

# EVICTION PROCEDURE

(SIMPLIFIED & CONDENSED)

Art. 4701. If the tenant has broken the lease/rental agreement the landlord shall deliver a written notice to the tenant giving him no less than 5 days to move. Write on the notice the reasons you want him to move. The Marshal will provide you with a form notice. **KEEP A COPY** of the notice to give to Ruston City Court if case you need to take further action.

Art. 4703. The notice may be mailed to the tenant by certified mail (return receipt requested) or hand delivered. If the tenant is not home when you deliver the notice, tape it securely to the door of the residence (this is called tacking). For hand and tacking deliveries, take a witness with you and have them sign the notice as a witness. The witness may need to appear in court if the tenant does not move before the court date. If delivered by certified mail, the 5 days begin when the tenant signs for delivery.

Art. 4731. If the tenant has not moved within 5 days after delivery of the eviction notice (**do not count holidays or weekends**): Go to the Ruston City Court and ask to file for an eviction:

A. Provide the court with a copy of the signed notice you gave to the tenant (be sure the tenant's name and address is correct). If the notice was mailed to the tenant, you must also give the court the return receipt card from the Post Office. If you have a written rental/lease agreement with the tenant, provide a copy of this to the court also.

B. You must pay the court a fee when you file for an eviction. The court will tell you how much the fee is. The court will prepare the eviction papers and give them to the Marshal.

C. The Marshal will serve the tenant with the eviction papers along with a summons which orders the tenant to appear in court if he wishes to contest the eviction.

Art. 4732. The court date will be set no earlier than 3 days after the Marshal has served the tenant with the eviction papers. A notice will be mailed to you advising you of the court date.

A. Civil court is usually held on a Wednesday afternoon. You must appear in court and testify about your agreement with the tenant and why you want the tenant evicted. If you hand-delivered or tacked the eviction notice, you must also bring your witness, who can swear to seeing you hand deliver the eviction notice or tack it to the door.

B. If the tenant fails to appear at the court hearing and if the court decides that you are entitled to the eviction, you are usually told that the tenant has 24 hours to move. The Ruston City Court usually dispenses with the Judgment of Eviction and usually waives the 24 hours in favor of 48 hours.

Art. 4733. If the tenant has not moved within 48 hours after the court has granted the eviction, the LANDLORD must notify the RUSTON CITY COURT and request a Warrant of Eviction. This can be done by phone (318-251-8614). The court will prepare a Warrant of Eviction (this is usually only done on Fridays). After the Marshal receives the Warrant of Eviction from the court he will call you and set up a date and time to meet you and your crew at the residence. The LANDLORD must provide adequate labor to move the tenant's property from the premises in a timely fashion. The Marshal will stand by and ensure that no one interferes with the eviction while the landlord's crew moves the tenant's belongings to the side of the road. The Marshal will then inform the tenants not to come back to the residence.