

EVICITION ESSENTIALS

3-DAY NOTICE TO VACATE

The Law Requires that a Landlord provide a 3-day written notice to “quit” BEFORE eviction proceedings can begin.

If Tenant does not leave after 3 days, then Landlord files Summons and Complaint.

SUMMONS AND COMPLAINT

The law requires that the complaint be in writing, served with the Summons, and inform Tenant about the procedure.

Please note that NOT all Complaints are initially filed at the courthouse.

Tenant MUST respond to the Summons and Complaint within FOUR days from the time of service.

Verify with the Clerk of Courts to determine whether the Complaint was actually filed. If filed, file response at Clerk’s office, as well as with Landlord’s lawyer.

If the Complaint was NOT filed with the Clerk of Courts, Tenant must serve the response to Landlord’s lawyer (or to Landlord, if no lawyer used)

Once Tenant serves the response to Landlord (or his/her lawyer) and to the Clerk of Courts (if available) an eviction hearing will be set.

Tenant must keep in touch with the Clerk of Courts to obtain this date.

If Tenant does not respond on time, a DEFAULT JUDGMENT may be entered against Tenant.

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 can legally occur 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.

Landlord is required to keep property fit for human habitation and to repair conditions related to this requirement.

If Landlord fails to do this, the law provides specific steps to follow for relief.



humanrelations@
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(605)367-8745

This information is not intended to be legal advice. Questions about evictions or Fair Housing can be referred to the Human Relations Office of the City of Sioux Falls.

COMMON GROUNDS FOR EVICTION

Failure by Tenant to pay rent.

Tenant remains in unit after termination of lease or expiration of term.

Tenant destroys the leased premises or commits an act which violates the lease.