THE EVICTION PROCESS

This information is not intended as a substitute for personal legal advice. It is recommended that you always consult an attorney before initiating legal proceedings.

When good tenant screening and management techniques are practiced, landlords rarely have to consider eviction when problems arise. When the landlord has a good relationship with their tenant and has effectively communicated with them regarding payment of rent and appropriate behavior; problems can usually be resolved without the need for legal action. There are situations in which an eviction suit is necessary.

A landlord must have a court order to evict a tenant, despite any provisions in the lease. There are two types of lawsuits that a landlord may file against a tenant:

- **Suit for Rent and Possession**
- **Unlawful Detainer Suit**

Components of the lawsuits:

- **Filing suit:** In the City of St. Louis a suit is commenced by filing a complaint with the Circuit Clerk's office located on the 1st floor in the Civil Courts Building at 10 North Tucker.
- **Petition/Complaint:** A written application to the court stating the facts and reasons for the lawsuit and asking for relief.
- **Summons:** A notice that is sent to the tenant advising them of the lawsuit and instructing them to appear.
- **Court date:** The date the parties are to appear in court. The clerk will advise the landlord of the court date at the time the suit is filed.
- **Judgment:** Decision of the judge after the trial where both parties have had an opportunity to present their evidence.
- **Consent judgment:** A written agreement between the landlord and the tenant to end the lawsuit that is signed by the judge.
- **Default judgment:** A judgment entered in favor of one party because the other party fails to appear in court.
- **Right to Appeal:** The losing party has ten (10) days from the date of the judgment to appeal.

Rent and Possession:

Section 535.020 R.S.Mo outlines the procedure to be followed in a suit for rent and possession. A suit for rent and possession is appropriate when the landlord wants to regain possession of the property because the tenant has not paid their rent.

- Available to a landlord after a tenant fails to pay rent
- Landlord must make a demand for payment prior to filing suit

Unlawful Detainer:

Section 534.030 R.S.Mo governs the process for an unlawful detainer suit. This type of suit is usually brought after the tenant refuses to move out after the lease ends or when the tenant does not move out after the landlord gives proper notice to end the lease or there is a violation of the lease. Before a suit can be initiated the landlord is required to give written notice to terminate under R.S.Mo.441.060.

- Available to landlord to remove holdover tenants or tenants in violation of their lease
- Landlord must give tenant at least one full month's notice starting from the next date the rent is due.

Expedited Eviction:

Sections 441.710-441.880 R.S.Mo provides for expedited eviction when emergency conditions exist, criminal drug activity occurs, or previously barred persons enter the premises.