



### **What is an eviction?**

An eviction is a court process a landlord can use to evict a tenant from a rented room, apartment, house, or mobile home.

Just because a landlord starts an eviction case does not mean that the landlord will win. Tenants have certain rights, and there are defenses to an eviction case.

### **How will I know if I'm being evicted?**

An eviction case is started when the landlord has someone else serve the tenant with a Complaint, Notice of Claim and Summons. The "Complaint" describes the reason(s) why the landlord wants to evict the tenant and how much rent they say is owed. The "Notice of Claim" has the time, date, and place of the court hearing and other information about the legal process.

You must be given these papers at between 5-20 days before the court date. These papers can be given to you in person, by mail, or left at your home. This is usually done by the county sheriff.

You can see if your landlord filed a case against you at [mycase.in.gov](http://mycase.in.gov).

### **When can my landlord try to evict me for not paying rent?**

In many cases, a landlord must give a tenant 10 days' notice before starting an eviction in court. If a tenant pays the rent during these 10 days, they should not be evicted. Check your lease to see what it says about this sort of notice. What your lease says controls.

If the eviction is brought for nonrenewal of the lease, the landlord must let the tenant know they are not renewing the lease before filing an eviction.

### **Should I go to court?**

If you are served with eviction papers, you should go to court.

If you do not go to court, the judge will most likely grant the landlord a judgment for everything they asked for in their papers. This is called a "Default Judgment" and will result in you being evicted.

If you are in court, you can ask the judge for extra time to move or explain why you should not be evicted.

### **How do I defend myself in court?**

You may have facts or arguments that may cause the court to dismiss the landlord's case against you.

If the landlord is trying to evict you for "Non-Payment of Rent," you should tell the judge if any of the following apply:

- You did not receive a 10-day letter demanding rent.
- The landlord is trying to charge you for late fees or other charges that are not part of your regular rent.
- You paid the rent, or you tried to pay the rent. Bring proof (receipt or witness) to court.

If the landlord is trying to evict you because your lease is over or they say you broke rules in the lease, you should tell the judge if any of the following apply:

- You did not receive a notice from the landlord telling you that they were not going to renew your rental agreement, within the times set out above.
- The landlord gave you notice, but did it because you complained about poor conditions.
- Your lease has not expired.
- You have taken steps to correct any lease violations that might have occurred.

### **What happens when I get to court?**

Be on time or be early. Your case may be the last one called, or it may be the first one. If you are even a few minutes late, the judge may have already called your case and made a decision.

While you are waiting for the judge, your landlord or their attorney may ask you to sign an agreement. Usually, these agreements say you owe the landlord money, and you agree to be evicted. If you don't agree to this, don't sign the agreement, and ask to talk to a judge.

### **What happens when I talk to the judge?**

You always have the right to ask for a hearing in front of a judge.

When the judge asks for your side of the story, briefly tell the judge the facts of your case and any defenses you want to raise. Be polite and calm, call the judge "Your Honor", and do not talk while someone else is talking. This can be hard when you are

nervous or angry, but it helps your case. Show the judge any proof you brought to court with you and tell them about any defenses you have. You should also tell the judge if you've already moved out.

### **What happens after court?**

If the judge agrees with you, the case will be dismissed. You win, and do not need to move out.

If the judge agrees with the landlord, and you lose, you will be ordered to vacate your home by a date set by the judge. The judge will also schedule another hearing to decide back rent and other damages.

### **What if I don't agree with the judge's decision?**

If you don't agree with the judge's order, you can ask the judge to change their mind. This is called Motion to Correct Error or appeal. The deadline to file a Motion to Correct Error or an appeal is 30 days after the eviction order is entered in the case.

If a default judgment was entered, you can ask that the eviction order be vacated for good cause within one year of the order being entered.

### **Where can I find help?**

Indiana Legal Services provides free legal services. Applications for legal help can be completed by calling 1-844-243-8570 from 10 am to 2 pm, Monday through Friday or by going online anytime to <https://www.indianalegalservices.org/applyonline>.

Indiana Courts have eviction information at <https://www.in.gov/courts/housing/>.

Indiana Legal Help has forms and information at <https://indianalegalhelp.org/>.