Overview of the Summary Eviction Process

(Non-Payment of Rent)

Tenant is served with a 7-Day Notice to Pay Rent or Quit

Tenant vacates the property or pays rent within the 7-day notice period.

If Tenant pays rent or vacates within the 7-day 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 vacate or pay rent within the 7-day notice period. Tenant can file an *Answer* with the court before close of business on the seventh day of the notice period.

Landlord files a *Complaint* with the court after the 7-day notice period expires.

If Tenant DID file a timely *Affidavit* or *Answer* with the court, a hearing will be scheduled and all parties will be notified of the hearing date.

If Tenant DID NOT file a timely *Affidavit* or *Answer* with the court, an eviction order will be **GRANTED** and served by 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.