



GUIDE TO THE EVICTION PROCESS

Created by Jasmine Bates, AmeriCorps Member



This guide to the eviction process was developed by the Housing Stabilization Collaborative to empower community members with the knowledge necessary to navigate the eviction process. Through our work providing rental & utility assistance we have observed that most tenants do not know what to do when they receive an eviction notice.

This guide was compiled from publicly available information on the Kansas eviction process.

If you are going through an eviction, we hope you find this guide helpful.

Links to blank eviction documents can be found at hscdgco.org/eviction-resources/

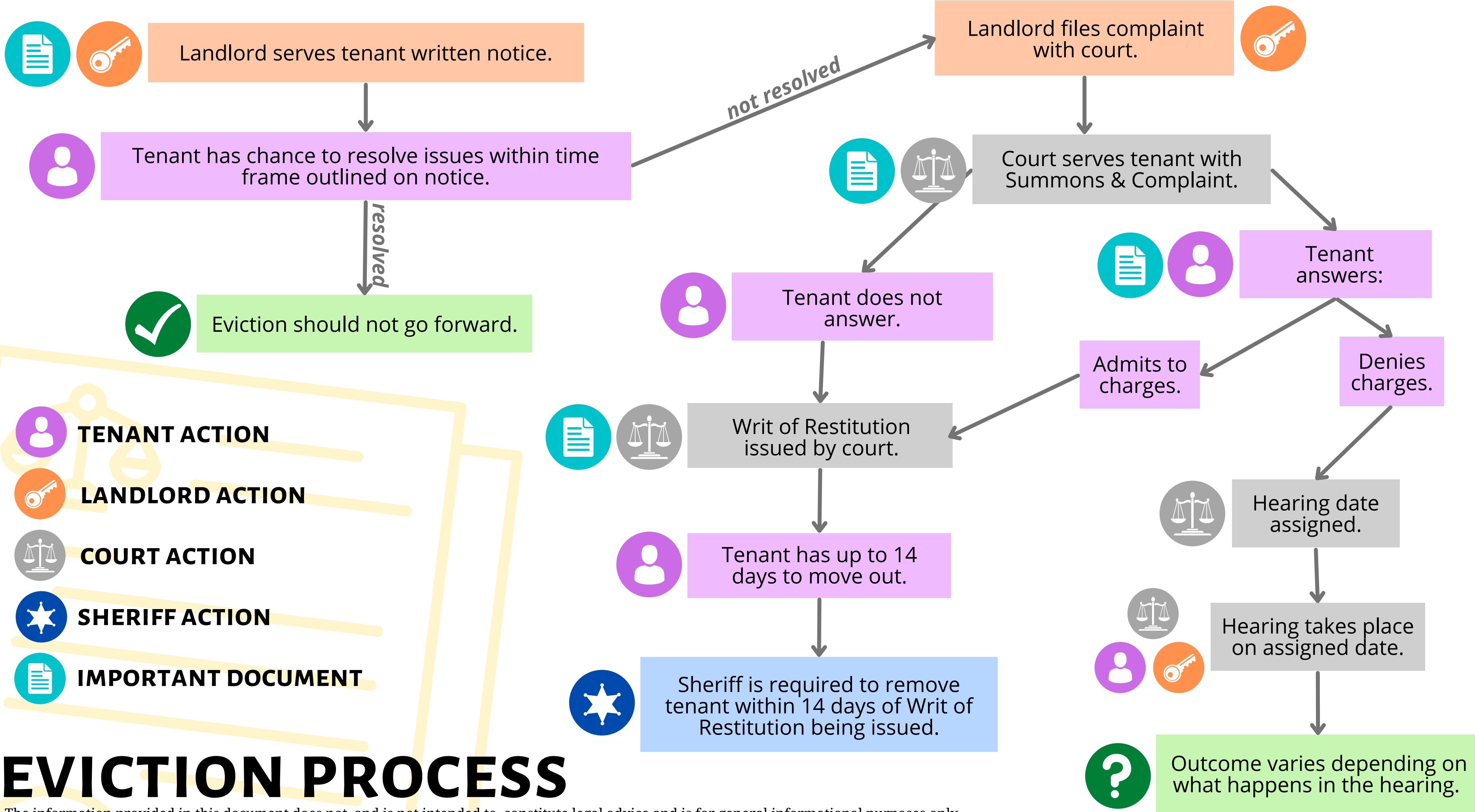
If you need additional housing supports please visit our website at hscdgco.org and consider reaching out to one of our partner agencies.

LEGAL DISCLAIMER

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EVICTIION PROCESS

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-  **TENANT ACTION**
-  **LANDLORD ACTION**
-  **COURT ACTION**
-  **SHERIFF ACTION**
-  **IMPORTANT DOCUMENT**



NOTICE



MAY ALSO BE CALLED:

- WRITTEN NOTICE
- 3-DAY NOTICE
- 14/30
- NOTICE TO VACATE
- LEASE TERMINATION
- EVICTION NOTICE



SUMMONS



- COURT NOTICE
- COURT SUMMONS
- EVICTION SUMMONS
- COURT DATE NOTICE
- SUMMONS + COMPLAINT



ANSWER



- ANSWER TO PETITION FOR EVICTION
- RESPONSE FORM



WRIT



- WRIT OF RESTITUTION
- SHERIFF'S WRIT
- SHERIFF'S NOTICE

EVICTON DOCUMENTS

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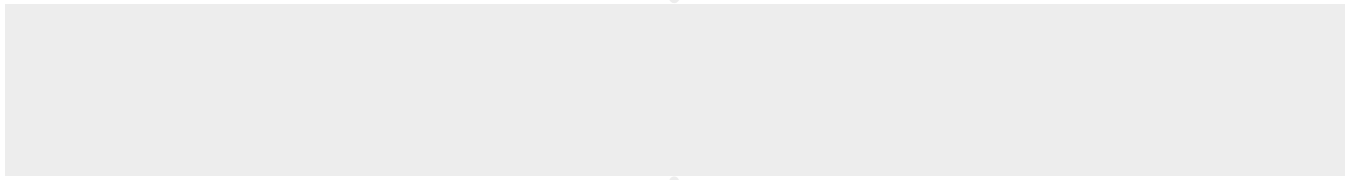
WRIT



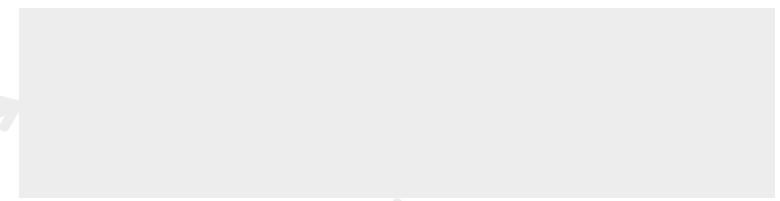
- WRIT OF RESTITUTION
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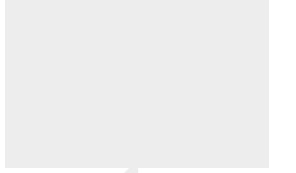
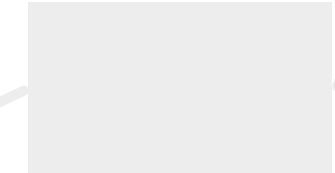
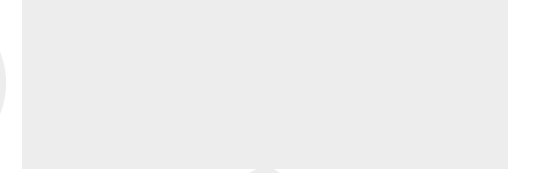
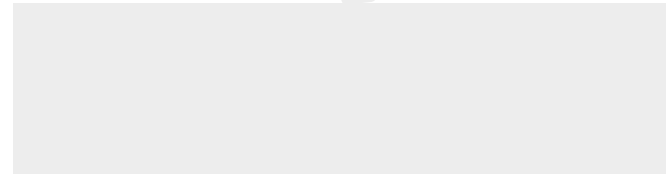
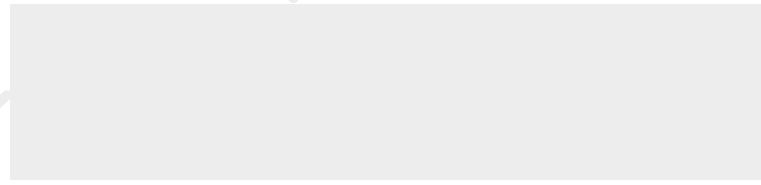
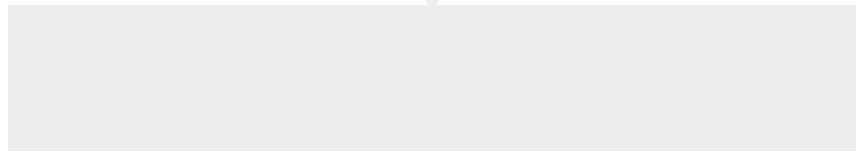
Landlord serves tenant written notice.



not resolved



resolved



TENANT ACTION



LANDLORD ACTION



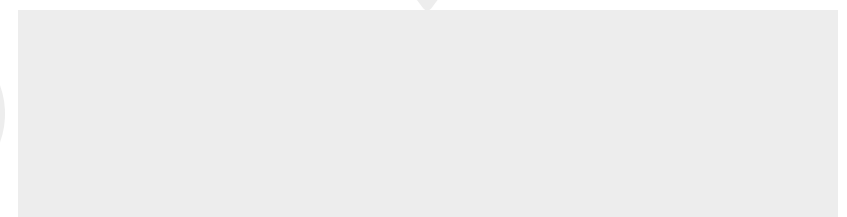
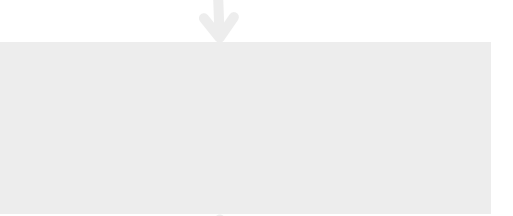
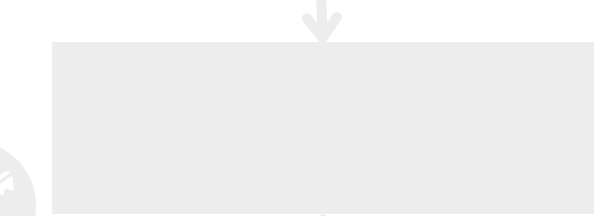
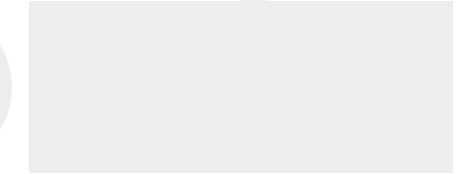
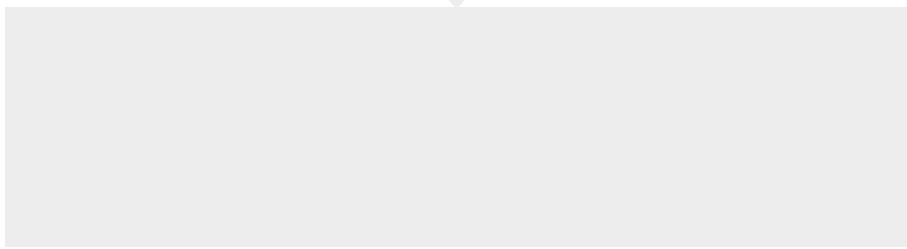
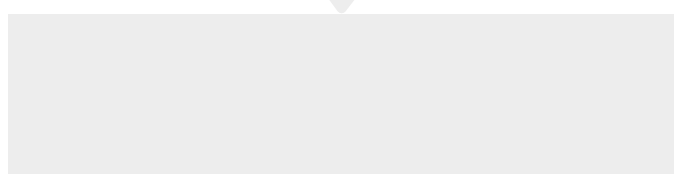
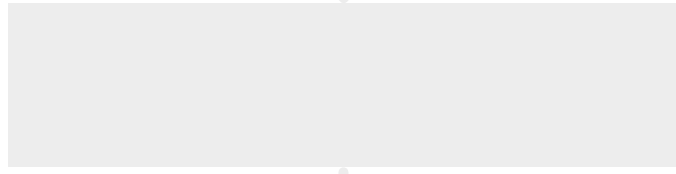
COURT ACTION



SHERIFF ACTION



IMPORTANT DOCUMENT



EVICTIION PROCESS: NOTICE

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Landlord serves tenant **written notice**.



EXAMPLES OF WHAT A WRITTEN NOTICE MIGHT LOOK LIKE:



3-DAY NOTICE

**NON-PAYMENT OF RENT
3 DAYS TO PAY OR MOVE**

7 OR 30-DAY NOTICE

**ENDING WEEK-TO-WEEK OR MONTH-TO-MONTH TENANCY
EITHER 7 OR 30 DAYS TO MOVE OUT**

14/30-DAY NOTICE

**LEASE VIOLATION
14 DAYS TO FIX, 30 DAYS TO MOVE OUT IF NOT FIXED**

NOTICE TO QUIT FOR NON-PAYMENT OF RENT

To: _____
(Tenant's Name)

(Rental Unit Street Address)

(Rental Unit City/State/Zip)

You (tenant) owe past-due rent in the amount of \$_____.

If you do not pay the past-due rent amount in full by _____ (date), your tenancy will be terminated and you will be required to move out of the rental unit. In addition, a lawsuit may be filed against you.

Today's Date: _____

Signature of party completing this notice:

**LANDLORD CAN FILE FOR EVICTION:
IF TENANT DOES NOT PAY IN FULL
WITHIN THREE DAYS.**

LEASE TERMINATION NOTICE TO VACATE

To: _____
(Tenant's Name)

(Rental Unit Street Address)

(Rental Unit City/State/Zip)

You are hereby notified that I (landlord) elect to end your tenancy at _____ (address)

on _____ (date).

The delivery date of this notice is at least:

7 days prior to the termination date above for week-to-week tenants.

OR

30 days prior to the periodic rental date of: _____ (date) for month-to-

mo

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Up

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**LANDLORD CAN FILE FOR EVICTION:
IF TENANT DOES NOT MOVE OUT ON
THE SPECIFIED DATE.**

NOTICE TO COMPLY OR QUIT FOR NON-COMPLIANCE

To: _____
(Tenant's Name)

(Rental Unit Street Address)

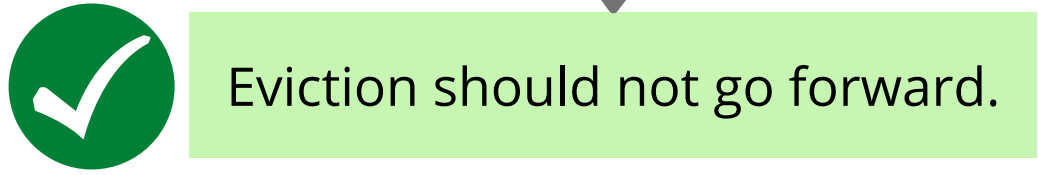
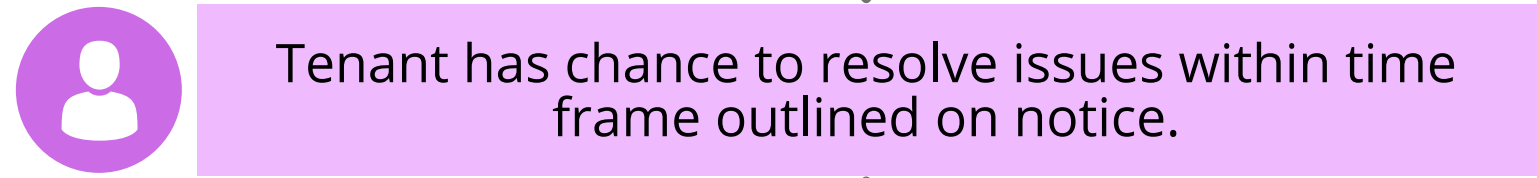
(Rental Unit City/State/Zip)

You (tenant) have caused/allowed the following health/safety violations and/or failed to comply with/violated the following provisions of the lease/rental agreement:

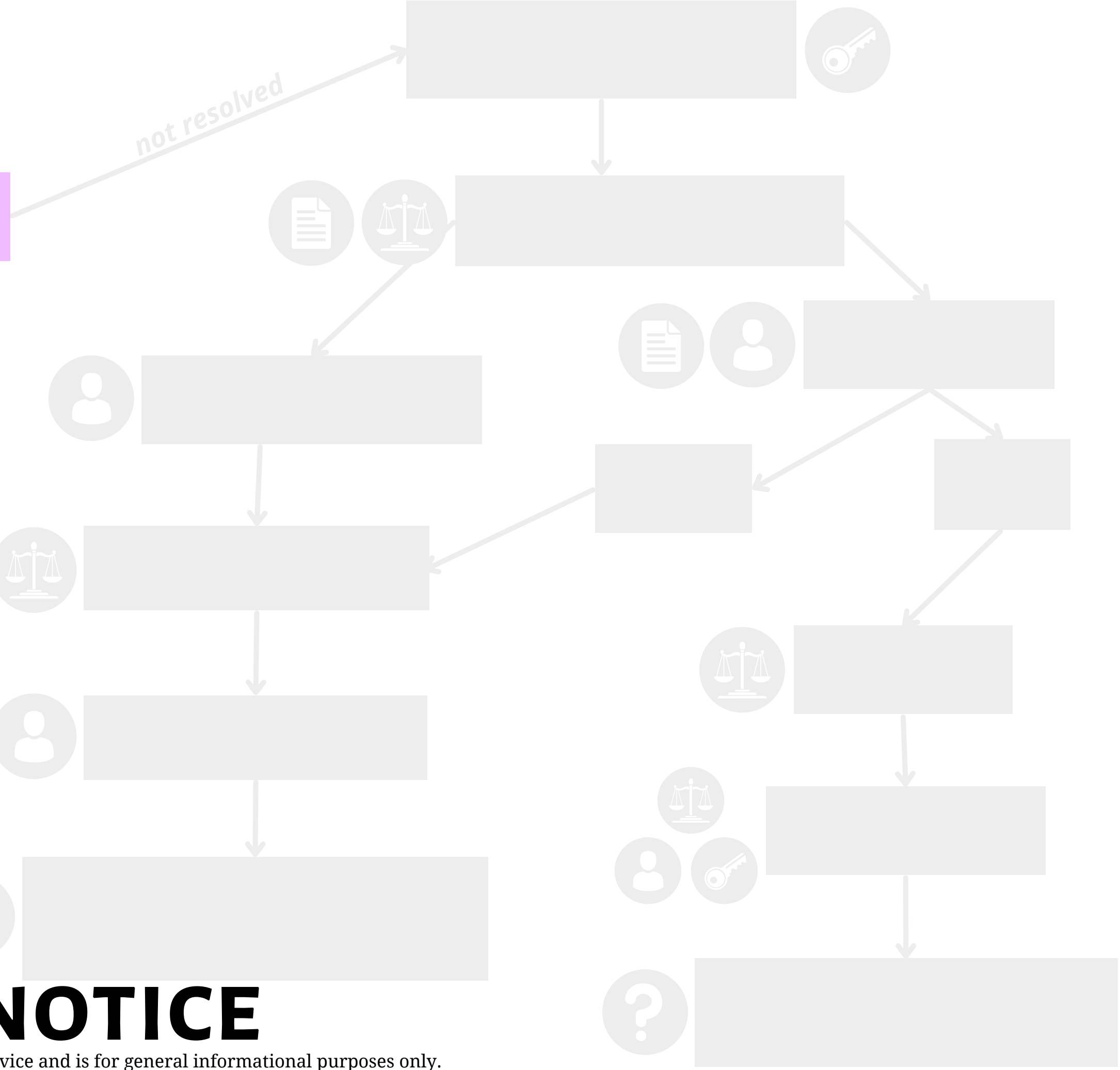
If you do not correct the violation(s) by _____ (date), your tenancy will be terminated on _____ (date at least 30 days after receipt of notice).

If you correct the violation(s) noted above by the deadline, you will not have to move.

**LANDLORD CAN FILE FOR EVICTION:
IF TENANT DOES NOT COMPLY OR
MOVE OUT BY DATES SPECIFIED.**



- TENANT ACTION**
- LANDLORD ACTION**
- COURT ACTION**
- SHERIFF ACTION**
- IMPORTANT DOCUMENT**



EVICTION PROCESS: NOTICE

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NOTICE



- WRITTEN NOTICE
- 3-DAY NOTICE
- 14/30
- NOTICE TO VACATE
- LEASE TERMINATION
- EVICTION NOTICE



SUMMONS



MAY ALSO BE CALLED:

- COURT NOTICE
- COURT SUMMONS
- EVICTION SUMMONS
- COURT DATE NOTICE
- SUMMONS + COMPLAINT



ANSWER



- ANSWER TO PETITION FOR EVICTION
- RESPONSE FORM



WRIT



- WRIT OF RESTITUTION
- SHERIFF'S WRIT
- SHERIFF'S NOTICE

IN THE _____ JUDICIAL DISTRICT
DISTRICT COURT OF _____ COUNTY, KANSAS

_____, Plaintiff
Address _____

v.
_____, Defendant
Address _____

Pursuant to Chapter 61 of Kansas Statutes Annotated

EVICTION SUMMONS

To the above-named Defendant:

You are notified that a lawsuit for eviction has been filed against you. This Summons is your notice that you must file a written answer or appear in Court in response to the attached Petition.

A hearing will be held at ___ o'clock ___ m. on _____ (date),
at _____ (place of hearing and address).

If you wish to contest this lawsuit, you must:

1. File a written answer before the scheduled hearing. If you file a written answer before the scheduled hearing, you are not required to appear at the hearing.

OR

2. Appear in person or by counsel at the scheduled hearing.

If you fail to answer or appear as described in paragraphs 1 or 2, then the judge may enter a judgment by default against you that grants the eviction and the relief demanded in the Petition.

CASE NO. _____



**Court serves tenant with
Summons & Complaint.**

**"ANSWER HEARING" CAN BE AS
SOON AS 3 DAYS AFTER TENANT
GETS THE SUMMONS AND NO
LONGER THAN 14 DAYS AFTER**

IN THE _____ JUDICIAL DISTRICT
DISTRICT COURT OF _____ COUNTY, KANSAS

_____, Plaintiff
Address _____

v. _____, Defendant
Address _____

Pursuant to Chapter 61 of Kansas Statutes Annotated

RETURN ON SERVICE OF SUMMONS

I certify that I served this Summons and Petition in the following manner:

- (1) Personal service. By delivering a copy of the Summons and a copy of the Petition on the dates indicated to each of the following Defendants:

_____, (Date) _____
_____, (Date) _____
_____, (Date) _____

- (2) Residence service. By leaving a copy of the Summons and a copy of the Petition on the dates indicated at the usual place of residence of each of the following Defendants with some person of suitable age and discretion residing there:

_____, (Date) _____
_____, (Date) _____
_____, (Date) _____

- (3) Agent Service. By delivering a copy of the Summons and a copy of the Petition on the dates indicated to each of the following agents authorized by appointment or by law to receive service of process:

_____, (Date) _____
_____, (Date) _____
_____, (Date) _____

Your written answer:

- a. **must** describe the information in the Petition that you dispute;
- b. **must** list any affirmative defenses you have to the claims in the Petition;
- c. **may** explain any claim you have against Plaintiff which is part of the same transaction or occurrence (which means the same event or circumstance) that is listed in the Petition and **must** explain this claim when required by K.S.A. 61-2905; and
- d. **must** include your current address, phone number, fax number (if you have one), and email address.

If you are not represented by an attorney, you must:

- A. sign the written answer;
- B. file the written answer with the Clerk of the District Court; and
- C. promptly send a copy of the written answer to Plaintiff's attorney, or to Plaintiff if the Plaintiff does not have an attorney.

To the Sheriff or Process Server:

This Summons must be served and your return of service made promptly; in any event, your return is due no later than _____ (date).

Dated: _____
Clerk or Deputy

Clerk's Seal

Name and address of Plaintiff or Plaintiff's attorney: _____

- (4) Residence Service and Mailing. By leaving a copy of the Summons and a copy of the Petition on the dates indicated at the usual place of residence of each of the following Defendants and mailing by first-class mail a notice that the copies had been left:

_____, (Date) _____
_____, (Date) _____
_____, (Date) _____

- (5) Service by Return Receipt Delivery. By causing a copy of the Summons and a copy of the Petition to be delivered on the date indicated by return receipt delivery to each of the following Defendants at the following address:

_____, (Date) _____
_____, (Address) _____, (Date) _____
_____, (Address) _____, (Date) _____

Attached is a copy of the return receipt showing delivery.

- (6) Return Receipt Delivery Refused. By mailing a copy of the Summons and a copy of the Petition on the date indicated by first-class mail, postage prepaid, to each of the following Defendants at the following address:

_____, (Date) _____
_____, (Address) _____, (Date) _____
_____, (Address) _____, (Date) _____

Attached is a copy of a return receipt showing refusal of delivery of the Summons and complaint by return receipt delivery.

- (7) No service. The following Defendants were not served:

_____, (Date) _____
_____, (Date) _____
_____, (Date) _____

Pursuant to K.S.A. 53-601, I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

(Signature)

(Printed Name)

(Title if applicable)

Court serves tenant with
Summons & Complaint.



Tenant
answers:

Your written answer:

- a. **must** describe the information in the Petition that you dispute;
- b. **must** list any affirmative defenses you have to the claims in the Petition;
- c. **may** explain any claim you have against Plaintiff which is part of the same transaction or occurrence (which means the same event or circumstance) that is listed in the Petition and **must** explain this claim when required by K.S.A. 61-2905; and
- d. **must** include your current address, phone number, fax number (if you have one), and email address.

If you are not represented by an attorney, you must:

- A. sign the written answer;
- B. file the written answer with the Clerk of the District Court; and
- C. promptly send a copy of the written answer to Plaintiff's attorney, or to Plaintiff if the Plaintiff does not have an attorney.

To the Sheriff or Process Server:

This Summons must be served and your return of service made promptly; in any event, your return is due no later than _____ (date).

Dated: _____

Clerk or Deputy

Clerk's Seal

Name and address of Plaintiff or Plaintiff's attorney: _____

IN THE _____ JUDICIAL DISTRICT
DISTRICT COURT OF _____ COUNTY, KANSAS

_____, Plaintiff

Address _____

v. _____ CASE NO. _____
_____, Defendant

Address _____

Pursuant to Chapter 61 of Kansas Statutes Annotated

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_____, (Date) _____
(Name of Defendant) _____ (Address) _____
_____, (Date) _____
(Name of Defendant) _____ (Address) _____

(2) Residence service. By leaving a copy of the Summons and a copy of the Petition on the dates indicated at the usual place of residence of each of the following Defendants:

_____, (Date) _____
(Name of Defendant) _____
_____, (Date) _____
(Name of Defendant) _____

(3) Service by Return Receipt. By leaving a copy of the Summons and a copy of the Petition on the dates indicated at the usual place of residence of each of the following Defendants:

_____, (Date) _____
(Name of Defendant) _____
_____, (Date) _____
(Name of Defendant) _____

(4) Residence Service and Mailing. By leaving a copy of the Summons and a copy of the Petition on the dates indicated at the usual place of residence of each of the following Defendants and mailing by first-class mail, postage prepaid, to each of the following Defendants at the following addresses:

_____, (Date) _____
(Name of Defendant) _____ (Address) _____
_____, (Date) _____
(Name of Defendant) _____ (Address) _____

(5) Service by Return Receipt. By leaving a copy of the Summons and a copy of the Petition to be delivered to each of the following Defendants at the following addresses:

_____, (Date) _____
(Name of Defendant) _____ (Address) _____
_____, (Date) _____
(Name of Defendant) _____ (Address) _____

(6) No service. The following Defendants were not served:

_____, (Date) _____
(Name of Defendant) _____
_____, (Date) _____
(Name of Defendant) _____

(4) Residence Service and Mailing. By leaving a copy of the Summons and a copy of the Petition on the dates indicated at the usual place of residence of each of the following Defendants and mailing by first-class mail, postage prepaid, to each of the following Defendants at the following addresses:

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(Name of Defendant) _____ (Address) _____
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(Name of Defendant) _____ (Address) _____

(5) Service by Return Receipt. By leaving a copy of the Summons and a copy of the Petition to be delivered to each of the following Defendants at the following addresses:

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(Name of Defendant) _____

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(Name of Defendant) _____
_____, (Date) _____
(Name of Defendant) _____

Pursuant to K.S.A. 53-601, I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____ (Signature) _____
_____, (Printed Name) _____
(Title if applicable)

Rev. 07/2021 KSJC

THE LAST TWO PAGES ARE INFO ON HOW THE PAPERWORK WAS "SERVED" TO TENANT

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ANSWER



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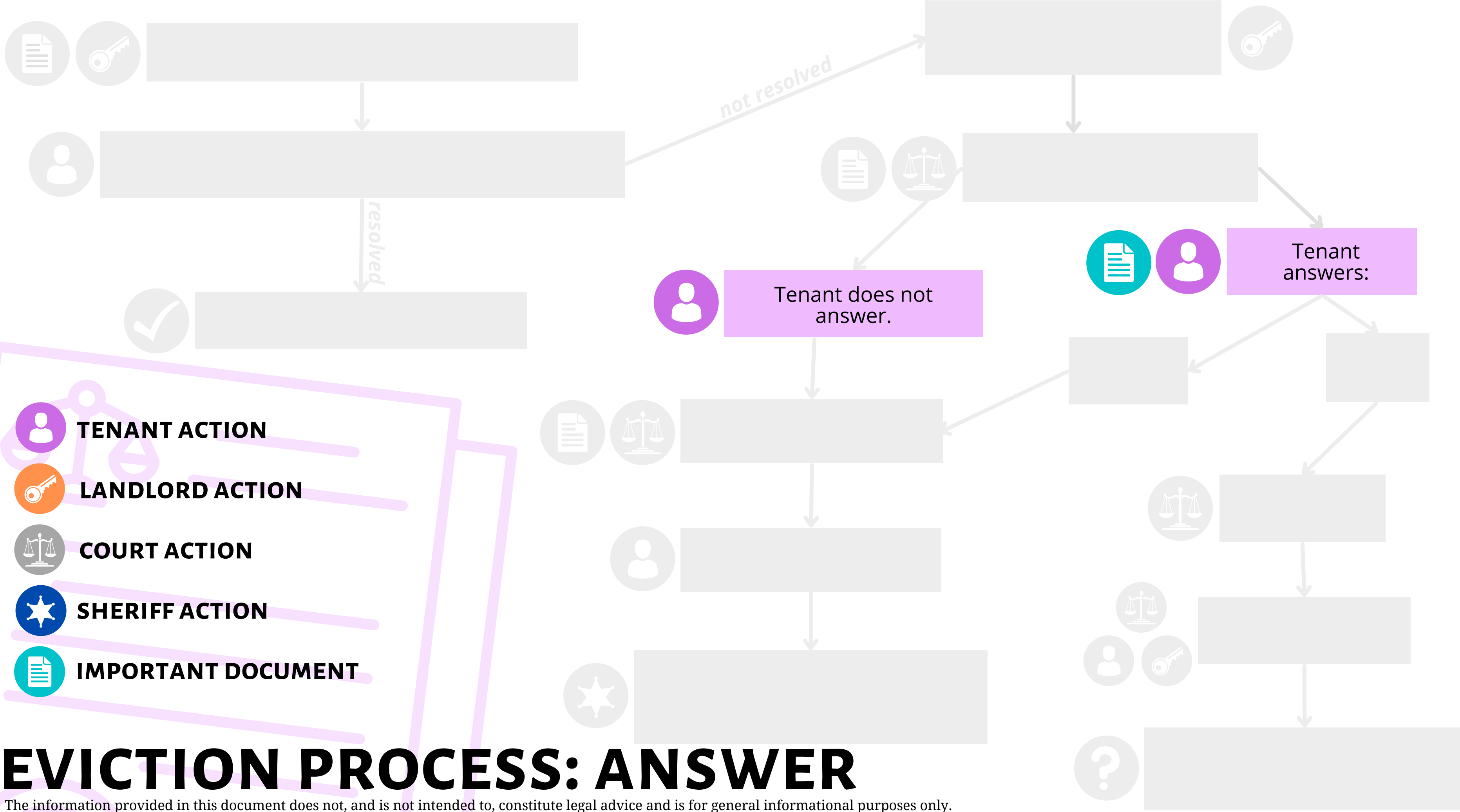
- ANSWER TO PETITION FOR EVICTION
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WRIT



- WRIT OF RESTITUTION
- SHERIFF'S WRIT
- SHERIFF'S NOTICE



EVICTON PROCESS: ANSWER

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IN THE _____ JUDICIAL DISTRICT
DISTRICT COURT OF _____ COUNTY, KANSAS



_____, Plaintiff

Address _____

v.

_____, Defendant

Address _____

Pursuant to Chapter 61 of Kansas Statutes Annotated

ANSWER TO PETITION FOR EVICTION

Defendant states the following in answer to Plaintiff's claim(s):

1. Defendant **ADMITS** / **DENIES** (circle one) that Plaintiff is the owner of or the agent of the owner of the premises described in the Petition.
2. Defendant **ADMITS** / **DENIES** (circle one) the Defendant is in possession of the premises under a rental agreement with Plaintiff dated _____.
3. Defendant:
 - a. **ADMITS** / **DENIES** (circle one) failing to pay rent due under the rental agreement;
 - b. **ADMITS** / **DENIES** (circle one) causing damage to the premises;
 - c. **ADMITS** / **DENIES** (circle one) other allegations in the Petition (describe if applicable): _____
4. Defendant **ADMITS** / **DENIES** (circle one) that Plaintiff gave Defendant proper notice pursuant to K.S.A. 61-3803 to leave the premises.

5. Defendant asserts the following affirmative defenses, facts, or arguments which could prove Plaintiff's claim is not correct: _____

CASE NO. _____



Tenant answers:

Admits to charges.

Denies charges.

6. Defendant's claim for money or other relief against Plaintiff, if any: _____

Defendant requests (check all that apply):

- Plaintiff's Petition be denied and judgment be granted in favor of Defendant for possession of the premises and costs of the action.
- Judgment be granted for any claim Defendant has against Plaintiff.

Signature of Defendant or Defendant's Attorney

Printed Name: _____

Attorney Registration #: _____

Address: _____

City, State, Zip: _____

Phone #: _____

Fax # (if you have one): _____

Email address: _____

CERTIFICATE OF SERVICE

On _____ (date), I filed the original with the Clerk of the District Court and mailed a true and correct copy of the above Answer by first-class United States mail, postage prepaid, to the person(s) listed below, at the address shown:

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Name: _____

TENANT DENIES SOME OR ALL CHARGES:

COURT WILL SCHEDULE A SECOND HEARING

THIS MUST BE WITHIN **14 DAYS AFTER INITIAL "ANSWER" HEARING**

IF TENANT AND/OR YOUR LEGAL COUNSEL ARE SUCCESSFUL IN ARGUING CASE THERE ARE MANY POSSIBLE OUTCOMES INCLUDING:

EVICTON CASE DISMISSED

EVICTON CASE DECIDED IN YOUR FAVOR

ADDITIONAL TIME TO MOVE OUT



Tenant answers:

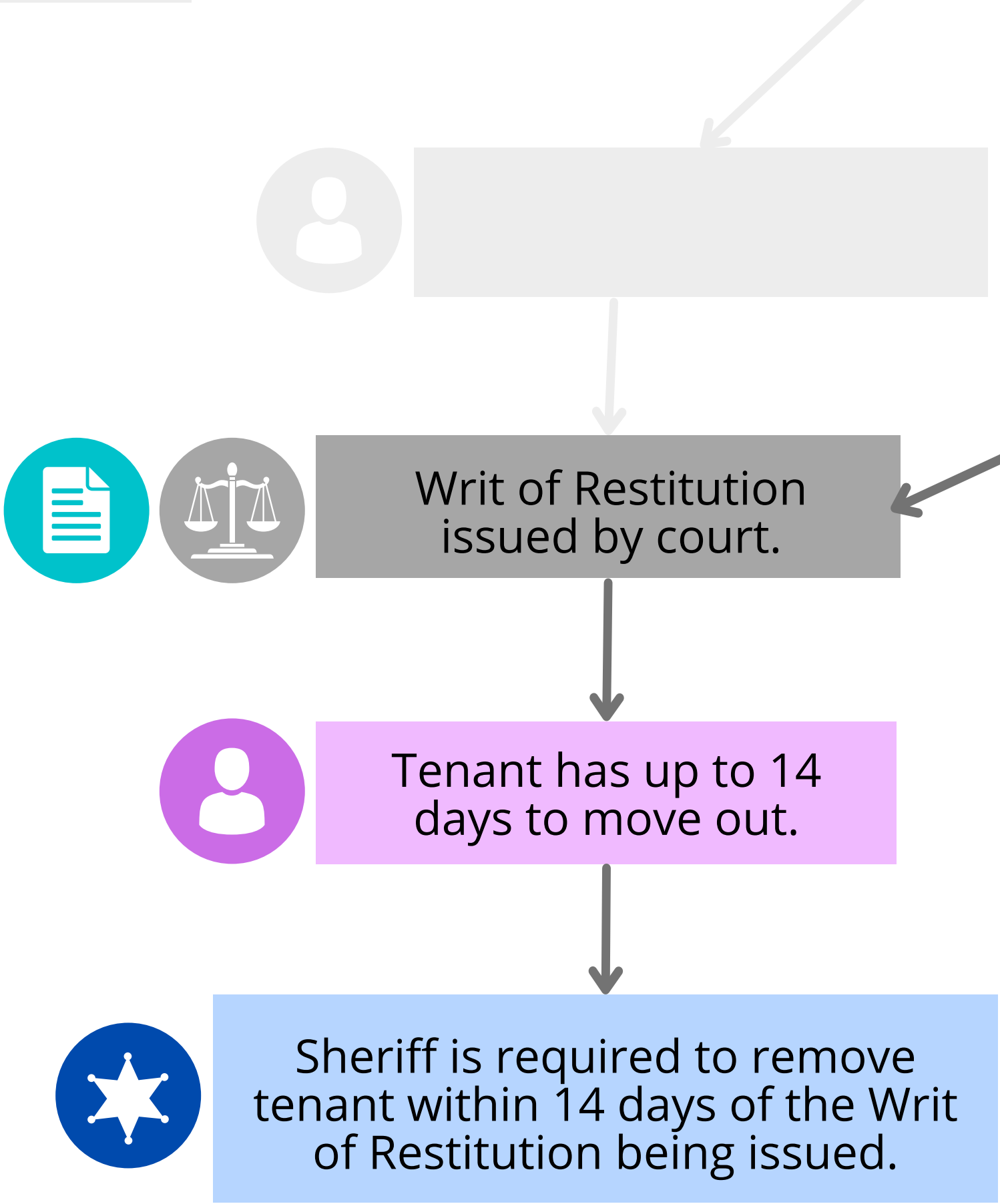
Denies charges.

hearing date assigned

hearing takes place on assigned date



Outcome varies depending on what happens in the hearing.



Tenant answers:

Admits to charges.



Writ of Restitution issued by court.



Tenant has up to 14 days to move out.



Sheriff is required to remove tenant within 14 days of the Writ of Restitution being issued.

IF TENANT ADMITS TO ALL CHARGES

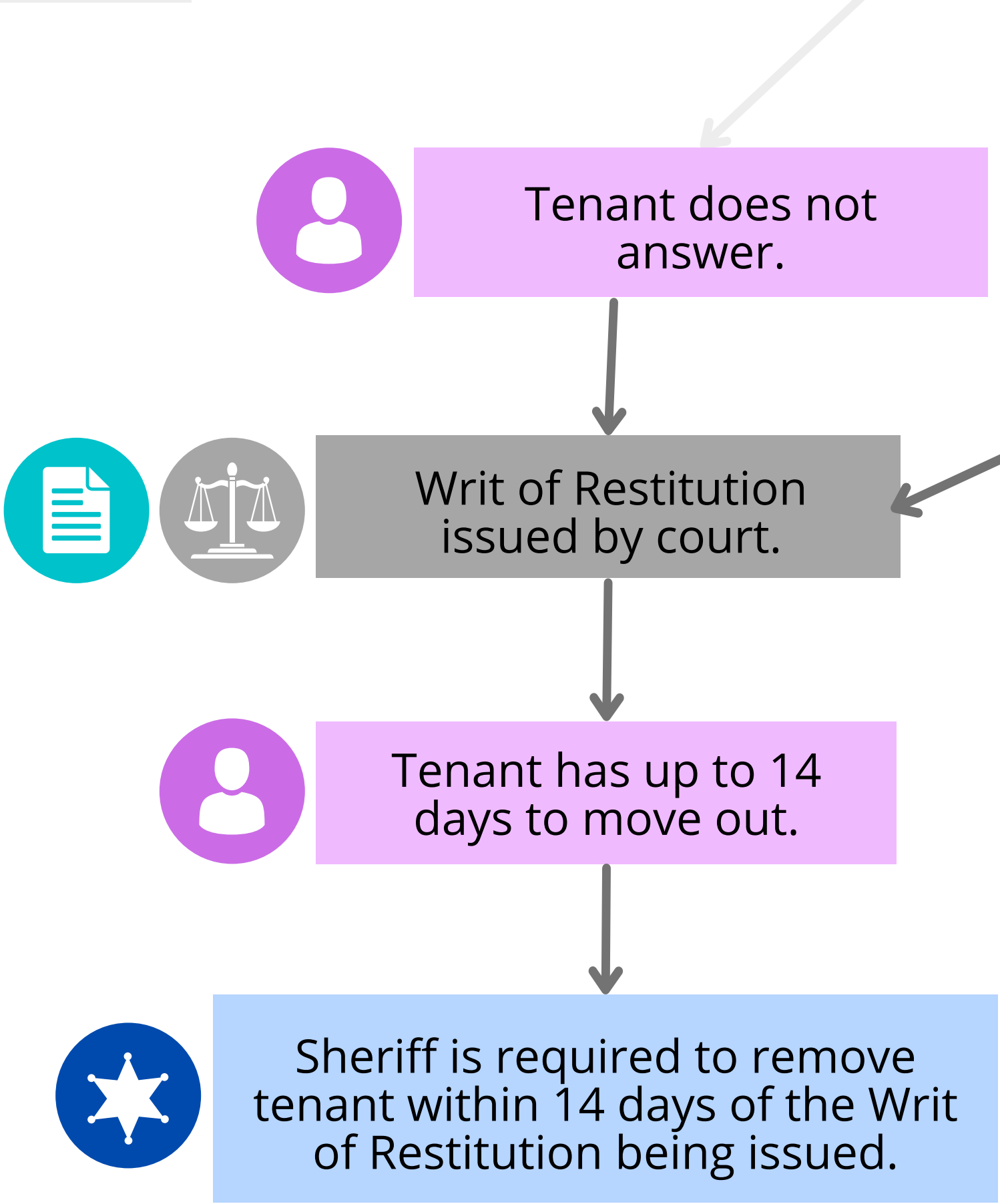
COURT WILL RULE IN FAVOR OF LANDLORD

LANDLORD WILL REQUEST A WRIT OF RESTITUTION

COURT WILL ISSUE WRIT OF RESTITUTION, CAN HAPPEN WITHIN HOURS OR DAYS

SHERIFF WILL REMOVE TENANT FROM RESIDENCE WITHIN 14 DAYS

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IF TENANT ADMITS TO ALL CHARGES OR DOES NOT RESPOND TO SUMMONS

COURT WILL RULE IN FAVOR OF LANDLORD

LANDLORD WILL REQUEST A WRIT OF RESTITUTION

COURT WILL ISSUE WRIT OF RESTITUTION, CAN HAPPEN WITHIN HOURS OR DAYS

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- ANSWER TO PETITION FOR EVICTION
- RESPONSE FORM



WRIT



MAY ALSO BE CALLED:

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- SHERIFF'S WRIT
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IN THE _____ JUDICIAL DISTRICT
DISTRICT COURT OF _____ COUNTY, KANSAS


_____, Plaintiff
Address _____

v. _____, Defendant
Address _____

CASE NO. _____

Pursuant to Chapter 61 of Kansas Statutes Annotated

**WRIT OF RESTITUTION
FOR IMMEDIATE POSSESSION**

To the Sheriff, Deputy Sheriff, or other Process Server: 

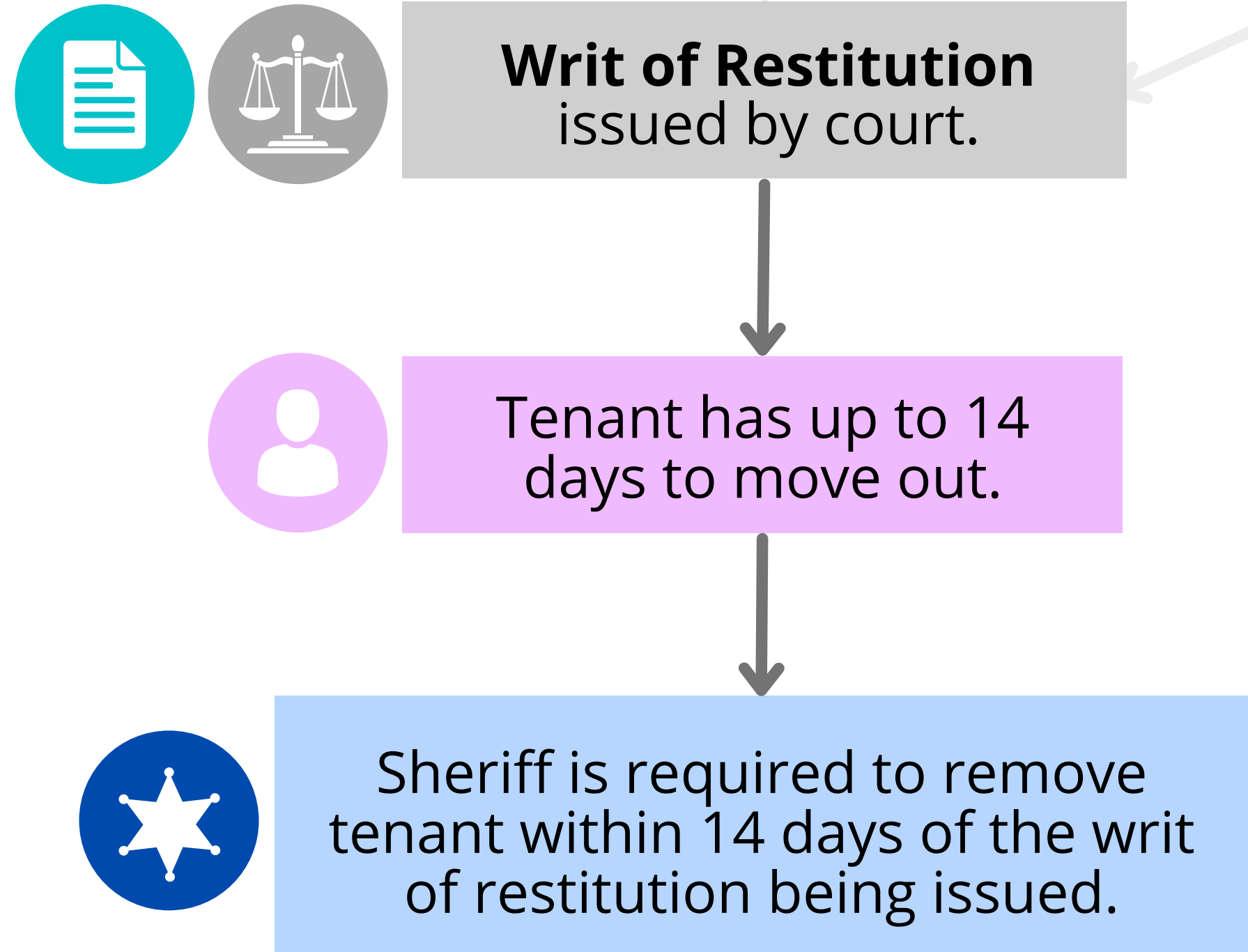
On _____ (date), in an action pending in this Court,
_____, Plaintiff, recovered judgment against _____,
Defendant, for restitution of the following premises: _____

You are commanded to remove Defendant from the premises and place Plaintiff in possession of the premises. Pursuant to K.S.A 61-3808(b), you may use such reasonable force as is necessary to execute this Writ.

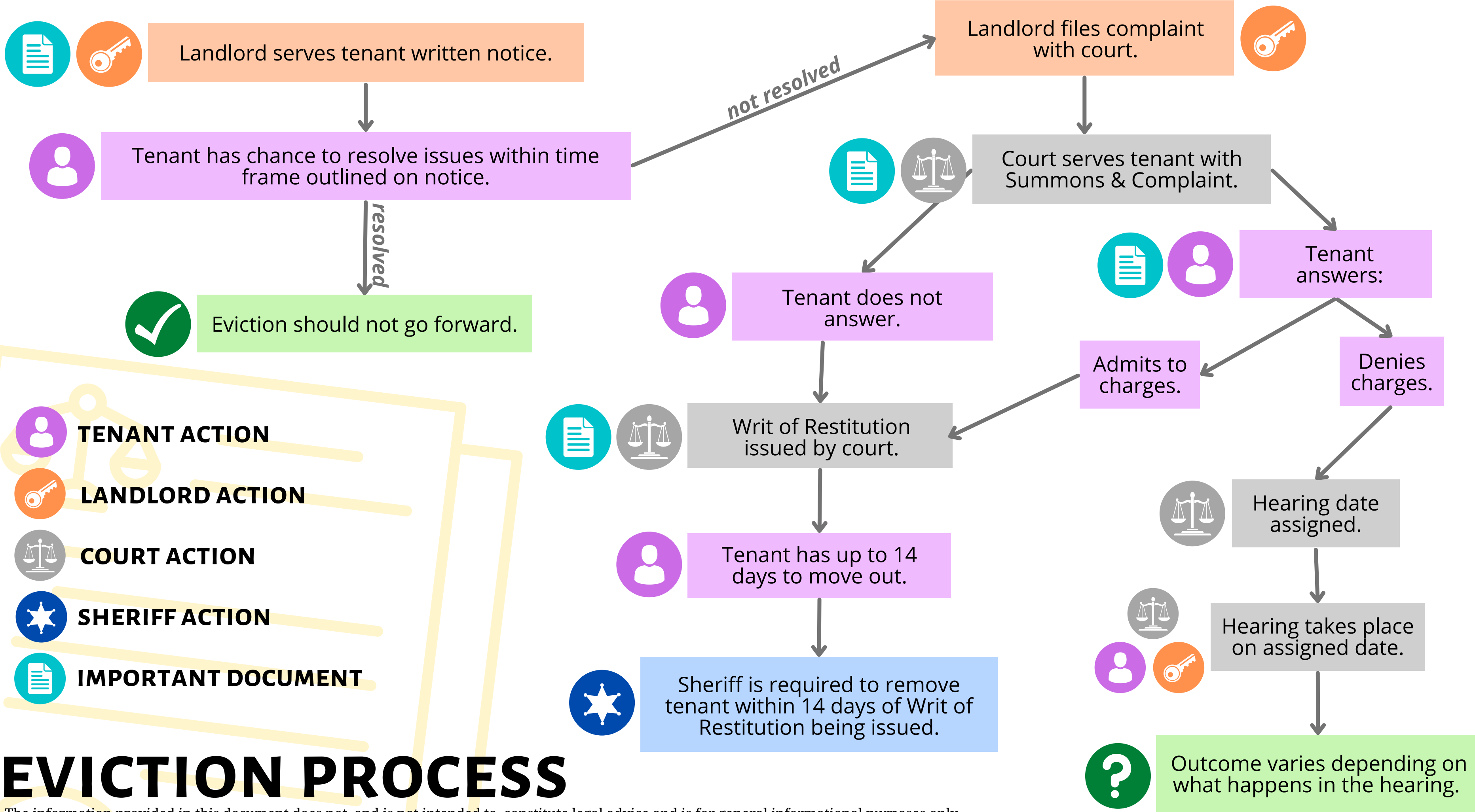
No later than 14 days after you receive this Writ, you must execute it.

No later than 60 days after the date this Writ was signed, you must file a Return with the Clerk of the District Court, showing the manner of execution of the Writ.

Dated: _____
Judge _____



The information provided in this document does not, and is not intended to, constitute legal advice and is for general informational purposes only. Information in this document may not constitute the most up-to-date legal or other information.



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