

THE RENT COURT/EVICTION PROCESS

There are 5 basic steps that need to be completed in the entire process to evict your tenant for non-payment of rent;

1. File Failure To Pay Rent Complaint (Rent Notice)
2. Court Appearance
3. File Warrant (Eviction Notice)
4. Schedule Eviction With The Sheriff
5. Tenant Eviction Notification (Baltimore City Only)
6. Eviction

1. File Failure To Pay (Rent Notice)

This is the first step in the process to evict your tenant for non-payment of rent. Generally speaking, we receive a court date within 2-3 weeks of filing the notice. Notices are filed approximately 3 times a week for the City and once a week for the County jurisdictions (We service Baltimore, Anne Arundel, Howard and Carroll Counties.) Our fee includes the filing and one court appearance.

The notice is a legal document and it is imperative that it be clear and complete. All adult signers of the lease should be listed (both first and last name). Minors should not be included. The full street address (including suffix and street direction, if appropriate.) If the house is an “affected property”, you must include a MDE lead certificate number on the filing. Lack of a valid cert number is grounds for dismissal. Any “back rent” owed should be entered separately by month. Do not include any months of rent for which you have already received judgment.

After the notice is filed with the Court, the Court mails a copy to the tenant and the sheriff (or constable) posts a copy of the notice on the door of the property. Successful service by both methods is necessary for us to obtain a judgment. If the post office returns the notice for an improper address, the case will be dismissed for improper service (Non-est). If the sheriff is not able to post the property, the case will be dismissed for improper service (Non-est). The most common cause of the sheriff not posting is lack of an address affixed to the property. For a multi-unit property, the doors should be clearly marked exactly as they appear on the notice. Even if your property is a row house and the properties on each side are marked, the sheriff will not post your property.

We are not informed of improper service until the court date. If the case is dismissed for Non-est, the notice needs to be corrected or the address affixed on the property and refiled. The court fee and our service charge is the same as the original.

On occasion, the sheriff does not return the paperwork to the Court. In this case, the Court “Re-issues” the notice and we will receive a new court date. In this instance, there is no additional filing/service charge.

Generally, we receive a judgment for possession of the property only. The tenant has the right to “redeem” possession of the property by paying the rent and actual court costs and the landlord must cease any further action for that case.

Exceptions:

“No Right of Redemption *See Definitions

“Money Judgment” *See Definitions

If you are seeking a money judgment or no right of redemption, they must be requested before the notice is filed with the Court. If a money judgment is not awarded, your recourse is to file a civil suit in small claims court.

In Rent Court, the burden of proof is on the landlord, not the tenant, so we need to be prepared for the case. If the tenant disputes and we have not been prepared by the landlord to present a case properly, we will request a postponement for the landlord to appear. We do not appear for a continued case in this instance.

Preparation for your case: Please upload docs via the website, fax to 443-291-6212 or email info@rentnotices.com We will need;

- ? A copy of your lease and bill(s) if you are requesting anything other than monthly rent
- ? A record of rent payments/balance owed dating back at least as far as when the tenant became delinquent
- ? To know about a problem tenant where you anticipate that they will show up claiming x, y, z. Depending on circumstances, we may request a written statement or your testimony in court to address tenant "issues"
- ? Any pre-trial updates, such as amendments (partial payments) or dismissals (full payment). Click on "Amend My Notices"

2. Court Appearance

Please be available the day of court via phone just in case there is a need for the rent court agent to consult with you. Most tenants do not attend court.

If the tenant does not show for court, we should receive “Judgment By Default”.

If the tenant shows and agrees with the amount on the notice, we should receive “Judgment By Consent”. In both instances, the tenant has 4 days to appeal the case. If the case has not been appealed, the landlord may proceed to the next step, ordering the Warrant of Restitution (Eviction Notice). It may be filed 5 business days after the court date (7 days total). Our system allows the landlord to order the notice 6 days after the court date so that it can be filed on the 7th day but not before.

If the tenant shows and disagrees with the amount;

- 1) If the landlord has provided the necessary documentation to present a viable case, there will be a trial.

- 2) If the landlord has not provided the necessary documentation to present a viable case, the agent may request a postponement for the landlord to appear. We do not appear for a continued case in this instance.

If the tenant shows and has withheld the rent based on some other “issue”, the agent (or the Court) will determine the next course of action.

In a case where the tenant claims repair issues threatening “Life, Health or Safety”, the judge may order that a Rent Escrow be established. A court inspector will inspect the property and there will be a new trial. The tenant will be ordered to pay the rent to the Court or bring the rent to the escrow trial. Depending on the circumstances, the judge may reduce the amount of rent owed to you by the tenant. We do not appear for rent escrow cases.

Occasionally, a tenant will appear and want to pay the rent at court. Depending on the circumstances, the agent will;

Instruct the tenant to pay the landlord directly- (the agent will proceed with the trial)
Accept (in cash or money order only) a full payment tenant and dismiss the case
Accept (in cash or money order only) a partial payment and amend the notice and proceed with the case for the balance owed.

The agent will not accept a check from the tenant.

You will receive an email by 5:00 PM on the court date to check the Message Center for your Court Outcome.

3. File Warrant (Eviction Notice)

The Warrant may be filed one week from the court date-the system allows the landlord to order the notice 6 days after the court date.

If you have received any payments since the court date, the eviction notice must be amended before filing. The website will prompt you to enter the new total due.

Once we file the notice with the court, you may NOT accept further payments and still proceed with an eviction. If the tenant pays in full, you will simply not proceed with the next step (scheduling the eviction with the sheriff). If the tenant pays a partial payment, you should return the payment to the tenant with a note that you will only accept a full payment with court costs.

4. Schedule Eviction With The Sheriff

At the time of this writing, it is taking approximately 2 weeks for the Court to process the Warrant and send it to the sheriff (Baltimore City). In the County jurisdictions, the timeline is generally a week or less. You will need the address and case number when you call. The sheriff (Baltimore City) will schedule the eviction 2-6 weeks later. Once you have the eviction date, you need to notify the tenant of such. If your tenant satisfies the judgment after the eviction is scheduled, you will need to call the sheriff to cancel the eviction.

5. Tenant Eviction Notification (Baltimore City Only)

In Baltimore City, the landlord must provide notice of the eviction date to the tenant. The notice must be mailed by first class mail with a certificate of mailing from the post office and sent certified mail with a return receipt at least 15 days in advance of the eviction date.

The notice must be posted to the premises at least 7 days in advance of the eviction. The poster of the notice must sign an affidavit that he/she posted the premises.

A PDF of the notice we use is located and can be downloaded from our website.

If you wish us to perform this serve, click the button on the welcome page “Order Eviction Notification”. Upon the completion of the paperwork and posting, you can download the documents by clicking “Download Eviction Notification Documents”.

7. Eviction

Be prompt and do not enter the property before the sheriff arrives. Make sure you have all of the evidence for the eviction notification requirements.

The sheriff will not evict without them

Change the locks and do not allow the tenant any further access. Chattels are no longer put on the street. You may donate the property, keep the property or dispose of the property in a landfill. You may NOT leave the belongings on any public property.

For the County jurisdictions, speak with your Constable when you schedule the eviction to see their most current rules/regulations regarding the physical eviction procedures.

