

Mallory Direct: 947-4444
Mallory@CharltonWeeks.com
FAX: 265-1650

James W. M. Charlton, Esq.
Bradley T. Weeks, Esq.
Shelly L. Ditzhazy, Esq.
Lisa A. Doran, Esq.
Erik Gunderson, Esq.
Mallory Grant, Eviction Assistant



*The Firm
in the AV*

September 2, 2010

Our Most Recent Eviction Experience ***(For the last 6 months from the above date)***

The sections below are items over which we have no control but significantly affect the time it will take to evict your tenant. The averages expressed are extracted from cases we have done in the past 6 months from the above date. If you would like more information about these items, how they affect your eviction, and why, please call.

Serving the Lawsuit

This is called "Service of Process." "Process" is the name for the papers that are handed the tenant to tell them they are being sued for eviction. The speed in finding the tenants to hand them the papers varies depending on how good the tenant is at hiding from the process server. We use the best process servers we know, but the tenant already knows he or she is about to be sued for the eviction, so they are usually doing their best to avoid the server.

When the process server serves the actual person being sued, that is called "Personal Service." Then they have only 5 days to "answer"(see explanation of "answer" below). If there is an adult at the property, but not the person to be served, that is called "Substitute Service." However, they now have 15 days to answer. If no adult is there after 3 tries by the process server, the Court will give us permission to "Post" the service-attach it to the door and mail a copy. In this case, they also have 15 days to answer. Here are the averages and the percent time each occurs in the last half year.

38.15% of the time there was Personal Service and it averaged 1 days.

26.70% of the time there was Substitutue Service and it averaged 2 days.

35.15% of the time Service had to be Posted and it averaged 5 days.

Trial Setting Time

When a tenant "answers" the eviction, a Trial will be necessary. An "answer" is a formal Court filing. It is filed with the Court by the tenant and it explains why the tenant thinks he or she should not be evicted. If the tenant does not "answer" before the time to answer has run out, then you win by default. If the tenant answers, we file a "Memo to Set a Trial Date" with the Court. The Court clerk has to process our Memo and find a date in which the Court has time to hear our case.

It is important to remember that the Court staff is very busy and due to huge Court budget cuts, they are very understaffed and overworked. Also the Courts are very packed so the first available Court date to hear our case may be later rather than sooner. This information is intended merely to help you gauge an approximate trial date once we notify you that we have sent the "Memo to Set a Trial Date" to the Court.

*Percent of recent cases in which the tenant "Answered" and
therefore, we had to have a Trial: **53%***

*Average number of days to the Trial after application: **24***

*The minimum legal number of days possible to the Trial after application: **10***

Only 39% of the time the days to trial were 28 or more.

Sheriff's "Lock Out" Time

These numbers concern the time between when we file with the Sheriff's Office for a "Lock Out" (this is immediately after the Court notifies us that we have won) and the date that the Sheriff actually throws out the tenant. As important as the Lock Out is to us, keep in mind that the Sheriff's office has many things "on its plate." This information is provided merely for the purpose of allowing you to gauge the approximate time it will take.

Average number of days to the Lock Out: 17 Days

The percentages of the time that Lock Outs took less or more than the average number of days:

- 4 - 6 Days Less: 6% of the time
- 1 Week Less: 0% of the time
- 4-7 Days More: 22% of the time
- Over a week More: 3% of the time

These numbers do not include cases in which the Judge has ordered (as the Judge sometimes does) "No Lock out before a specific date."

Total Eviction Time

As you can see from the above sections, evictions take quite a while because of factors over which we have no control. In addition, the number of days required for a specific case vary because of things the tenant might do such as filing an answer. Because so much depends on what your tenant may or may not do, the average time we have experienced may not be what happens in your case.

Having said that, it still may be helpful to know some of the averages.

The average number of days for all cases filed within the last 180 days that have proceeded to a Lock Out date from Filing to Lock Out : **49 Days**

The percentages of the time that cases took less or more than the average number of days:

- 1 wk Less: 26% of the time
- 2 or more wks Less: 14% of the time
- 1 wk More: 11% of the time
- 2 or more wks More: 25% of the time

Bankruptcy

Percentage of completed evictions filed within the last 180 days in which the tenant filed a Bankruptcy to drag out the eviction: 2%

Report Update

**To get the most recent version of this report, go to: <http://www.aveviction.com>
Then click on "Reports" Select "Recent EvictionExperience."**