

# **EVICTON PROCEDURE OF THE LAKE CHARLES CITY COURT SYSTEM**

*Presented as a courtesy by:*

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## EVICTION PROCEDURE

### 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. Art. 2680 & C.C. 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.

### 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 3, Lake Charles, LA. The tenant will be served. The delays run straight through the holidays and weekends, starting the day after service is made. The Marshal then returns the Notice to Vacate with the date served to the Clerk's Civil Office 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 \$100 for one defendant or \$135 for two defendants is required for the filing of this action. **\*\* When filing the eviction suit and suing for RENT, the Advanced Deposit is \$135 for one defendant or \$150 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.

## C. WRIT OF EJECTMENT - FINAL STEP

1. If the tenant does not move within the 24 hour period, then the landlord may request a Writ of Ejectment within 90 days. At this time, the Marshal meets the landlord at the address of the rent property. The tenant has to move out voluntarily or by the force of the Marshal.