be delayed..

IF YOU WISH A STATUS ON YOUR CASE, PLEASE CALL OUR OFFICE AFTER 2:00 P.M. ANY DAY.

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