



EVICITION PROCESS

THREE-DAY NOTICE

Before filing a Complaint to recover possession, you must serve a Three-Day Notice (regular and certified mail) demanding payment of rent or possession of the premises within three (3) days (excluding Saturday, Sunday, and legal holidays) after the date of delivery of notice. After the expiration time on the service of the Three-Day Notice you may proceed with filing the Complaint for Eviction. (Remember how we count the days.) Delivery of the notice to the tenant is sent regular and certified, return receipt requested, to have proof of delivery.

If tenant pays the full amount due, he/she can continue the tenancy. If the tenant moves out, then the landlord regains possession of the property without having to go to court.

Please know if the tenant elects to move out, this does not relieve the tenant from his/her obligation to pay the rent due. The landlord may still sue to recover the amount owed.

COMPLAINT & SUMMONS

The landlord shall file the original Complaint and sufficient copies of the Complaint for each tenant with the Clerk. The Court must also receive a copy of the Three-Day Notice and a copy of the lease, if one exists. You must also attach a copy of the notice and lease to each copy of the Complaint. The Complaint must be signed in the presence of a deputy clerk or must be notarized by a notary public.

the tenant only has **5 days (excluding Saturday, Sunday and legal holidays)** after he/she has been served with the complaint by the Sheriff or private process server, **to file a response** with the court, setting forth the tenant's defenses to the eviction proceeding.

In addition to the response, the tenant **must pay** the amount of rent the eviction complaint states is due, into the registry of the court **within the 5 days** (excluding Saturday, Sunday and legal holidays). Tenant is also required to make each future rental payment into the registry of the court when due, until the proceeding has been completed or the judge enters an order stating otherwise.

Note: There is no exact date and time when you will receive the sign documents.

Issuance of Summons: After the Complaint is filed, the Clerk will issue an Eviction Summons. A copy of the Complaint, three-day notice, and lease will be attached for service on the tenant. The Sheriff or a private process server can serve this Summons. The Marion County Sheriff's fee is \$40.00 per tenant.

Note: The price may be different in other counties.

Certificate of Mailing: If the tenant cannot be reached either personally or by substitute service, the summons can be served by posting (attaching to a conspicuous part of the premises). If this occurs, the landlord must request that the Clerk mail the notice to the tenant by Certificate of Mailing.

COURT

Answer by Tenant: The tenant has five days (exclusive of Saturdays, Sundays and holidays) after service of the Summons to file an answer. If an answer is filed and monies are deposited, the landlord must contact the Court to schedule a hearing.

DEFAULT

If the tenant fails to answer the Summons, a Motion has to be filed for Default and proceed with obtaining a Final Judgment for Possession and obtain a Writ of Possession. The Clerk is authorized to enter a Default at the end of five days after service is obtained upon the tenant. Upon the default being entered by the Clerk, the Judge will then review the file and enter the Final Judgment for Possession and direct the Clerk to issue the Writ of Possession.

Note: There is no exact date and time when you will receive the sign documents.

24 HOUR NOTICE

After entry of the Judgment, the Clerk will issue a Writ of Possession to the Sheriff describing the premises and commanding him to put the landlord in possession after 24 hours' notice conspicuously posted on the premises. The Writ must be served by the Sheriff.