

Evictions

What is the process of evicting a non-paying renter from my property?

The process in filing an eviction is simple, but does take time and all steps must be properly followed in a timely manner. If you have a renter that for whatever reason refuses to pay rent and has fallen behind on their rent, you must first send a written notice by certified mail to the tenant ordering them to vacate the property, or you can have the Constable's office deliver a vacate notice. After the allotted time is given and your tenant has not vacated the residence, you can take the unopened returned certified letter or if they accepted the letter, the green return card from the U. S. Post Office, or a copy of the Constable's notice to the J. P. Court and file for a "Forcible Detainer". At that time the judge's office will set a court date, issue a "Forcible Detainer" and send it to the Constable's office to be delivered. The court date in most cases is set within two weeks or at the court's discretion.

At the court hearing both parties must plea their case. It is possible should the Defendant not show up for court on the set court date that you could win the action by "Default Judgment" against the Defendant for not appearing in court. After 5 days have elapsed and the defendant has not moved, you can return to the judge and file a "Writ of Possession". After filing the Writ, the judge will order the Constable's office to take possession of the property and move out the Defendant.

This is the process for evicting a renter for nonpayment of rent. If you would like any additional information or if you need help in filing the process, you can call my Chief Clerk, Irene Lindsey, who would be more than happy to go over the eviction steps with you. You can also contact Sgt. Deborah Jones with my Civil Division for information. I hope I have answered your questions, but feel free to call us at any time at 281-427-4792.

Thank you,

Ken Jones

