

# Eviction

The Constable's Office is the enforcement arm for the First City Court of New Orleans. Our role is to execute the decisions of the court, act as a process server and peace-keeper, and to ensure that the eviction process flows as smoothly as possible. We are aware that the eviction process may seem complicated to the parties involved, so we have produced this web site to help you better understand the process. Created with the attorney, landlord, property manager and tenet in mind, this web site can effectively guide you through the eviction process.

## **Five-Day Notice to Vacate Premises**

The eviction process is initiated in the Constable's Office with the Five-Day Notice to Vacate Premises. This notice is filed by the landlord between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, and applicable fees will apply. The reason for the eviction must be clearly stated on the notice before it will be served. The Constable's Office will then serve the notice to the tenant in person or by attaching it to the tenant's door. The tenant will receive the notice on the next business day.

## **Rule for Possession of Premises**

If the tenant fails to pay rent or to vacate the premises by the fifth (5th) business day once the Five-Day Notice to Vacate Premises has been served, the landlord must return to the Constable's Office to file the Rule for Possession of Premises. On the sixth (6th) business day, or shortly thereafter, the Clerk of First City Court will serve notice of the assigned court date to the tenant either in person or by attaching it to the tenant's door. On the date given by the Clerk's Office, both landlord and tenant will appear in court. If the landlord fails to appear or accepts full or partial payment of rent from the tenant at any time after the eviction process has begun, the court will dismiss the Rule for Possession of Premises.

If the landlord still wishes to evict, the landlord must begin a new eviction process and file another Five-Day Notice to Vacate Premises.

## **Notice of Judgement - Possession of Premises**

If a judgement is rendered in favor of the landlord, a Notice of Judgement-Possession of Premises will be served the next business day to the tenant. This notice orders the tenant to vacate the premises twenty four (24) hours after service. The Constables Office will serve this notice to the tenant's door.

## **Warrant for Possession Premises**

In the event that the tenant fails to move after the twenty-four (24) hour Notice of Judgment-Possession of Premises has expired, the landlord must obtain a Warrant for Possession of Premises. A deputy constable will execute the warrant by removing the tenant and his or her property from the premises. Once the warrant is enforced, the property will be secured and returned to the landlord. This completes the eviction process