

THE RENTAL PROPERTY MUST
BE LOCATED WITHIN ST.
LANDRY PARISH SPECIFICALLY
IN (WARD ONE)

Right to Evict (LSA-C.C.P. Art.470I)

When a lessee's right of occupancy has ceased because of the termination of the lease by expiration of its term, action by the lessor, nonpayment of rent, or for any other reasons, and the lessor wishes to obtain possession the premises, the lessor or his agent shall cause written notice to vacate the premises to be delivered to the lessee. The notice shall allow the lessee not less than five days from the date of its delivery to vacate the lease premises. This law represents a change in the prior law under which the notice was five, ten, or thirty days, depending upon the circumstances.

PLEASE BE ADVISED!

City Court and City Marshal employees are not allowed to give legal advice. However, these offices will assist you in any way possible.

EVICTON PROCEDURE GUIDELINES



CITY COURT OF OPELOUSAS
IN AND FOR WARD ONE
ST LANDRY PARISH
CIVIL DIVISION
P.O. BOX 1999
127 E. GROLEE STREET
OPELOUSAS, LA 70571-1999

(337) 948-2570 (PHONE)
(337) 948-2017 (FAX)

WEBSITE:
www.opelousascitycourt.com

The purpose of this informational brochure is to guide plaintiffs in filing for an eviction suit with the Opelousas City Court.

I. To evict a tenant because of the termination of the lease by expiration of its term, nonpayment of rent, or for any other reason, the following actions are necessary.

- a. Prepare a "Notice to Vacate Premises" that is properly addressed to the tenant and gives him/her five (5) days to move for expiration of its term, nonpayment of rent, or any other reason.
- I. The "Notice to Vacate Premises" should not contain a specific date to vacate but should simply state "tenant has five (5) days from date of delivery of notice". Do not include holidays or weekends when counting the five days. Refer to: LSA-C.C.P.Art.5059 which states:

In computing a period of time allowed or prescribed by law or by order of court, the date of the act, event, or default after which the period begins to run is not to be included. The last day of the period is to be included, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday. A legal holiday is to be included in the computation of a period of time allowed or prescribed, except when:

- i. It is expressly excluded;
- ii. It would otherwise be the last day of the period; or
- iii. The period is less than seven days.

2. The five (5) day "Notice to Vacate Premises" can be mailed to tenant by CERTIFIED MAIL-RETURN RECEIPT REQUESTED (shall be signed by the lessee), hand-delivered, or posted on the door of the premises.
3. Retain a copy of the "Notice to Vacate Premises" for yourself.
- b. If the tenant has not moved within five (5) working days after handing, posting, or receipt date of the certified mail notice, you may file a Rule to Evict. The procedure for filing an eviction suit follows:
 - I. Complete the "Rule to Evict" form available through the Civil Section or online at www.opelousascitycourt.com (click on Civil Forms). Send the completed form to the Clerk of Court, Opelousas City Court, Civil Division, P.O. Box 1999, Opelousas, LA 70571-1999. ENCLOSE A COPY OF YOUR SIGNED "NOTICE TO VACATE PREMISES". IF THE NOTICE WAS SENT BY CERTIFIED MAIL, ALSO ENCLOSE THE GREEN CARD SHOWING RECEIPT OF THE NOTICE BY THE TENANT.
 2. Enclose \$172.00 court cost for one (1) defendant (plus \$30.00 for each additional defendant.) Send money order, cashier's check, or business check made payable to Opelousas City Court.
 3. It is necessary to file a resolution in the record authorizing an agent to act on behalf of a corporation. If an individual appears on behalf of the Owner/Lessor, a Power of Attorney is required to be filed with the Civil Division of the Clerk of Court's Office that authorizes this individual to act in that capacity.
 4. The court date will be given to you when you file your suit, or it will be mailed to you.
 5. If the tenant or possessions continue to remain in the premises on the morning of the court

hearing, you MUST appear before the Judge at Opelousas City Court, Opelousas, LA.

II. If you are evicting a tenant in accordance with LA C.C.P.Art. 470I and 473I which authorizes waiver of the "Notice to Vacate Premises" requirement, you must bring a copy of the lease when you file your eviction. When presenting this document, please highlight that waiver provision.

III. If the tenant remains on the premises twenty-four (24) hours after you are granted a Judgment of Eviction, you can call the Marshal's Office at 948-2570 to make arrangements for the execution of the Writ of Possession. At the scheduled time, the City Marshal's Office will stand by while the tenant and their possessions are removed from the premises by the landlord or his designee.

