

# EVICITION ESSENTIALS

An eviction is a legal proceeding in which a landlord asks a court to order the tenant to leave the property.

## SUMMONS AND COMPLAINT

This is the first step in the eviction process. This has to be in writing and served by the Sheriff's Office or an official document server.

Tenant **MUST** give a written response to the Summons and Complaint within **FIVE (5)** days from the date it is received or they will likely be evicted.

*Not all complaints are initially filed at the courthouse.*

*Check with the Clerk of Court to see if the complaint was filed there. If it was, submit the response at Clerk's office, as well as with Landlord or their lawyer.*

*If the complaint was NOT filed with the Clerk of Court, Tenant must give the response to the Landlord or the lawyer.*

Once Tenant gives the response to Landlord (or the lawyer) and to the Clerk of Court, an eviction hearing will be set.

*Tenant must keep in touch with the Clerk of Court to get the hearing date—**DO NOT MISS THE HEARING.***

## JUDGMENT AND LOCK-OUT

If Tenant does not respond to Summons and Complaint or appear in court, a **DEFAULT JUDGMENT** will be entered.

This will result in an eviction, with an order for a lock-out date, to be carried out by the Sheriff's Office.

The **ONLY** time a lock-out is legal is when a Judge signs an order evicting Tenant.

## NOTE

It is **NOT** a defense to an eviction that Landlord did not maintain the property.

Landlords are required to keep property livable and in good repair.

If Landlord does not do this, the law has specific steps Tenant can follow to have the problem fixed.

 [humanrelations@siouxfalls.gov](mailto:humanrelations@siouxfalls.gov)

 (605) 367-8745  
TRS Relay (7-1-1) & VRS calls accepted

This information is not intended to be legal advice.

If you have more questions about evictions or Fair Housing, contact the Human Relations Office.

## COMMON GROUNDS FOR EVICTION

- Tenant doesn't pay rent.
- Tenant stays on the property after the lease has ended.
- Tenant violates the lease or damages the property.