

The Eviction Process

This is for information purposes only and does not represent legal advice. It is provided courtesy of the Rockford Apartment Association. Consult an attorney to learn your rights and responsibilities related to forcible entry and detainer actions.

When you arrive in court look for your tenant.

Ask to speak with them in the hallway outside of court. See if you can come to an agreement with them. It is in your best interest to have the matter settled on your first day in court.

You need four documents when you are called in front of the Judge. They are:

- 1) **All notices that you gave the tenant.** This will be a **five day** if you claim they did not pay the rent, and/or a **ten day notice** if you claim they have violated the lease agreement, and/or a **thirty day notice** if you just want to terminate a month to month tenancy, and/or a **five day notice for criminal conduct** if a felony or class a misdemeanor has been committed on the property.
- 2) **Your affidavit of service.** This is your proof that the tenant was served the papers. If you had the sheriff serve the tenant you need to pay them before you get your affidavit.
- 3) **Your affidavit of military service.** This is a statement of your knowledge of whether your tenant is currently in active duty with the military
- 4) **The order.** This should be filled out before you go before the judge. Leave the dollar amount of the judgment and date of possession blank and fill them in when the judge makes his ruling.

Have these documents separate from any other papers. Hand them to the judge.

If your tenant was successfully served the summons to appear in court:

When your case is called, approach the judge and introduce yourself. Hand him the copy of your notice and the affidavit of service. If you have reached an agreement with your tenant tell the judge now. If no agreement has been reached tell the judge the total dollar amount you are seeking and the day you would like to have possession. Have this calculated and written down before you are in court.

Let the judge direct the process. He will ask your tenant if they admit or deny the lease violation. If they admit liability then the judge will grant possession. He will sign the order. He will give you back two copies. One is for you the other is for the tenant. Take yours to the office where you filed and have the judge's signature certified. Then take the order to the civil process office of the sheriff's department if you want to schedule the sheriff's deputy to supervise the move out. You can not move the tenant's possessions yourself without the deputy present.

If your tenant was not served with the summons:

When your case is called, approach the judge and introduce yourself. Hand him a copy of your notice and tell him you were not able to have your tenant served. You will have two options.

- 1) An alias summons can be issued. That would mean you try again to have the tenant served and you will get a new court date. Go back to the office where you filed the case to get an alias summons.
- 2) You can post the summons. This would mean that a final decision for possession would be made at the next available court date. You can not get a monetary judgment if you post your summons. Go back to the office where you filed the case to get an alias summons.

Remember that neither the Judge nor the other court employees can give you advice in court. You need to know what to do or have an attorney do it for you.