Eviction Flow Chart

Landlord provides notice to tenant.
- One Day Notice - Irreparable & Immediate Breach
- Five Days Notice - Nonpayment of rent or health & safety violation
- Ten Days Notice - Regular breach of lease

Written notice must be delivered by hand or sent by certified mail.

Improper notice or no notice given. The court must dismiss the eviction action.

After requisite period, if no payment of rent, landlord may move forward with eviction. Court will set hearing for 3-6 days after landlord files eviction action.

If eviction is for nonpayment of rent, tenant can pay within 5 days to end eviction action.

At hearing, court will determine if service and notice was proper, if there are any factual or legal issues, and if tenant contests.

Rental agreement can be reinstated up to and until judgment is entered by paying all past due rent and late fees, as well as any court costs. Eviction action ends.

If tenant does not appear at hearing, the court will likely enter a default judgment against tenant.

If no factual or legal issues are present and tenant does not contest, the court will enter judgement against the tenant.

If there are factual or legal issues or the defendant contests, eviction will be set for brench trial.

Court issues a Writ of Restitution. This allows a constable to come to rental unit and force tenant to leave.

Writ for nonpayment/noncompliance cannot be issued for 5 days after the judgment.

Writ for material or irreparable breach can be issued after 24 hours.

Court rules for landlord and judgement is entered against tenant.

Tenant may appeal judgement. Must file notice of appeal within 5 days and memorandum within 60 days.

Court rules for tenant, eviction action is dismissed.

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