

HOW TO FILE & PRESENT AN EVICTION CASE

Table of Contents

<u>Overview to Filing an Eviction Case.....</u>	<u>1</u>
Read the basics of starting an eviction – who is involved, what forms are used, when an eviction can start, and how much it costs to start.	
<u>Step 1: Serve the Defendants with Written Notice.....</u>	<u>2</u>
Find out how to fill out a written notice and give it to your tenants.	
<u>Step 2: Fill out and file an <i>Eviction Complaint</i> and <i>Eviction Summons</i>.....</u>	<u>3</u>
Find out which forms to use and how to file your <i>Eviction Complaint</i> with the court.	
<u>Step 3: Serve the <i>Eviction Complaint</i> and <i>Eviction Summons</i> on the Defendants....</u>	<u>5</u>
Find out the how to have the Defendants in an Eviction case served.	
<u>Step 4: Go to Court.....</u>	<u>7</u>
Find out what to do when you go to court for your eviction case.	
<u>Step 5: Enforce the <i>Eviction Order</i>.....</u>	<u>8</u>
Find out how to enforce your <i>Eviction Order</i> .	

OVERVIEW TO FILING AN EVICTION CASE

This page gives the basics of the eviction process. For more detail on the process, read this whole packet.

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/glossary. For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to ilcourthelp.gov.

Who is the Plaintiff and who are the Defendants in this case?

- The Plaintiff files the lawsuit and is usually the landlord or owner of the property. If a corporation or LLC owns the property, it must hire a lawyer. Property managers cannot file on behalf of the owner.
- The Defendants are being sued and are the tenants or occupants of your property. A tenant is someone with an oral or written lease. An occupant is someone who does not have an oral or written lease, but lives in the property (includes squatters and trespassers).
- The Plaintiff files an eviction case to make the Defendants move out. The Plaintiff can also ask for unpaid rent.

How do I evict someone living on my property?

- There is only one way to evict a tenant or an occupant who does not agree to leave.
- You must file an eviction case, win the case, get an eviction order, and ask the sheriff to enforce this order by performing an eviction.
- **NOTE:** Trying to evict a person without a court order is AGAINST THE LAW! You may not change locks, turn off utilities, or take any other action on your own to try to force a person to move.

Who should use these forms?

- These forms can help landlords or property owners who do not have a lawyer to file an eviction case. Do not try to file an eviction case until you have read this entire document.
- If you are not a lawyer, you cannot represent another person's interest in court. You must be the named plaintiff in an eviction and complete and sign all the filings on your own behalf. If a corporation or LLC owns the property, it must hire a lawyer.
- These instructions apply to most residential eviction cases. If there is a lease, it may provide for additional tenant rights. If it does, follow those. These forms are not intended to be used in these cases: commercial, post-foreclosure, mobile homes,

condominium actions against owners, public and project based subsidized housing, and contracts for deed (also called rent to own agreements or installment sales agreements). These cases might have additional legal requirements that these forms do not meet, so you may want to talk with a lawyer.

- Some cities, including Chicago, have different or additional requirements that these instructions do not discuss. Check with your local government about whether your city has adopted ordinances that apply to your eviction case.
- Most of these instructions assume that you are a landlord and that the people you are trying to evict are tenants. If the person is not a tenant, see the section entitled "How do I evict other occupants, squatters, or trespassers living in my property?" on page 3.

Where can I find the forms that I need?

You can find the forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

What costs will I need to pay to ask the court to evict an occupant?

- The Circuit Clerk charges a filing fee and the sheriff charges a service fee. Contact your Circuit Clerk and sheriff to ask what filing an eviction case costs in your county.
- If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing the *Application for Waiver of Court Fees* found at illinoiscourts.gov/documents-and-forms/approved-forms.

When can I start the eviction process?

You may start an eviction case in any of these circumstances:

- Your tenant owes rent;
- Your tenant's lease is about to expire and you do not want to renew it;
- Your tenant has violated the terms of the lease;
- Your tenant has no written lease and you would like them to move; OR
- An occupant is living on the property and they refuse to leave.

What are the steps in the eviction process?

- Step 1: Serve the Defendants with written notice.
- Step 2: Fill out and file an *Eviction Complaint* and *Eviction Summons*.
- Step 3: Serve the *Eviction Complaint* and *Eviction Summons* on the Defendants.
- Step 4: Go to court.
- Step 5: Enforce the *Eviction Order*.

These steps are described in more detail below.

STEP 1: SERVE THE DEFENDANTS WITH WRITTEN NOTICE

What type of notice should I use to tell the Defendants I am evicting them?

The type of notice you use depends on the reason for the eviction. Below is a list of the most common types of notices.

- If the tenant has not paid rent, you can use a *Notice of Termination for Non-Payment of Rent* (also known as a 5-Day Notice).
- If the tenant has violated the lease in another way other than the non-payment of rent, use a *Notice of Termination for Lease Violation (Other than Non-Payment of Rent)* (also known as a 10-Day Notice).
- If you do not want to renew an expiring lease, use a *Notice of Non-Renewal of Lease* (also known as a 30-Day Notice).
- If you are not renting to the occupants, use a *Demand for Immediate Possession*.
- Whoever serves the *Notice* or *Demand* should fill out an *Affidavit of Service of a Demand or Notice* describing how and when they served the *Notice* on the Defendants. This *Affidavit* may make it easier to prove in Court that the *Notice* was served.
- You only need to prepare 1 *Notice* or *Demand* and 1 *Affidavit of Service of a Demand or Notice* even if you have more than 1 tenant or unknown occupant to serve. Be sure to keep a copy of each one for yourself.

Each *Notice*, except for the *Demand for Immediate Possession*, has a different notice period. This is the number of days you must wait after the *Notice* is served before you can file your *Eviction Complaint*. If you file the *Eviction Complaint* before the notice period ends, the judge may dismiss it and you will have to start over.

NOTE: The notice requirements may be different if required by the lease, local landlord-tenant law, or in cases involving commercial leases, post-foreclosure, mobile homes, condominium actions against owners, public and project based subsidized housing, and contracts for deed (also called rent to own agreements or installment sales agreements).

How do I serve the written notice?

- You may serve the notice by:
 - Handing it to the Defendant;
 - Handing it to a person who is at least 13 years old and lives in the property;
 - Sending a copy of the notice to the Defendant by certified or registered mail, with a returned receipt from the addressee (such as a green card); OR
 - Posting it on the door, but ONLY if no one lives in the property.

NOTE: The service requirements may be different if required by the lease, local landlord-tenant law, or subsidized housing programs. If you are confused about this very important step in the process, talk with a lawyer.

How do I know when the notice period ends?

- Each *Notice* has a different notice period.
- The day you serve the *Notice* does not count.
- The notice period starts the day after you serve the *Notice*.
- The notice period ends at midnight of the last day of the notice period.
- You can file your case the day after the notice period ends.
- If the last day of the notice period is a Saturday, Sunday, or court holiday, the notice period ends at midnight of the next day that is not a Saturday, Sunday, or court holiday.
- For example, if you serve a *Notice of Termination for Non-Payment of Rent* (also known as a 5-day notice) on a Monday, Day 1 would start on Tuesday. Because Day 5 would be a Saturday, the notice period continues until the following Monday and you could file the eviction case on Tuesday. If that Monday is a court holiday, the notice period continues until Tuesday and you could file the eviction case on Wednesday.

How do I evict my tenant for not paying rent?

- Serve the tenant with a *Notice of Termination for Non-Payment of Rent* that demands that the overdue rent be paid within 5 days. This *Notice* is often called a "5-Day Notice." **NOTE:**
 - If your tenant offers you the full amount of the rent demanded in the *Notice* within 5 days, you **must** accept it and you cannot file the *Eviction Complaint*.
 - If your tenant offers you the full amount of the rent demanded in the *Notice* after the 5 days has passed but before you have filed an *Eviction Complaint*, you may accept the money but if you do, you will not be able to file the *Eviction Complaint*.

- If your tenant offers you the full amount of the rent demanded in the *Notice* after you filed an *Eviction Complaint*, ask the judge before cashing the check or before spending or depositing the money.

How do I evict a tenant whose lease has ended and I do not want to renew?

If the lease ends on a specific date (and the lease terms do not say it automatically changes to a month-to-month tenancy) and your tenant does not move out, you may file an *Eviction Complaint* the very next day.

- You may not file an eviction action the very next day if your local landlord-tenant law or lease requires you to give your tenant advance written notice that you do not want to renew the lease.
- If you are unsure about whether a notice is required, it is better to give your tenant a *Notice*.

NOTE: Under Chicago law, renters must be given written notice that the lease will not be renewed at least 30 days before the end of their lease.

How do I evict other occupants, squatters, or trespassers living in my property?

- If you are unsure if the occupants have a lease or not, you need to try to make contact with them to find out if they have a lease and to get a copy of it if it is in writing.
 - If they have an existing lease, you may have to honor it.
- If the people living in your property do not have a lease and you never accepted rent from them or agreed to let them stay on your property, you can serve them with a *Demand for Immediate Possession*. You can file your *Eviction Complaint* immediately after you serve this demand.

NOTE: Some qualified renters in foreclosed properties may have additional rights to remain or receive relocation assistance. Talk with a lawyer prior to filing your *Eviction Complaint* if you think that these or other issues could come up.

How do I evict a tenant who has paid their rent but has violated some other lease term?

- You may serve the tenant with a *Notice of Termination for Lease Violation (Other than Non-Payment of Rent)* (also known as a 10-Day Notice) stating that you are terminating the lease. This *Notice* should be specific about how the tenant violated the lease. If possible, you should name the person who violated the lease, describe the violation, and state when the violation happened.
- Some local landlord-tenant laws and leases give the tenant a right to fix the problem before the notice period expires (if the problem can be fixed). This is sometimes called the right to "cure." If the tenant has the right to fix the problem, the *Notice* must inform

the tenant of this right. Check the lease and contact your city or county officials and get a copy of any local landlord-tenant laws.

- If the tenant has the right to fix the problem and the tenant fixes the problem before the notice period expires, you may not evict the tenant for that lease violation. If the tenant does not have the right to fix the problem or has the right to but does not fix the problem within the notice period, you can file the *Eviction Complaint* after the notice period ends.

How do I evict a tenant who has no written lease?

- If you ever had an agreement that allowed the occupant to pay rent to stay in the property, they are a tenant whether or not they had a written lease.
- A tenant with no written lease usually has a month-to-month tenancy. Oral leases can also have other types of time periods that require a different kind of notice. If you think your lease is not a month to month, tenancy, you may wish to speak with a lawyer or visit illinoislegalaid.org/legal-information/written-eviction-notices.
- A tenant with a written lease that has expired may also be considered to have a month-to-month tenancy if the landlord continues to accept rent. If you are not sure, talk with a lawyer.
- You must first serve the tenant with a *Notice of Non-Renewal of Lease or Termination of Tenancy* (also known as a 30-Day Notice). You may terminate a month-to-month tenancy with at least 30 days' advance written notice. Most rental periods run from the first of the month to the last day of the month. Therefore, serve your notice at least 30 days before the end of the month.

When can I NOT evict my tenant?

- You may not evict a tenant merely because they have engaged in an activity the law protects.
 - Protected activities include complaining to a government official about conditions at the property.
 - Local landlord-tenant laws may protect additional activities such as requesting reasonable repairs or organizing tenants.
 - You may not engage in unlawful discrimination.

STEP 2: FILL OUT AND FILE AN EVICTION COMPLAINT AND EVICTION SUMMONS

What forms do I need to file an eviction case?

You will need these documents:

- *Eviction Complaint*: asks the court for an eviction and gives information needed to begin the eviction.

If there is any past due rent when you file the *Complaint*, you may ask for this rent in the *Complaint*. You may also ask for any rent that will come due during the case.

You **MUST** attach the following to the *Eviction Complaint*:

- a copy of the *Notice* or *Demand* (if any);
- *Affidavit of Proof of Service of a Demand or Notice*; AND
- Relevant parts of the written lease, if your *Eviction Complaint* is based on a lease violation. If you had a written lease that ended and you accepted rent from your tenants, you must attach the most recent lease to the *Eviction Complaint*.

If you do not have a *Notice*, *Demand*, or *Affidavit of Service of a Demand or Notice*, or lease:

- you should attach an *Affidavit – Supporting Documents Not Attached to Complaint*. The *Affidavit – Supporting Documents Not Attached to Complaint* explains why you did not attach a *Notice*, *Demand* or lease to the *Eviction Complaint*.
 - If you do not attach the necessary documents to your *Eviction Complaint*, your case may be dismissed.
- *Eviction Summons*: tells the Defendants that you are asking the court for an eviction and gives the court date.
 - *Eviction Order*: is used by the judge to grant or deny your eviction.

The email address (if you have one) and mailing address you put on the forms is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

Where can I find the forms I need?

You can find the forms at [illinoiscourts.gov/Forms/approved/default.asp](https://www.illinoiscourts.gov/Forms/approved/default.asp).

Who should I name as Plaintiff in the *Eviction Complaint*?

- You must be the Plaintiff. The Plaintiff files the lawsuit and is usually the landlord or owner of the property. If a corporation or LLC owns the property, it must hire a lawyer. Property managers cannot file on behalf of the owner.

Who should I name as Defendants in the *Eviction Complaint* when multiple people live on the property?

- You should name every adult who lives in the property.

- You should include "All Unknown Occupants" as a Defendant. If the sheriff comes out to evict the people on the property and finds someone there who was not named, the sheriff will not evict that person unless you have included "All Unknown Occupants" as a Defendant.

When can I ask for rent and other remedies?

In your *Eviction Complaint*, you can ask the court for any of the following:

- To have the sheriff evict the Defendants and give you possession of the property;
- Court costs, including filing and service fees;
- All past due rent and any rent that comes due while the case is pending, if there is an oral or written lease;
- Rental value for the property for the time the Defendants lived in the property, even if there is no oral or written lease. This is called "use and occupancy" value; AND
- Attorney's fees if you have a written agreement (such as a lease) that says the Defendants are responsible for them, unless local law prohibits this.

If you are unsure about whether you can request a particular remedy in an eviction case, talk with a lawyer.

In your *Eviction Complaint*, you cannot ask for:

- Money to compensate you for damages to the property caused by the Defendants; OR
- Money for other claims against the Defendants that are not related to possession of the property.

Even if you cannot ask for a particular remedy in your *Eviction Complaint*, you may be able to file a different kind of lawsuit.

How can I get a court date (sometimes called a "return date") to put on my *Eviction Summons*?

You must ask for a court date that gives the sheriff or special process server enough time to serve the Defendant at least 3 days before the court date (7 days in Cook County).

○ Outside Cook County:

- Before filing your case, contact your local Circuit Clerk's office to ask about their process for filing the *Eviction Complaint* and *Summons*. To find the Circuit Clerk's phone number, visit [illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/](https://www.illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/).
- Once you have your court date, fill in that information on the *Eviction Summons*.

○ In Cook County:

- If you are e-filing in Cook County, select your court date in the "return date" field. The Circuit Clerk will print the court date, time and courtroom number on the *Eviction Complaint* and *Eviction Summons* when you e-file.

- If you are filing in person because you have a *Certification for Exemption from E-filing*, ask the Circuit Clerk for a court date when you file your *Eviction Summons*, and fill it in.
- You may be able to attend the court date by phone or video. This is called a “Remote Appearance.” Call the Circuit Clerk or visit their website to find out how to do this. To find the phone number for your Circuit Clerk, visit illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/.
- Visit efile.illinoiscourts.gov/service-providers.htm to select a service provider. Some service providers are free while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: illinoiscourts.gov/self-help/how-to-e-file/.
- If you do not have access to a computer or if you need help e-filing, take your form to the Circuit Clerk’s office where you can use a public computer terminal to e-file your forms.
 - You can bring your forms on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your forms.

What do I do after I fill out my forms?

File your forms with the Circuit Clerk in the county where the property is located.

- If you are filing your *Eviction Complaint* in Cook County, make sure to file it in the municipal district where the property is located. For a map of municipal districts visit: cookcountycourt.org/ABOUTTHECOURT/OrganizationoftheCircuitCourt.aspx.
- You must file these forms:
 - *Eviction Complaint*. You must attach your *Notice or Demand*, as well as your *Affidavit of Service of a Demand or Notice*. If you did not serve a *Notice or Demand*, you should attach an *Affidavit -Supporting Documents Not Attached to Eviction Complaint*; AND
 - *Eviction Summons*. You must include every page of the *Eviction Summons* and you cannot change the form.
- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, (2) you have a disability that keeps you from e-filing, or (3) you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer; (2) you have trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because the equipment or assistance you need is not available.
 - If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: <https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>.
 - File the original and 1 copy of your forms and the *Certification*, with the Circuit Clerk’s office in person or by mail.
- To e-file, create an account with an e-filing service provider.

STEP 3: SERVE THE *EVICTON COMPLAINT AND EVICTION SUMMONS* ON DEFENDANTS

How do I serve the Defendants with an *Eviction Complaint and Eviction Summons*?

The sheriff must serve each of the Defendants at least 3 days (7 days in Cook County) before the first court date (also known as the “return date”) which is on the *Eviction Summons*.

- You must deliver to the sheriff, either in person or by mail, copies of your *Eviction Summons* and *Eviction Complaint* (one for each Defendant).
 - In person:
 - Bring the forms to the sheriff’s office.
 - Give the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one) and pay your portion of the sheriff’s fees.
 - By mail:
 - Mail copies of your forms to the sheriff’s office. Sending your forms to the sheriff by mail may delay your case.
 - Include the *Letter to the Sheriff (Serving an Eviction Summons and Eviction Complaint)* found at <https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>.
 - Include a self-addressed and stamped envelope so the sheriff can mail back to you the *Affidavit of Service of Eviction Summons and Eviction Complaint*, which is part of the *Eviction Summons*. This *Affidavit* will state whether, how and when the sheriff served each Defendant.
 - Include a copy of your *Order for Waiver of Court Fees* (if you have one) and pay your portion of the sheriff’s fee.

- Serving a Defendant who does not live in the county where the case was filed:
 - Get the name, address, and telephone number for the sheriff in the county where the Defendant lives.
 - Call the sheriff's office to confirm the number of copies the sheriff requires.
 - If you have an *Order for Waiver of Court Fees*, confirm that the sheriff will accept this. It must be accepted by all sheriffs in Illinois, but not in other states.
 - Mail copies of your forms to the sheriff's office as explained in the By mail section above.
- If you are not able to serve the other party before your court date, go to the court date and ask the judge to let you file a new *Eviction Summons* (sometimes called an "Alias Eviction Summons") and set another court date. This will give you time to serve the new *Eviction Summons* with the new date and time.
 - Go back to Step 2 to file this new *Eviction Summons*. Remember to bring the judge's order to the Circuit Clerk setting the new date.
 - Follow Step 3 and ask the sheriff to try to serve the other party again. Remember to attach the original *Eviction Complaint* to the new *Eviction Summons*.
 - If you do not wish to use the sheriff, you may be able to use a special process server to serve the *Eviction Summons* instead.
 - For information about how to use a special process server, see *How to File & Send a Motion to Appoint Special Process Server* at illinoiscourts.gov/Forms/approved/Circuit.asp.

What if the sheriff or special process server has tried and been unable to serve the *Eviction Summons* and *Eviction Complaint* personally?

The sheriff may be able to serve the Defendants by posting notices of the eviction in the area around the property. Serving the Defendants in this way is called "service by posting."

You must follow special rules to serve the Defendants by posting. If you do not follow the special rules, the judge may make you serve the Defendants again.

- Before you can serve by posting, you must first make a "diligent inquiry" to have the sheriff or special process server find and serve the Defendants in person. A diligent inquiry means you have tried every commonsense way to find and serve them. This may include attempts by the sheriff or special process server to find and serve the Defendants at the property on different dates and at different times of day. If you know of other addresses where the Defendants could be served (like their work or a friend or family member's

address), you must try to have them served at these addresses as well.

- After you have had the sheriff or special process server make a diligent inquiry and they have been unable to serve the Defendants in person, then you may serve them by posting.
- To serve the Defendants by posting, you must:
 - Complete an *Affidavit for Service by Posting*, which states why you need to serve by posting. You have to show at least 1 of the following:
 - The Defendant lives outside of Illinois;
 - The Defendant has gone outside of Illinois;
 - You know the Defendant is in Illinois but you cannot find them; OR
 - You cannot find the Defendant after trying your best.
 - Bring your *Affidavit for Service by Posting* to your court date. Tell the judge you will serve the Defendants by posting.
 - Fill out a *Notice Requiring Appearance in Pending Eviction Action*.
- You will need to put a new court date on the *Notice by Posting Requiring Appearance in Pending Eviction Action* before you file it.
 - If you got a court date from the judge, put that date, time and courtroom on the *Notice*.
 - If you did not get a court date from the judge, call the Circuit Clerk to ask for a court date. Put that date, time, and courtroom on the *Notice*.
- File the *Affidavit for Service by Posting* and a copy of the *Notice by Posting Requiring Appearance in Pending Eviction Action* that will be posted.
- The Circuit Clerk or the sheriff may charge fees to file or serve your *Affidavit* and *Notice by Posting Requiring Appearance in Pending Eviction Action*. If you have an *Order for Waiver of Court Fees*, all or part of these fees will be waived.
- After you file, give the *Notice* to the sheriff to post and pay your part of any fees. The sheriff may need multiple copies of the *Notice* or other papers before they will serve the Defendants by posting. Call the sheriff's office and ask for their requirements.
- The sheriff must post the *Notice* at least 10 days before the court date. The sheriff will file an affidavit proving they served the Defendants by posting.

NOTE: Only a sheriff can serve the Defendants by posting. Neither you nor a special process server can serve a Defendant this way.

- At the court date, bring with you:
 - Any earlier *Affidavits of Service of Eviction Summons & Eviction Complaint* showing the Defendants could not be personally served;
 - The *Affidavit for Service by Posting*;

- The *Notice by Posting Requiring Appearance in Pending Eviction Action*; and
- The sheriff's posting affidavit, if available.
- If the judge agrees you did what you reasonably could to try to serve the Defendants in person and that you followed the service by posting rules, then they will proceed with the eviction case. The judge may decide to have a trial immediately, or may schedule a new trial date. After you serve the Defendants by posting, prepare for trial before you come to court.
- If you serve the Defendants by posting, you will be able to get an *Eviction Order* if you prove your case in court. However, you will not be able to get a money judgment against the Defendants unless the judge decides they have "personal jurisdiction" over them. Talk to a lawyer about how a judge gets personal jurisdiction over Defendants.

How do I confirm the sheriff served the forms on the other party?

- After the sheriff serves the other party with your court forms, they will fill out the *Affidavit of Service of Eviction Summons & Eviction Complaint* section of your *Eviction Summons* form and file it with the Circuit Clerk OR mail it to you.
 - If the sheriff files the *Eviction Summons* with the completed *Affidavit of Service of Eviction Summons & Eviction Complaint* directly with the Circuit Clerk, call the Circuit Clerk to find out if it has been filed. If it has been filed, ask the Circuit Clerk how to get a copy.
 - If the sheriff mails the *Eviction Summons* with the completed *Affidavit of Service of Eviction Summons & Eviction Complaint* to you, e-file the *Affidavit of Service of Eviction Summons & Eviction Complaint*. If you have an e-filing exemption, make a copy for yourself and file the *Affidavit of Service of Eviction Summons & Eviction Complaint* with the Circuit Clerk and have the Circuit Clerk stamp your copy.

STEP 4: GO TO COURT

Get ready for your court date.

- You may be able to attend the court date by phone or video. This is called a "Remote Appearance." Call the Circuit Clerk or visit their website to find out how to do this. To find the phone number for your Circuit Clerk, visit illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/.
- Gather and make copies of pictures and documents you

Make sure you know how you are to attend your court date.
 Your court date could be in person, by phone or by video. If it is by phone or video it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/

want the judge to see. Be prepared to explain why the pictures or documents are important. Bring the original for the judge and copies for you and the Defendants.

- Talk to anyone who you want as a witness and ask them to come to the court date with you. Decide and write down the questions you will ask the witnesses at the court date.
- Decide and write down what you will say to the judge if asked to tell your side of the case.

Go to your court date.

- Bring these items with you to court:
 - A copy of the *Eviction Complaint* and *Eviction Summons*;
 - Proof that the *Eviction Summons* and *Eviction Complaint* were served on the Defendants;
 - a copy of the *Notice* or *Demand* (if any);
 - *Affidavit of Proof of Service of a Demand or Notice*;
 - The written lease if your *Eviction Complaint* is based on a lease violation, other than non-payment of rent;
 - *Affidavit – Supporting Documents Not Attached to Complaint* if you do not have a *Notice, Demand, or Affidavit of Service of a Demand or Notice*;
 - If you are evicting the Defendants for nonpayment of rent, bring a copy of your rent ledger, receipt book, and any other documents to show how much the Defendants owe;
 - If you are evicting the Defendants for a lease violation other than nonpayment of rent, bring any documents, photographs, or other evidence showing that the Defendants committed the lease violation; AND
 - Any other evidence or witnesses that you feel may be important to your case.
- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form.
- Check in with the courtroom staff and wait for your

name and case number to be called.

○When your case is called, approach the bench (which is where the judge sits), introduce yourself and give the Defendants an opportunity to introduce themselves.

- If your court date is by phone or video:
 - Make sure to have the call-in or login information for your court date and make sure your technology is working.
 - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.
 - Follow these recommendations to appear by phone or video: illinoiscourts.gov/self-help/court-by-phone-or-video

Will my case go to trial on the first court date?

- It may, but the judge may continue the case for any number of reasons, such as:
 - You cannot show you properly served the *Eviction Summons*;
 - The Defendants may ask for time to get a lawyer;
 - The Defendants may file a jury demand (asking that the case be decided by a jury instead of a judge); OR
 - The judge may grant either party more time to gather necessary evidence. For more information about how to get evidence, including from the other side, see illinoislegalaid.org/legal-information/using-discovery-lawsuit.

What happens during the trial?

- You will be placed under oath. You will have a chance to tell the judge your side of the case.
- The Defendants can question you and your witnesses.
- The Defendants then have the chance to tell the judge their side of the case.
- You can question the Defendants and their witnesses.
- You and the Defendants can show documents to the judge. The judge will decide what evidence will be used to decide the case.

What happens after both sides present their case?

- The judge will make a decision and enter an order.
- If the judge needs more information to make a decision, the judge may continue the case to a later date. If the judge wants more information, write down what is needed and bring it with you to the next court date.
- If the judge has enough information to make a decision, they will enter an order.
- If the judge rules in your favor, the order will give you possession of your property. The order may also award you the rent due, court costs, and attorneys' fees. The order will give a date and time by which the Defendants must move out. If the Defendants do

not move by that time, you may contact the sheriff (see Step 5). **ONLY THE SHERIFF MAY EVICT THE DEFENDANTS!**

- If the judge rules against you, the judge will dismiss your case.

STEP 5: ENFORCE THE EVICTION ORDER

How do I get the sheriff to evict the tenants?

After court, you must take the *Eviction Order* to the sheriff's office. You may need to fill out extra forms, make copies, get certified copies, and/or pay fees.

- You will need to ask your sheriff's office what their process is for:
 - telling you when they will come to do the eviction (because you or someone on your behalf must be at the property when the sheriff goes out);
 - having the locks changed;
 - removing any personal property from the unit; AND
 - any other requirements.
- If you do not follow your sheriff's office procedures, it could delay the eviction.
- If you have an *Order for Waiver of Court Fees*, all or a portion of any fee the sheriff charges will be waived. Give a copy of your *Order* to the sheriff.

How do I get the tenants to pay the money judgment?

If the tenant does not pay you the money listed on the *Eviction Order*, you may have to go back to court to try to collect the money. For more information see: illinoislegalaid.org/legal-information/collecting-judgment.