

## EVICTION PROCEDURE GUIDELINES

### THE RENTAL PROPERTY MUST BE LOCATED WITHIN EAST BATON ROUGE PARISH

#### **I. To evict a tenant because of the termination of the lease by expiration of its term, nonpayment of rent, or for any other reason, the following actions are necessary.**

- a.** Prepare a Notice to Vacate Premises which is properly addressed to the tenant that gives him/her five (5) days to move for expiration of its term, nonpayment of rent, or for any other reason.
1. The Notice to Vacate Premises should not contain a specific date to vacate but should simply state that tenant has five (5) days from date of delivery of notice. Do not include holidays or weekends when counting the five days. The notice to vacate should contain the posting or mailing date, tenant(s) name, and physical address of property to be vacated, along with the reasons for the eviction.
  2. The Notice to Vacate Premises must be signed by you and your witness and should be handed to the tenant in front of your witness. If the tenant is not at home when you serve the Notice to Vacate Premises, either post it on the door (with your witness) or mail it to the tenant CERTIFIED MAIL - RETURN RECEIPT REQUESTED (shall be signed by lessee).
  3. Retain a copy of the Notice to Vacate Premises for yourself. (Must be signed by you and your witness).
  4. THE PERSON WHO ACTUALLY DELIVERED THE NOTICE TO VACATE SHOULD BE PREPARED TO PROVE SUCH DELIVERY.
- b.** If the tenant has not moved within five (5) working days after handing, posting, or receipt date of the certified mail notice, you may file a Rule to Evict. The procedure for filing an eviction suit follows:
1. Complete the Rule to Evict form, which is available through the Civil Section or online at [www.brgov.com/dept/citycourt](http://www.brgov.com/dept/citycourt) (Civil Suit Forms). Send that completed form to the Clerk of Court, Baton Rouge City Court, Civil Division, Room 251, P.O. Box 3438, Baton Rouge, LA 70821. ENCLOSE A COPY OF YOUR SIGNED NOTICE TO VACATE PREMISES. IF THE NOTICE WAS SENT BY CERTIFIED MAIL, ALSO ENCLOSE THE GREEN CARD SHOWING RECEIPT OF THE NOTICE BY THE TENANT.
  2. Enclose \$120.50 court cost for one (1) defendant (plus \$10.00 for each additional defendant.) If husband and wife, the court cost is \$130.50. Send money order or cashiers check made payable to Clerk of Court, Baton Rouge City Court.
  3. If an agent will appear at the scheduled hearing, an affidavit must be signed by the owner/lessor and filed with the Civil Division of the Clerk of Court's Office that authorizes this individual to act in that capacity. That affidavit will be maintained in the Civil Division and will eliminate the necessity of filing additional affidavits on future cases involving the same agent. (**Note: Affidavits are to be notarized.**)
  4. This office will have notice served on the tenant by the City Constable which informs the tenant that you are suing him/her for eviction and giving him/her a date to appear in Court if he/she wishes to contest the case. The Court date will be approximately two (2) weeks from the date the suit is filed. The Court date will be given to you when you file your suit, or it will be mailed to you.
  5. If the tenant or possessions continue to remain in the premises on the morning of the Court hearing, you MUST appear before the Judge at Baton Rouge City Court, Courtroom 309, 233 St. Louis Street, Baton Rouge, LA. Check-in with the bailiff when you arrive. If you handed the Notice to Vacate Premises to the tenant, or posted it, you MUST bring one of your witnesses with you. The Judge will ask your witness, under oath, to confirm that he/she saw you personally deliver or post the notice to the tenant.

#### **II. If you are evicting a tenant in accordance with LA C.C.P. Art. 4701 and 4731 which authorizes waiver of the "Notice to Vacate" requirement, you must bring a copy of the lease when you file your eviction. When presenting this document, please highlight that waiver provision.**

#### **III. If the tenant remains on the premises twenty-four (24) hours after you are granted Judgment of Eviction, you can call the Constable's Office at 389-3004 to make arrangements for the execution of the Writ of Possession.**

Proper attire is required for Court appearances. No tank tops, muscle shirts, cutoffs, shorts, sagging pants, halter tops, or clothing that exposes the midriff. No gum chewing allowed in Court.  
No cell phones allowed in the building.