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

Tenant is served with an eviction notice for a lease violation, nuisance, tenancy-at-will, or "no cause."

Tenant vacates the property or "cures" the reason for the eviction within the notice period.

Tenant fails to "cure" the reason for eviction; Tenant is served with a notice of "unlawful detainer."

If Tenant vacates or "cures" within the notice period, no eviction needed. If Tenant vacates, Landlord can take possession of the premises without the need for court action (but will likely want to ensure tenant has no intent to return).

Tenant fails to vacate within the 5-day "unlawful detainer" period.
Tenant can file an *Answer* with the Justice Court until the five days expire.

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 GRANTED. An eviction order will be entered and electronically sent to the constable. Landlord pays constable to perform the lock-out.

**Eviction is DENIED.** 

Landlord may still file a "formal" eviction action.

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.