

DID YOU GET A SUMMONS FOR UNLAWFUL DETAINER?

A **Summons for an Unlawful Detainer** is the beginning of the formal eviction process in court. It is VERY serious. It means that your landlord has gone to court to try to evict you.

The notice you got will have the date and time of the hearing. If you do not go to court for the hearing, the judge may order your **immediate eviction**. You must go to the hearing, if you want to argue why you should not be evicted.

**IF YOU ARE EVICTED,
YOU MAY STILL OWE
RENT AND OTHER**

Frequently Asked Questions:

If I pay the rent can I still be evicted?

- If your landlord wants to evict you because you owe rent or other fees, you can pay all of the rent, late fees, and other costs on or before the first hearing date, and your landlord will not be able to evict you. You can only do this once in any 12 months. You can also present a “redemption tender” in writing from a government or non-profit agency to pay all the rent and other fees within 10 days of the return date.

Can I ask for a trial?

- Yes. If you disagree with your landlord’s reasons for evicting you, you should tell the judge you disagree and ask for a trial date.
- In some rural counties, a trial will be held on the return, so make sure you are prepared.
- A trial occurs in front of a judge in court. You and your landlord will each tell your side of the story and show evidence. The judge will decide if you should be evicted.

What should I bring to the hearing?

- Proof that you have paid your rent (e.g. receipts or cancelled checks).
- A copy of your lease.
- Photographs that support your case (if needed)
- Receipts or bills that show what you have spent (if needed).
- Anything else that helps your claim or defense.
- Witness(es) that help your claim or defense.

What is a **Writ of Possession**?

- If the judge says the landlord can evict you, the court clerk will give the landlord a Writ of Possession. The landlord can use this to have the sheriff evict you. The sheriff must give you 72-hours notice to remove your stuff from the property.

What can the judge decide at the hearing?

- That you get to stay in your home, so long as you pay your rent and follow the terms of the lease.
- That the landlord gets possession, which means you are evicted. You may also be ordered to pay back-rent, fees, and/or repair costs.
- If you fail to show up, the judge will rule against you.

What happens after the hearing?

- You or your landlord can appeal the judge’s decision within 10 days. To do this you must file a notice with the Circuit Court and will have to pay a bond.



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