

## HOW TO EVICT SOMEONE:

## MEGHANN'S PROCEDURES

1. In Iowa, Rent is considered due on the 1<sup>st</sup> of the month. I personally give no grace period but charge a late fee the morning of the 6<sup>th</sup>, so.....
2. On the 6<sup>th</sup>, mail a 3-Day Notice
  - a. Make 3 copies. Keep the original. Mail one at the post office using Proof of Mail or using the Firm Mailing Book. (If you use Proof of Mail, the post office will give you a little white piece of paper). Mail one copy regular mail and take a picture of the stamped and addressed envelope. Tape one copy to the front door and take a picture of it.
  - b. If you are brave, you can have your tenant sign and date a 3-Day Notice. This cuts step 3 from 8 days down to 5 days, saving you time. If you do this, skip step 3.
3. Wait 8 days. This will theoretically be the 14<sup>th</sup> of the month. (6<sup>th</sup> of the month plus 8)
4. On the 8<sup>th</sup> day, you can obtain your court date. Fill out a Forcible Entry/Small Claims Notice online at [www.iowacourts.state.ia.us/efile/](http://www.iowacourts.state.ia.us/efile/) Fill out the Notice first! \*\*See HOW TO USE EFILE INSTRUCTIONS!
  - a. Give the clerk a check for \$85 payable to Pottco Clerk of Court, or pay online with a credit card. Your court notice for your Forcible Entry & Detainer will be emailed to you.
5. Mail one copy of the Forcible Entry Notice to the tenant at the post office using Proof of Mail. Mail one copy regular mail and take a picture of the stamped and addressed envelope. Take a copy to the Pottco Sheriff's office with a check for \$20. Your court date will be listed on the Forcible Entry Notice and will usually be 8 days from the day you filed your court date, making it theoretically the 22<sup>nd</sup> of the month.
6. On your court date take the following documents with you to court:
  - a. Original 3-Day Notice
  - b. Proof you sent the 3-Day notice (the while slip the post office gave you or the book)
  - c. A picture of the 3-Day notice you taped to their door
  - d. Proof that you send the Forcible Entry Notice (the while slip the post office gave you)\*Do not speak at court unless the JUDGE speaks to you. Let the tenants talk as much as they want to. If they direct hostility at you, ignore them.
7. Once the judge rules in your favor, go to the Small Claims Window on the 3<sup>rd</sup> floor and ask for a Writ of Possession. Fill out the little form the clerk gives you.
8. Call the Sheriff's Office at 712-890-2200 to schedule an eviction. Tell him you ordered the writ today. He will give you a time/date for your eviction. Then print off your Writ Of Possession, take it to the sheriff that day with a check for \$20 \*\*\* YOU ONLY HAVE 3 DAYS TO GET YOUR WRIT SO DO IT IMMEDIATELY!!! \*\*\*
9. Because the Sheriff needs 24 hours to post the Writ of Possession, your eviction will mostly likely occur between the 23<sup>rd</sup> and 26<sup>th</sup> of the month depending on how weekends fell during the month. The day you do your eviction, send out a letter regarding the deposit. Send it to the last known address and take a copy of the stamped envelope for your records. On the front of the envelope write "return to sender if forwarding address unknown.