Eviction Procedure

Landlords must give tenants a ten (10) day written notice. The written notice must be dated and state that they have ten days, after receipt of notice, to pay rent (or) to vacate the property. The landlord has two options at this point:

1. The landlord may give the tenant the notice to vacate personally. It must be signed and dated by the tenant for proof of service to assure acceptance by the court.

(Or)

1. The Sheriff’s Office may serve the notice. Make three copies (per party we are serving) of the vacate order and deliver to the Sheriff’s Office along with $28.00 (two copies for the tenant and the other for us to mail service information to you).

If the tenants have not moved out after the tenth day, go to the small claims office, room 202, at the county courthouse and file a formal eviction claim with the court. This must be filed within a reasonable time (7 days). Bring to the small claims office a copy of the original ten day notice that shows service was completed. Also, bring a copy of the lease along with $125.00 dollars for one defendant ($10.00 additional for each defendant), cash or money order for the court costs.

At this time, an eviction hearing date will be scheduled and the paperwork will be sent to you by the Clerk’s Office. It is your responsibility to bring this paperwork to the Sheriff’s Office for service. Please remember to bring three copies per person we are serving. At the date and time specified, both parties should appear in court for an eviction hearing. If the Judge grants the eviction, you will be given a writ of possession which states a specific time and date the tenants are ordered to be out.

If the tenants are not out by the date and time specified on the writ of possession, you must contact the Sheriff’s Office and the subjects can be forcibly removed (person only). If the tenant’s leave behind any personal property, you may remove the property and deliver it to a warehouseman as long as you’ve been granted permission by the Court.

This is not intended to constitute legal advice. It is merely an outline for eviction procedures. Any additional questions should be directed to an attorney. A small claims manual is also available at the small claims office.

Sheriff Chris Newton

Huntington Co. Sheriff’s Office