

## Timeline for Eviction Due to Non-Payment of Rent

This timeline is approximate and is an example of an eviction procedure at its quickest, and is for informational purposes only. Contact an attorney for more complete eviction advice and guidance.

Day 1	Rent due.
Day 2	Rent unpaid. Landlord serves notice: "3 Day Pay or Vacate."
Day 3, 4, 5	Tenant has 3 days to pay the entire sum. Landlord does not have to accept partial payment, but does have to accept the rent if it's presented in full in these 3 days. 3-Day Notices may contain late fees and/or attorney's fees, but these <u>must</u> also be stipulated in the rental agreement.
Day 6	Landlord now has option of serving tenant a Lawsuit for Unlawful Detainer (Eviction Summons & Complaint). This begins the actual legal eviction action. <ul style="list-style-type: none"><li>• May be filed in courthouse now or later. If it is stamped with a number in the upper corner, it's been filed.</li><li>• May be served a notice with the date of the Order to Show Cause Hearing</li><li>• The Summons &amp; Complaint may contain the provision that the tenant must pay owed monies into the court registry OR file a certification disputing that point. If that provision exists, the tenant must act accordingly to avoid a default judgment.</li><li>• The Summons may say that the tenant can request that the suit be filed with the court. The tenant should be aware that as soon as the suit is filed, eviction will be on the tenant's record, no matter how the judge rules. This can seriously affect the tenant's ability to rent in the future.</li></ul>
Day 13	Answer due (Response or Notice of Appearance and Certificate of Service Due). <ul style="list-style-type: none"><li>• The date the answer is due will appear on the front of the Summons</li><li>• Usually due a week after lawsuit is served</li><li>• Tenant must turn in copy of Answer to landlord's attorney. If lawsuit has been filed, a copy ALSO goes to the courthouse clerk.</li><li>• If tenant does not file a Response or Notice of Appearance, a Default Judgment against the tenant is likely.</li><li>• When tenant files an answer, an Order to Show Cause Hearing date will be scheduled shortly thereafter (around Day 18). But this may have been scheduled already (See Day 6).</li></ul>
Day 14	Date of Order to Show Cause Hearing Default Judgment, if no answer was filed. <ul style="list-style-type: none"><li>• If the tenant didn't respond to the Summons &amp; Complaint, he/she may be automatically evicted. OR</li><li>• If tenant has responded to the lawsuit, parties go to court. The judge will hear both sides and rule. If the landlord wins, the court issues a Writ of Restitution, (the legal papers to be served by the sheriff ordering the tenant evicted), and a judgment requiring the tenant to pay landlord's attorney and court costs, as well as back rent and any late fees. If the tenant wins, the case is dismissed. However, the eviction filing will still appear on the tenant's record.</li><li>• If the tenant is able to pay back rent, court costs and attorney fees, the tenancy may be reinstated.</li><li>• Additionally, a judge may send the case to trial.</li></ul>

Day 14 Writ of Restitution issued if tenant loses by default judgment or at hearing.  
Day 15 Sheriff serves writ.  
Day 19 First day that Sheriff can enforce writ --72 hours after writ is served to tenant.  
Day 20 or 21 Writ is usually enforced. Sheriff comes and physically evicts tenant. The name and phone number of the sheriff will appear on the writ. Tenant should contact the sheriff as soon as possible.  
Day 24 Sheriff's statutory deadline for completing eviction.