

EVICTON PROCEDURE

Definition of Terms: \$30.00 per adult

A. **FIVE DAY NOTICE** - A five-day notice is obtained when a landlord has a written lease with the tenant and evicts a tenant for non-payment of rent or breach of contract. ** Reference C.C. Art. 2680 & C.C. Art. 2728** There can be more than five days, but not less.

B. **TEN DAY NOTICE** - A ten-day notice is obtained when a landlord has a month to month lease or does not have a lease and evicts a tenant for any reason. When the rent has been paid, then a ten-day notice prior to the expiration of rent has to be filed. There can be more than ten days, but not less.

C. **SERVICE OF NOTICE** - Notice under the eviction statutes of the State of Louisiana may be served either domiciliary (on a person residing in the household of suitable age and discretion), personal service, or by tacking the notice on the premises.

Procedure:

A. **NOTICE TO VACATE** - ** Notice to Vacate is **only good for 30 days****

1. Obtain a **five-day notice or a ten-day notice from Marshal Office**. This notice will be served by the Marshal's Office. The jurisdiction is Kaplan, Ward 9, Vermilion Parish, LA. The tenant will be served. The delays run straight through the holidays and weekends, starting the day after service is made. The Marshal then returns the Notice to Vacate with the date served to the Clerk's Civil Office for filing.

B. **RULE FOR POSSESSION OF PREMISES** (approximately \$250.00 or more depend on court with city court)

1. If the tenant does not pay the rent or move from the premises after receipt of the Notice to Vacate, a rule to show cause must be fixed for hearing. There **can be more than, but not less 72 hours of service**. This process is called an eviction suit (Rule Nisi)

2. The rule is fixed so that both parties may show cause before the judge. At this time, the landlord has the opportunity to show why the tenant should vacate the premises and the tenant has the same opportunity to show cause why he should not.

3. If both parties appear for the rule and the landlord is granted an eviction judgment, the tenant is notified in person that he has 24 hours to vacate. If the landlord appears and the tenant does not, then a 24-hour Notice of Eviction will be issued and serviced on the tenant by the Marshal.

C. WRIT OF EJECTMENT - FINAL STEP

1. If the tenant does not move within the **24-hour period**, then the landlord may request a Writ of **Ejectment within 90 days**. At this time, the Marshal meets the landlord at the address of the rent property. The tenant must move out voluntarily or by the force of the Marshal.

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