

## 1. HOW DO I EVICT A TENANT?

All evictions must begin with the service of a notice. The type of notice that is served to the tenant will be determined by the circumstance, as there are several types of notices that can be used. In most cases the normal Summary Eviction Process in Clark County is a two (2) step process; however, sometimes it can be three (3) steps, depending of the type of notice.

## 2. WHAT ARE THE TYPES OF NOTICES?

### **Five (5) Day Notice to Pay Rent or Surrender the Premises:**

This notice is used for non-payment of rent from tenant and is the quickest method for following through with the actual lockout. This notice requires no other notice and after expiration, landlords can proceed directly to Eviction Filing and Constable Lockout.

IMPORTANT!: If you have a scheduled grace period for payment of rent with your tenant, then you must wait until the time has elapsed before serving the Five (5) Day Notice.

IMPORTANT!: If the tenant pays you the full rental amount, you must accept the payment. You can refuse partial payment. However, if you accept partial payment, it will nullify and void the Five (5) Day Notice that was served and you will need to start all over again with a new notice.

### **Three (3) Day Nuisance Notice (followed by a Five (5) Day Unlawful Detainer Notice):**

This type of notice is used to evict a tenant for something other than non-payment of rent. This can be used for what you consider to be a nuisance. It requires a written reason and has absolutely nothing to do with rent money. Your tenant has three (3) business days to fix the problem.

IMPORTANT!: This is a Three (3) Step Eviction Process! This notice needs to be followed-up with the service of the Five (5) Day Unlawful Detainer Notice.

### **Thirty (30) Day Notice (followed by a Five (5) Day Unlawful Detainer Notice):**

This notice applies to landlords who desire the leased property for any reason. This notice has nothing to do with rent money. This type of notice cannot be served if your lease agreement is still in effect.

IMPORTANT!: This is a Three (3) Step Eviction Process! This notice needs to be followed-up with the Five (5) Day Unlawful Detainer Notice.

### **Five (5) Day Unlawful Detainer Notice:**

This is the follow-up notice for the Three (3) Day Nuisance Notice and the Thirty (30) Day Notice. Additional fees are incurred for the service of this notice.

For additional information regarding other types of notices such as:

Seven (7) Day Notice (which pertains to weekly rentals)

Ten (10) Day Notice (which pertains to manufactured/mobile homes)

Please reference the Clark County Website below:

[http://www.accessclarkcounty.com/depts/constable/constable\\_las\\_vegas/Pages/Eviction\\_Process.aspx](http://www.accessclarkcounty.com/depts/constable/constable_las_vegas/Pages/Eviction_Process.aspx)

### 3. HOW LONG DO I HAVE TO WAIT BEFORE I CAN PROCEED WITH THE EVICTION FILING AFTER THE NOTICE HAS BEEN SERVED?

#### Five (5) Day Notice to Pay Rent or Surrender Premises

If the notice was personally served to the named tenant, you count five (5) judicial days (excluding the day of service, weekends and court holidays). After the fifth (5th) judicial day, you may proceed with the Summary Eviction Filing at the Justice Court of jurisdiction.

	Las Vegas Justice Court	North Las Vegas Justice Court	Henderson Justice Court
Personally Served to Tenant on 01/03/2012	First Day to file: 01/10/2012 5th Court Day after 12pm Expires in 30 Calendar Days	First Day to file: 01/10/2012 5th Court Day after 12pm Expires in 30 Calendar Days	First Day to file: 01/12/2012 6th Court Day, Exclude Fridays Expires in 30 Calendar Days
Substituted Service on 01/03/2012	First Day to file: 01/10/2012 5th Court Day after 12pm Expires in 30 Calendar Days	First Day to file: 01/17/2012 5th Court Days + 3 Mailing Days Expires in 30 Calendar Days	First Day to file: 01/12/2012 6th Court Day, Exclude Fridays Expires in 30 Calendar Days
Posted to Tenant on 01/03/2012	First Day to file: 01/10/2012 5th Court Day after 12pm Expires in 30 Calendar Days	First Day to file: 01/17/2012 5th Court Days + 3 Mailing Days Expires in 30 Calendar Days	First Day to file: 01/12/2012 6th Court Day, Exclude Fridays Expires in 30 Calendar Days

**DAYS TO EXCLUDE: Day of Service, Weekends, Court Holidays. Additionally, if your court of jurisdiction is Henderson Justice Court, you must exclude Friday. Henderson Court is closed on Friday.**

#### Three (3) Day Nuisance Notice

Requires a written reason for the nuisance as stated in the lease agreement. The tenant has three days to fix the problem. This notice expires on the third judicial day after the day of service. You cannot count the day of service. This notice must be followed with the service of the Five (5) Day Unlawful Detainer Notice. To assist you in calculating the days to proceed with the eviction filing after service of the Five (5) Day Unlawful Detainer, please reference the above chart to help understand when you can proceed with your eviction filing at the Justice Court.

#### Thirty (30) Day Notice

A Thirty (30) Day Notice is often referred to as a Thirty (30) Day No Cause. Landlords can serve this type of notice as needed, however a Thirty (30) Day Notice cannot be served to a tenant with an active lease agreement. This type of notice runs 30 days consecutively, excluding only the day of service. If a tenant does not adhere to this notice then you must follow through with the service of the Five (5) Day Unlawful Detainer Notice before proceeding to eviction. To assist you in calculating the days to proceed with the eviction filing after service of the Five (5) Day Unlawful Detainer, please reference the above chart to help understand when you can proceed with your eviction filing at the Justice Court.

### 4. WHAT IS THE LEGAL PROCESS SERVICE FEE AND WHAT DOES IT INCLUDE?

For Notices:

LPS fees for notices are quoted upon request and are based on the property location. Fees include: Document Preparation, Service of Process (within 24 hours), Mailing, and Notarized Affidavit of Service.

For Evictions/Lock-out Filing:

LPS fees for eviction filings include: Document Preparation, Court Filing Fees, and Constable Fees. All eviction requests are filed in a timely manner and in the order in which they are received. Additional fees will be incurred for rush filing requests.

## **5. WHAT CAN I EXPECT AFTER THE SERVICE OF A NOTICE?**

When a notice is served a tenant has the right to contest the notice with the justice court. Should a tenant file an answer they must do so with the justice court of jurisdiction. Tenants reasons for filing a response can vary. It is important that the landlord or agent file the eviction documents ASAP. At the time of the filing, a court date will be assigned for the hearing. At the hearing a judge will render a decision as to the status of the eviction. If the judge's decision gives the tenant a specific date & time to surrender the premises, it is important that you follow-up with Legal Process Service so that the Order for Eviction can be released and Constable Fees can be rendered for the physical lock-out. If the judge grants the eviction, then it is important to notify Legal Process Service so that we can process your file in the proper manner. Additionally, tenants can file for a stay up and through the service of the 24-Hour Notice served by the Constable. In the event that this happens, the tenant's reason is then sent to the Judge for approval.

## **6. WHEN DOES MY EVICTION GET FILED IN COURT?**

After a notice has run its course, Legal Process Service can assist you with document preparation and filing of your Eviction. It is important to note that only the Constable or Sheriff can perform the actual lock-out. It is the landlord's responsibility to notify Legal Process Service of any further eviction proceedings requested. Evictions are processed in the order that they are received. Evictions that need to be handled on a rush basis will incur additional fees.

## **7. DOES MY TENANT HAVE RIGHTS?**

Yes they do. When the notice is served, your tenant's rights state that they can contest the notice with the justice court from the moment that they receive the notice. Their reasons can vary, but they must get their Tenant's Response filed with the court of jurisdiction. It will then be approved or denied by the judge. If it is approved, then a hearing will be scheduled. Your tenant can also contest the 24 Hour Lock-out Notice, which is posted by the Constable. This notice is posted 24 hours before the Constable returns to the property to do the lock change.

## **8. WHAT DO I DO WITH TENANT'S PROPERTY THAT IS LEFT BEHIND AFTER AN EVICTION LOCK-OUT?**

Landlord must store the tenant's property for thirty (30) days. Tenant can make arrangements to remove their belongings with the Landlord during this time. The Landlord cannot charge back rent for storage; however, a "reasonable" storage fee can be assessed. Landlord must notify the tenant of their intentions to dispose of the property after 30 days. Notification must be made in writing and sent via certified mail by the fifteenth (15) day after the eviction lock-out. If you choose, you may contact a storage company to have tenant's property inventoried and stored.

## **9. WHAT IF MY TENANT MOVES OUT, SHOULD I CANCEL THE EVICTION?**

It has been our experience that completing the Eviction process up and through the lock-out is best. A completed eviction filing provides court documentation to support the Landlord's possession of the leased premises.

## 10. WHAT IF THE TENANT PAYS AND I NEED TO CANCEL THE EVICTION?

Constable will call prior to the actual lock-out/lock-change. If tenant has paid and is going to stay, inform Constable when he/she calls that your eviction will not be necessary. Constable's Office cannot accept eviction cancellation requests via phone and/or fax.

## 11. ORDER TO RESCIND

If you are looking to get a refund from the Constable's Office you must file an "Order to Rescind." Information below is directly quoted from the Clark County Website:

Order to rescind must be done in Justice Court then brought to Constable's Office for lock-out fees refund. Order must be in this office the day before action is to be taken or Constable's Office will be unable to refund. If posting has already been done and you file order to rescind the day before lock-out, only half (1/2) of refund will be issued (8-12 weeks for refund). If you cancel eviction with Deputy Constable, then change your mind, you will have to start eviction process from the beginning. Once order is received from Justice Court and lock-out fees are paid, we MUST proceed the next business day. NO EXCEPTIONS. Failure to follow this procedure will result in the eviction being cancelled and you will have to start the eviction process from the beginning.

## FYI: FOR YOUR INFORMATION

### I PREPARED MY OWN NOTICE AND WANT LEGAL PROCESS SERVICE TO DO THE EVICTION.

If you are preparing your own notices, LPS does not refund fees charged for eviction filings that are rejected by the court for reasons of faulty notices and/or documents prepared by the landlord or agent.

### FORECLOSURE

For eviction proceedings on Foreclosure properties, LPS recommends that all landlords and/or agents seek legal advice.

All evictions must begin with a notice. There are several types of notices to choose from. You may not always be able to use the quickest notice available. You must choose one that applies to the situation.

Eviction time frames vary and are dependent on the Justice Court filing and Constable scheduling.

After reading the above information, if you are still unsure how to proceed, you may wish to contact an attorney for legal advice.

**CALL US TODAY TO GET STARTED!**  
**(702) 471-7255**  
**OR TOLL FREE (888) 568-5566**