

Summary of the process:

1. LL gives 3 day notice, 30 day notice, or 60 day notice. If tenant hasn't complied, then LL (or their lawyer) files a UD in court.
2. The UD consists of a Summons, a Complaint, and other documents.
3. The documents must be served in person on the tenant, meaning someone must hand the docs to the tenant or someone over 18 in the tenant's rental. Service may take one day or weeks to complete.
4. The day the tenant is served is day zero. Tenant has 5 days to file the Answer, not including weekends and holidays. If no Answer is filed, tenant will lose "by default" and about 10-20 days later the police will lock out tenant.
5. If Answer is filed, then about 15-21 days later there will be a trial. Trials last about 10-30 minutes, or if very contentious, may last 2 hours. The longer trials may be rescheduled to another day about 5-10 days away and are very costly.

What could happen at UD trials or day of trial? These are the POSSIBILITIES, though part A below is most probable depending on the tenant & LL.

- A. Settlement and Stipulation. A stipulation means both sides agree on terms. Usually these terms are a) tenant moves out in 30 days, b) tenant owes LL money or doesn't owe LL money, c) lockout to occur at end of 30 days, d) "seal" the case so it doesn't appear on tenant's record, e) any belongings left in the rental after move out date is considered trash, f) if tenant violates these terms, the agreement is off and it's never good for the tenant and the lockout still occurs. Stipulations occur in the majority of cases.
- B. Trial Occurs, evidence is given, testimony is heard. Possibilities:
 - a. Tenant wins, case is thrown out. LL must start over.
 - b. LL wins, tenant will be locked out in about 10 days, tenant owes money, there's a judgment that appears on tenant's record.
 - c. Neither wins, and "A" from above happens because the judge will order something neither side wants.
 - d. A combination of all the above. It is impossible to predict; good, bad, or even-split cases depends on the judge's mood that day.

Eviction (UD) and Civil Lawsuit Against Landlord

If a tenant has a viable lawsuit against the LL then part A from above is necessary because going through full UD trial endangers the civil lawsuit.

A civil suit against the LL is independent from the UD suit; the civil suit will take 9-12 months average while the UD takes 3-6 weeks average.

The same evidence is used for both, so prepare the evidence quickly if you're already in UD.

How much can you win in civil suit? That depends on too many factors to generalize, some suits can settle for \$1000 while others are \$500,000. It all depends on the facts, such as mold, the LL's behavior, whether there's insurance, habitability, building permits, code enforcement, tenant behavior, etc. Most cases settle, only a few rare cases go to trial, assuming that we have all tenant's evidence before suit is filed.

Do we try to settle before lawsuit is filed? Often but not always. In our experience LLs simply do not believe we'll sue so we never hear back from them until we sue. So we don't try much unless there are indications of insurance stepping in.