

UNLAWFUL DETAINER INFORMATION

A 7 BUSINESS DAY WRITTEN NOTICE FOR NON-PAYMENT OF RENT OR ANY NON COMPLIANCE WITH THE LEASE MUST BE GIVEN BEFORE FILING THE UNLAWFUL DETAINER. YOU ARE REQUIRED TO PROVIDE THE COURT WITH A COPY OF THE WRITTEN NOTICE & A COPY OF ANY SIGNED LEASE/RENTAL AGREEMENT AT THE TIME OF FILING THE CLAIM. **(MONTHLY RENTAL RATE MUST BE INCLUDED IN YOUR PAPERWORK)**. THE FILING FEE MUST BE PAID BY CASH, MONEY ORDER OR CERTIFIED CHECK.

IF YOU DO NOT HAVE A SIGNED LEASE, AND ONLY A VERBAL AGREEMENT WITH THE TENANT, THE COURT MUST TREAT IT AS A MONTH TO MONTH TENANCY. YOU MUST PROVIDE A 30 DAY NOTICE WHETHER YOU ARE SEEKING UNPAID RENT AND/OR OTHER VIOLATIONS OF THE LEASE TO THE TENANT BEFORE FILING THE UNLAWFUL DETAINER LAWSUIT. IF THE TENANT DOES NOT FILE AN ANSWER, YOU MAY FILE FOR A DEFAULT JUDGMENT AND INCLUDE A COPY OF THE 30 DAY NOTICE AND A LISTING OF THE UNPAID RENT AND THE MONTHLY RENTAL RATE.

IF PERSONAL SERVICE IS NOT REQUESTED AT TIME OF FILING, THEN SERVICE MAY BE ONLY POSTED. YOU CAN ONLY GET POSSESSION OF THE PROPERTY WITH POSTED SERVICE. IN ORDER TO GET A MONEY JUDGMENT, THE PARTY MUST BE PERSONALLY SERVED.

7 DAYS ARE GIVEN TO THE DEFENDANT TO FILE AN ANSWER BEFORE AN APPLICATION FOR POSSESSION IS FILED WITH A REQUIRED \$50.00 FILING FEE.

14 DAYS ARE GIVEN TO THE DEFENDANT TO FILE AN ANSWER BEFORE A MONEY JUDGMENT CAN BE REQUESTED WITH A REQUIRED \$50.00 FILING FEE. (YOU CANNOT GET A MONEY JUDGMENT WITH ONLY POSTED SERVICE, ONLY POSSESSION.)

IF DEFENDANT IS **PERSONALLY SERVED**, A WRIT OF POSSESSION AND MONEY JUDGMENT MAY BE REQUESTED AT THE SAME TIME WITH ONLY ONE REQUIRED \$50.00 FEE.

IF DEFENDANT FILES AN ANSWER WITHIN EITHER 7 DAYS (POSSESSION/POSTED SERVICE) OR 14 DAYS (MONEY JUDGMENT, REQUIRED PERSONAL SERVICE), A COURT DATE WILL BE SET.

IF SERVICE IS POSTED AND POSSESSION IS GIVEN, IN ORDER TO OBTAIN A MONEY JUDGMENT PERSONAL SERVICE MUST BE PERFECTED. PLAINTIFF MAY REQUEST PERSONAL SERVICE BY PROVIDING DEFENDANTS ADDRESS AND PAYING A \$5.00 PER DEFENDANT SERVICE FEE.

THIS INFORMATION IS BEING PROVIDED MERELY FOR THE PURPOSE OF INSTRUCTION AS TO THE PROCEDURES OF THIS OFFICE AND IN NO WAY SHOULD BE INTERPRETED AS ADVICE AS TO THE LAWS GOVERNING UNLAWFUL DETAINERS. **THE CLERK CAN NOT GIVE YOU LEGAL ADVICE, IF YOU NEED ASSISTANCE, YOU SHOULD SEE AN ATTORNEY.**

FORMS MAY BE OBTAINED BY ACCESSING THE FOLLOWING WEBSITE:

WWW.ALACOURT.GOV

SELECT E-FORMS & SELECT EITHER CIVIL FORMS OR SMALL CLAIMS