

In this example, we're assuming the eviction is for non-payment of rent. We're also assuming "best case," meaning all parties are acting in their best interest and the process moves forward as quickly as possible.

The scenario starts in November, 2013. The apartment rent is \$800/mo.

Non-Payment of Rent

On November 1, the tenant sends you an apology. They explain everything going on in their life. They say they're going to get you the rent somehow and they ask you to wait.

14 Day Notice to Quit

You wait nine days until Sunday, November 10. The tenants are silent. You believe they are going to have to move back in with their family. You decide to start eviction.

The most bullet-proof way to give notice is to hire a constable to serve a [14 day notice to quit](#). This will cost you around \$40. Notices may be served only on weekdays, so the notice is served Monday, November 11. You can serve it yourself in person but a constable gives you an independent third party to vouch that the notice was served properly.

Notify Tenant of Eviction

On the 15th day after the constable serves the notice (you must give 14 full days), November 26, the tenant's rental agreement is now over. You hire the constable again (this time, you have no choice) to serve a "summary process summons and complaint." This is the technical term for eviction. This official notice will cost you \$140 all-in.

If the tenant moved out immediately, your minimum cost to evict would turn out to be \$980 (includes \$800 of lost rent).

November						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 Rent Due -\$800	2
3	4	5	6	7	8	9
10	11 Constable (14 Day Notice) -\$40	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26 Summary Process -\$140	27	28	29	30

November, 2013. Click to enlarge.

File for Eviction

The tenant doesn't move out in response to the 14 day notice. You therefore file for eviction. You go to court just to file the papers on Monday, December 2. The laws say the court process must start on a Monday between 7 and 30 days from when the summons was served. This is called the "entry date". Since Monday, December 2 is too soon, you get the next available entry date, Monday, December 9, as your entry date.

You needed to figure out the entry date already; it should have been included in the summons. (If you hire an experienced constable or sheriff they will help you to serve a complete summons.)

December rent remains unpaid along with November, so you're up to \$1,600 in opportunity cost and \$180 in cash.

Tenant Calls for Discovery

Without discovery, you might get a trial date by Thursday, December 19. With discovery, two things happen:

- You decide to hire an attorney (a very wise idea once discovery is called)
- Your trial date slips out two weeks

Mediation

You should always go for mediation. At the very least, you'll learn what the tenant intends to say about you in front of the judge. There's a chance you can settle right then and there.

Mediated agreements are legally binding. If the tenant fails to live up to what they agree to in mediation, any future eviction will be prejudiced heavily in your favor.

December						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 Rent Due -\$800	2 File summary process	3	4	5	6	7
8	9 Entry Date	10	11	12	13	14
15	16 Tenant Files Discovery	17	18	19 Trial date if no Discovery	20	21
22	23 Lawyer -\$500	24	25	26	27	28
29	30	31				

December 2013. [Click to enlarge.](#)

Trial

You and the tenant spend Thursday, January 2 in Housing Court. Your exact date will vary depending on when your session is scheduled and whether you filed in Housing Court or District Court.

Appeal Ends

The tenant has 10 days in which to appeal. This period expires on January 13 (we'll assume you did a good job and the tenant and their attorney decide not to appeal).

Motion for Execution

Once the judgment has been issued and no appeal made, you can get a motion for execution. This is necessary to enforce the eviction.

Once the motion is granted, typically within a few days, you can hire the Constable again to serve the execution notice.

Final 48 Hour Notice

Execution Option One: Scare Tactic

You can have the constable deliver a notice that says, "Vacate in 48 hours or I'll give you a 48 hour notice of eviction."

Odds are good that if they haven't moved by now, mid January, they're not going to.

Execution Option Two: Start the Physical Eviction

Hire the constable to deliver an actual notice. You will have to coordinate with the constable and the mover. The notice must give 48 hours.

Eviction Day

Evictions take place Monday through Friday except on holidays. You need either yourself or your authorized representative there, plus the moving company, plus a sheriff or constable to start the proceedings. You will be able to change the locks after the tenant property has been moved out.

The moving company will probably cost around \$800. The constable or sheriff will cost around \$300. Storage of tenant property, if they haven't not selected a new residence, will cost around \$600.

If you're budgeting for eviction, you also want \$200 for insect extermination and at least as much for cleaning, just in case the apartment is a disaster.

January						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 Rent Due -\$800	2	3	4
5	6	7	8	9	10	11
12	13 Tenant 10 Day Appeal Ends	14 Landlord: motion for execution	15	16	17 Landlord hires Constable	18
19	20 Tenant gets notice	21 Tenant moves out	22 Storage	23 Add'l cleaning & removal	24	25
26	27	28	29	30	31	

January 2014. [Click to enlarge.](#)

Total Costs and Time

In this scenario here, lost rent was \$2,400, pre-trial costs were \$180, trial costs were at least \$500, and post-trial costs were \$1,700 to \$2,100.

The calendar time was 84 days from first non-payment to a legal move-and-store of belongings. We assumed the tenant took full advantage of their basic legal remedies.

In a real eviction, additional delays might be imposed by the judge for hardship or for someone messing up the paperwork. When in doubt, hire an attorney.