

JUSTICE OF THE PEACE COURT WARD 11
PARISH OF RAPIDES
1244 HWY 115
DEVILLE, LA 71360
(318)201-9587

RESIDENTIAL EVICTION PROCEDURES

When the landlord wishes to evict an occupant after purposes of the occupancy ceases, the landlord or his agent must first deliver written notice to vacate the property to the occupant. The notice to vacate must allow the occupant five days from its delivery to vacate the premises. If the landlord does not have a reason to evict but wants to regain possession of the premises, he must give the tenant written notice of termination in accordance with the law. Under these circumstances, the Notice of Termination will serve as a Notice to Vacate. Remember, in a month to-month lease, the landlord must give at least ten (10) days notice prior to the end of the month. For time delays 7 days or greater, include weekends and holidays.

1. You must provide to the defendant written notice allowing them five days to vacate the premises before you can file your eviction with Ward 11 Justice of the Peace Court if tenant has broken the lease.

A. Do not include holidays or weekends when counting the days;

B. Should you desire to "hand deliver" notice to the tenant, be sure you have a witness present.

Should you choose to "post" the notice, be sure to have a witness present. Keep a copy of the notice for yourself. You may also video or take pictures as appropriate.

2. If the tenant has not moved within the allotted time, you may file for an eviction. The filing procedure for the eviction suit is as follows:

- ✓ Write a letter directed/ eviction rule request to the Ward 11 Justice of the Peace, requesting suit be filed to evict the tenant (give the complete name of tenant) from the premises owned by you (give complete and specific address). Provide a copy of the notice to vacate you served upon the tenant.
- ✓ Enclose **\$240** for advanced court costs in the form of personal check, cashier's check or money order made payable to the Justice of the Peace, Ward 11.
- ✓ The Justice of the Peace's office will prepare a notice and have same served upon the tenant by the constable/ marshal/ sheriff/ or process server directing the tenant to appear in the Justice of the Peace Court, to show cause why the eviction filed by plaintiff should not be granted, and ordering the defendant to vacate said premises. (This date is approximately one (1) week from the date the suit is filed).
- ✓ If the tenant moves before the court date, you are to contact the office of the Justice of Peace Court, to provide said notice in writing and the court date will be canceled.
- ✓ If the tenant or possessions are still in residence, you will have to appear before the Judge at the Justice of the Peace Court. You must bring your witness with you at the time of the hearing.

3. If you are evicting a tenant in accordance with LSA-C.C.P. Art. 4701, you must bring the original lease when you file your eviction suit.

4. If the tenant is still in the premises twenty-four (24) hours after you are granted the Judgment of Eviction, you may call the Justice of the Peace office and make the necessary arrangements for the Writ of Possession (\$60 filing fee and \$30 for service).

5. Acceptance of rent after the notice to vacate has been given but before Judgment of Eviction, cancels the notice and prevents the lessor from obtaining such a judgment.

NOTICE TO VACATE/ TERMINATION OF LEASE

Notice to Tenant (s):

Name _____

Address _____

Date _____

(5 day notice)

☐

You are hereby notified to vacate the premises listed in the above address within FIVE (5) days of the delivery date on this NOTICE TO VACATE.

You are hereby notified to vacate the premises for the following reason(s):

(10 day notice-termination of lease to regain use of property)

☐

You are hereby notified to vacate the premises listed in the above address within the end of the month, I am posting at least 10 days notice prior to the end of the month to regain the use of my property or to end the monthly rent/lease.

Should you fail to vacate the premises within the above days notice, I will request the Justice of the Peace to initiate Court proceedings to evict you from the premises. The premises and property should be returned in good condition and keys returned to me. Please comply in order to avoid the trouble, expense, and embarrassment of physical eviction pursuant to court order.

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Please file an Eviction Rule for: (YOUR Name, if an apartment complex use the name of complex):

_____ Email: _____

and against the renter(s) _____

Address _____

EMAIL AND PHONE OF THE
RENTER _____

as per the enclosed letter; of in accordance with Articles 4701 and 4731 of the Louisiana Code of

Civil Procedure, for the following reason(s):

Advanced Court costs per eviction is **\$240.** (\$120 for the eviction, \$20 for each additional person) (Additional service of process: \$30.00 per service to serve judgements if the parties are not present in court) (\$60 for writ of eviction) Each service of process is \$30. Refunds of court costs are made after final writ is served.

Enclosed is my check or money order in the amount of \$ 240.00 covering the advanced court costs made payable to: **Justice of the Peace, Ward 11**

NAME: _____ Date _____

(Owner/Management/Agent-signature)

NAME: _____

(Owner/Management/Agent-PRINT)

Address _____

Phone: _____