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 notice within the notice period.

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

Tenant fails to "cure" the reason for eviction. Tenant is served with a *Notice of Unlawful Detainer.*

Tenant fails to vacate within the 5-day "unlawful detainer" period. Tenant can file an *Answer* with the court within the 5-day "unlawful detainer" period.

Landlord files a *Complaint* with the court after the 5-day notice period expires.

If Tenant DOES file a timely *Affidavit* or *Answer* with the court, a hearing is scheduled and all parties are notified of the hearing date.

If Tenant DOES NOT file a timely *Affidavit* or *Answer* with the court, an eviction order will be **GRANTED** and prepared for the sheriff.

Summary eviction hearing is held and judge makes a decision.

Eviction is GRANTED. An eviction order is entered. The order goes to the sheriff.

Landlord delivers eviction order to the sheriff to perform a **lock-out**.

Eviction is DENIED. Landlord may still file a "formal" eviction action.

Sheriff posts the eviction order on Tenant's door noting the date for the lock-out.

Tenant can file a *Motion to Stay or Vacate* the eviction order, or can appeal the eviction to 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.

Sheriff requires Tenant to vacate the premises.