



LHT&F
e-Zine

Evictions

An Overview of Evictions

Ledin, Hofstad, Troth & Fleming, Ltd. frequently represents landlords and tenants. The most common dispute between a landlord and tenant is the failure to pay rent. When this occurs, landlords and tenants will frequently ask themselves: What are my rights when rent is not fully paid on time?

Most often the remedy is an eviction.

What is an Eviction?

An "Eviction" or "Unlawful Detainer" is a court proceeding that decides the issue of possession. In other words: Who gets to be in possession of real estate?

An eviction does not resolve back rent issues, which are normally brought in a conciliation or small claims court proceeding.

How does it work?

To evict a tenant, the landlord will ask its attorney to complete the Eviction Complaint. It is also a good idea to consider serving a written notice to vacate the property upon the tenant. Often, a tenant will simply leave, which will make the eviction action unnecessary.

Once the Eviction Complaint is completed, it will be filed with the court. The Court will then prepare the Summons, which will command the tenant to appear in court.

At the court hearing, the judge will hear both sides of the story and make a decision as to which party is entitled to possess the real estate.

If the tenant is evicted, the court's order will provide that a Writ of Recovery will be made available and a law enforcement officer will deliver

it to the tenant. At which point, the tenant will leave.

Chelsie Troth: Your Eviction Attorney.

Attorney Chelsie Troth practices law in various areas, including evictions. She has successfully helped many landlords and tenants assert their legal rights. She remains the "Go-To" lawyer for any eviction questions and needs.

If you have any questions about evictions or believe your rights need to be enforced, call Chelsie for a consultation.

CONTACT US

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