



**ACUNA  
LAW  
OFFICES**

**Commercial Landlord's  
Guide to Evictions**

## General Procedure and Timeline:

Though subject to change based on individual circumstances, below are the general steps a landlord will take if they want to pursue an eviction:

### 01

#### Notice to Quit

If a commercial tenant has been in default of the lease agreement, you must serve a notice to quit to your tenant. A Five-Day Notice is served for nonpayment of rent or other violations of the lease agreement. Unless rent is paid in full within five days, an eviction may be filed.

### 02

#### Lawsuit

After the time period in the notice expires and the tenant has not cured the default, you can file a Eviction Lawsuit with the court. In most cases, you will file either for

- Possession of property ("single action") OR
- Back rent and Possession of property ("joint action").

The court charges different filing fees for each type and depending on the judgment amount sought.

### 03

#### Service

After the Summons and Complaint are filed, the court will assign a court date. Then, the process of service will begin. The Sheriffs will attempt service first. They will attempt to deliver the lawsuit paperwork notifying the tenant of the suit and the initial court date. If the Sheriff is successful at least 5 days before the court date set, the first court date will remain in place. However, if the Sheriff is unsuccessful, you will need to file a motion to appoint a Special Process Server, a private party, to attempt service again. The Special Process Server will deliver a new Alias Summons and Complaint. If they are not successful, then service via publication and posting is possible.

## 04

### First Court Date

Assuming you have successful service, then the court has jurisdiction over the tenant. If neither the tenant nor the tenant's attorney appear at the initial court date, the judge can issue a default judgment (ex parte eviction order). If a default judgment is ordered, you will receive an Order for Possession and possibly a money judgment in joint action cases. If the tenant has filed a jury demand, then the case will be transferred to a different court room and no other decision will be made at the first court date.

## 05

### Court Appearances and Outcomes

The matter will continue in court unless both parties reach an agreement or an outcome is decided by a judge or jury. If you receive an Order for Possession, there will likely be a one week "stay" on the enforcement of the order where the tenant is given the opportunity to make arrangements and move out of the property. If the tenants do not vacate by the agreed upon date, the Sheriff will then remove the tenant. You may then hire a moving company to enter the premises and remove the commercial tenant's belongings.

# How We Can Help

The Eviction process can be long, complicated, and technical. Hiring an attorney can help you receive the best outcome for your situation. The specialists at Acuna Law Offices are ready to assist during every stage of the eviction

process. We keep open lines of communication and inform clients with complete transparency about their litigation matter. Here's how we can help from start to finish:

01

We offer templates for various notice to quit types available for download at [www.acunalawoffices.com/landlord-resources](http://www.acunalawoffices.com/landlord-resources) . For clients that would like our representation for a new eviction matter, we advise on, draft, and review personalized notices for every situation.

02

We will draft and file your eviction complaint as well as manage the process of obtaining service. This includes working with a Special Process Server and/or coordinating service via publication/posting. All of the required court filings and administrative matters are handled by our staff.

03

For clients, we appear at every court date and work diligently to represent their interests during agreed settlement negotiations and before a judge and/or jury.



# FAQS



## How long will the eviction process take?

The process can take several months to fully work out depending on how many court dates there are and what agreement is reached, if any, between both parties. We will guide you through the whole process.

## How much will the eviction process cost?

You can get an estimate of how much this flat fee will be along with various court fees by calling 312-300-4055 for an individual estimate. Our initial flat fees do not cover oral discovery or trials as those require extensive preparation.

## More Questions?

Contact us by calling (312) 300-4055 or email us at [info@acunalawoffices.com](mailto:info@acunalawoffices.com) to discuss the specifics of your case. You can also fill out our contact form at [www.acunalawoffices.com/contact](http://www.acunalawoffices.com/contact) and we will get back to you within 48 hours.





## READY FOR THE NEXT STEPS?

1. If you have any questions, fill out our info form at [www.acunalawoffices.com/contact](http://www.acunalawoffices.com/contact).
2. If you're ready to get started, fill out our form at [www.acunalawoffices.com/landlord-intake-form](http://www.acunalawoffices.com/landlord-intake-form), email [clerk@acunalawoffices.com](mailto:clerk@acunalawoffices.com), or call (312) 300-4055. You will receive a call back from our staff within 48 hours.

## OTHER SERVICES AVAILABLE

- Landlord- Tenant Disputes and Evictions
- Breach of Contract
- Building Code Violations
- Airbnb
- Condo Association Disputes
- Foreclosure and Liens
- Real Estate Transactional Matters
- Commercial Lease Negotiation
- Startup Entity Formation
- Corporate Governing Documents and Fundraising
- Copyright, Trademark, and Patent Filing and Protection
- TOS and Privacy Policies
- General Contract Review
- Shareholder and Partnership Disputes
- Business Torts

Contact us at [www.acunalawoffices.com/contact](http://www.acunalawoffices.com/contact) to inquire about any of the above services and how we can help.