

Dispossessory Checklist

1. Demand for Possession
 - should be written
 - should be able to prove delivery – use courier or special delivery service
2. File Dispossessory Action
 - use court's form, if available
 - allege one or more of three statutory grounds
 - tenant is holding over
 - tenant has failed to pay rent
 - tenant at sufferance or tenant at will
 - attach as many exhibits as possible, for example:
 - lease
 - demand for possession
 - other correspondence, and proof of delivery
3. Service of Process
 - sheriff or marshal will attempt service at rented premises and will perfect "nail-and-mail" service
 - must have personal service if money judgment sought – consider private process server if necessary
4. Trial
 - bring copies of whatever evidence is needed, for example:
 - exhibits to dispossessory affidavit
 - pictures
 - ledger of payments
 - summary of damages sought
 - bring witnesses to testify – consider subpoenas
 - mediation may be required first
5. Judgment
 - writ of possession is key
 - money judgment, but only if personal service is perfected
 - ask court to include provision requiring rent to be paid into court registry in the event of an appeal
6. Execute Writ of Possession
 - must schedule with sheriff or marshal
 - must provide own labor to clear property out of rented premises
 - consider bringing locksmith to change locks immediately
 - consider hiring servicing company
 - servicing company coordinates all of the above
 - servicing company can sometimes accelerate timing