

INSTRUCTIONS ON SERVING PRE-LITIGATION EVICTION NOTICES

Service of notices is strictly construed against the landlord. Even if you can prove the tenant actually received the notice, failure to strictly adhere to the service methods will result in dismissal of the eviction action. There are three acceptable means to serve a notice on a tenant.

1. Delivering a copy personally to the tenant; or
2. Substitute service on some person of suitable age and discretion AND mailing a copy to the tenant; or
3. If neither the tenant nor a person of suitable age and discretion is present then affixing a copy of the notice in a conspicuous place on the premises AND mailing a copy.



Always knock first. A good tenant attorney might cross-examine the landlord witness as to whether the notice was posted without inquiring if anyone was present. If so, the case will be dismissed.

Mailing. Regular first class is fine when required. Mailing alone is never sufficient, even if tenant(s) receive the notice. Mail from the same county in which the property is located.

More than one tenant. If there is more than one person living in the property it is important to serve enough copies for each person. This does *not* mean a separate notice for each adult occupant. It means an identical *copy* of the notice. All names of all adults should be on all copies. If someone answers the door, hand that person enough notices for everyone and mail copies separately to each adult occupant. Likewise if posting a copy, mail one separately to each adult occupant.

Posting. Notices must be posted in a conspicuous manner. Anyone should be able to walk up and read it. Therefore, do *NOT* leave it in an envelope, slide it under the door or through the mail slot, etc.

Please Note – While you may not contract for shorter notice periods than required by statute, you may agree to longer periods. Check your lease. If it states the tenant is to receive a longer notice period than is called for in the statute and in our standard forms, you must edit the forms appropriately.

NOTICE TO COMPLY OR VACATE

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TO: _____

AND TO ALL TENANTS IN POSSESSION

You and each of you are notified that you are in violation of the rules, regulations, rental agreement, and/or obligations or restrictions applicable to your tenancy of the premises commonly known as

Your non-compliance is described as:

You are instructed to comply with your obligations of your tenancy and to conform your conduct to the requirements set forth above within 10 (ten) days of service of this notice or your tenancy will be terminated and the landlord will be entitled to all remedies, relief, and damages allowed by law.

DATED this _____ day of _____, 20_____.

Signature of landlord or landlord's agent

Print Name: _____

[enter address for landlord or landlord's agent]