

## Step 2: Notice to Vacate

You must always deliver a notice to vacate to the defendant before filing an eviction case. This is a written demand for the defendant to leave the property within a set period of time. This period of time is 3 days, unless you agreed in a contract to a different period of time (or the property was purchased at a tax sale or you are trying to remove the tenant of a person who was foreclosed upon). The notice to vacate may be delivered to the defendant by:

- 1) Handing it to them personally,
- 2) Mailing it to the premises, addressed to the defendant, or
- 3) Posting it on the inside of their front door. If you cannot post it on the inside of the front door due to a dangerous animal or deadbolt-type device, or because you fear personal harm will come to you or any other person, you may post it on the outside of the front door, in an envelope that has the tenant's name, address, and the words "IMPORTANT DOCUMENT" on it. If you post it on the outside of the front door, you must also mail it to the tenant the same day.

You cannot file the eviction case until the time period in the notice to vacate runs out and the tenant fails to vacate the property. The time period begins on the day the notice is delivered to the tenant.

You must give a notice to vacate, even if you already gave a termination notice setting a lease end date.

In the example above, you gave a termination notice on January 27th telling the tenant the lease will end on February 28th. If the tenant is still there on March 1st, you would be required now to give them a notice to vacate and allow the time period in that notice to run out before filing an eviction case. If the person is a squatter, you can give them an oral notice to vacate the property immediately. If they fail to leave, you can file an eviction at that time.