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Notice Check List

Preparing your Notice

- Should contain names of all residents on the lease
- Must have complete address including zip code
- Must be hand signed by person making demand (do not type name)

Service of your Notice

- The notice will contain an expiration date usually 3 days (review your lease for the proper number of default days); you cannot count the day you post the notice.
- The notice can be hand delivered to the resident, if someone else answers the door and you are not sure who he or she is; you can always just post the notice.
- If no one answers the door then serve the notice by posting it on the door.
Mailing the notice is not valid service.

Non-Monetary Evictions

The following will provide you with additional information regarding the preparation of compliance notices for non-monetary violations of Lease sections.

- Gather the facts regarding what has happened. Compile and write out the facts in chronological order. Get as much detail as possible, remember who, what, when, where, why, and how.
- Identify the evidence and supporting facts
 - a. Documents
 - b. Witnesses
 - c. Photographs
- Determine the availability of your evidence. This step is critical. You must be able to prove your case in court. This means the witnesses must be willing to testify. Written statements from the witnesses are not admissible. Witnesses must be present in court. If witnesses will not testify, you might not have a case. You can talk to them and get the commitment or we can Subpoena them to

testify if necessary. If your case involves the Police we can Subpoena their records and testimony as well.

- Time is very important; you cannot always get information from governmental agencies without a subpoena. Under court rules service of these subpoenas must occur (usually 48 hours) prior to the hearing to give enough time to provide the documents requested. In addition you also need to give your other witnesses, including Police Officers proper notice to compel them to testify. Police officers are difficult to serve; the earlier we can attempt service the better chance we'll have to obtain proper service.
- Verify that the resident's conduct is a breach of the Lease or Violation of the Law. In the case of repeated violations, you need to be sure that the resident violated the same provision(s) each time and you have the documents and evidence to support all the violations.
- In the case of repeated violations, was the previous notice within the last thirty days? If so we might be able to proceed on this Notice. You can also post a Notice to Quit for a Subsequent Violation.
- If the conduct is a Substantial Violation of your Lease or as defined by Statute, then serve a Notice to Quit for a Substantial Violation.

There are also times when you can and should post more than one notice, For example rent is late and the resident had a loud party last night. You would post both the rent notice and a compliance notice regarding the party. If you have questions about when to use what notice you can always contact our office for help. We can also review your non-monetary notices, prior to service, to make sure they are legally sound and give you the best chance for success. For additional information on the eviction process and blank copies of the Notices, visit our website at www.htspsc.com.