

Lake Charles City Court – Civil Section
800 Bilbo St., 2nd Floor
337-491-1564

EVICTION PROCEDURES

I. DEFINITION OF TERMS

- A. **FIVE DAY NOTICE** – A five day notice is obtained when a landlord has a written lease with the tenant and evicts a tenant for non-payment of rent or breach of contract. ****Reference C.C.P. Art. 2680 & C.C.P. Art. 2728****
- B. **TEN DAY NOTICE** – A ten day notice is obtained when a landlord has a month to month lease, or does not have a lease and evicts a tenant for any reason. When the rent has been paid, then a ten day notice prior to the expiration of rent has to be filed. There can be more than ten days, but not less.
- C. **SERVICE OF NOTICE** – Notice under the eviction statutes of the state of Louisiana may be served either domiciliary (on a person residing in the household of suitable age and discretion), personal service, or by tacking the notice on the premises.
- D. **COMUTATION OF TIME** – A Five Day Notice is 5 consecutive days that does not include weekends or legal holidays. A Ten Day Notice is 10 days consecutive days, including weekends and holidays.
****Reference C.C.P. Art. 5059****

II. PROCEDURE

- A. **NOTICE TO VACATE** ****Notice to Vacate is only good for 30 days****
1. Obtain a five day notice or a ten day notice from the Clerk's office in the City Court Civil Section. This notice will be served by the Marshal's Office. The jurisdiction is Ward III, Lake Charles, LA. The tenant will be served. The Marshal then returns the notice to vacate with the date served to the Clerk's Office in the City Court Civil Section for filing.
- B. **RULE FOR POSSESSION OF PREMISES**
1. If the tenant does not pay the rent or move from the premises after receipt of the notice to vacate, a rule to show cause must be fixed for hearing. This process is called an eviction suit, and a deposit of \$150.00 for one defendant or \$200.00 for two defendants is required for the filing of this action. ****When filing the eviction suit and suing for RENT, the Advanced Deposit is \$175.00 for one defendant or \$250.00 for two defendants****
 2. The rule is fixed so that both parties may show cause before the Judge. At this time, the landlord has the opportunity to show why the tenant should vacate the premises and the tenant has the same opportunity to show cause why he should not.
 3. If both parties appear for the rule and the landlord is granted an eviction judgment, the tenant is notified in person that he has 24 hours to vacate. If the landlord appears and the tenant does not, then a 24 hour notice of eviction will be issued and serviced on the tenant by the Marshal.
 4. If the tenant moves after the 24 Hour Notice is posted, either a verbal or written dismissal must be filed with the Civil Office.
- C. **WRIT OF EJECTMENT – FINAL STEP**
1. If the tenant does not move within the 24 hours period, then the landlord may request a Writ of Ejectment. At that time, the Marshal meets with the landlord at the address of the rent property. The tenant has to move out voluntarily or by the force of the Marshal.