



RESIDENTIAL EVICTIONS

(OR HOW TO TAKE BACK YOUR PROPERTY....LEGALLY)

Iowa Code Chapter 562A

I. FED for Non-Payment of Rent

- 1. Tenant fails to pay rent when due
- 2. LL serves 3 day Notice of Non-Payment of Rent
- 3. T has 3 days to pay
 - if T pays current months rent, no FED
 - if T fails to pay, FED filed
- 4. LL files FED
- 5. LL serves T with FED Petition

Defenses to FED based on rent

- 1. Improper service of 3 day Notice
- 2. 3 day Notice demanded more than current months rent (don't do this!)
- 3. FED filed too soon
- 4. The residence was uninhabitable
- 5. 30 days peaceable possession per 648.18

II. FED for Clear/Present Danger

- 1. Incident - assault or threats; weapons; or, drugs takes place involving T or T's associates
- 2. LL serves *combined* Clear & Present Danger Notice / 3 day Notice to Quit
- 3. Notice must be specific and must include exemptions
- 4. LL files FED
- 5. LL serves T with FED Petition
- 6. LL must prove C&P Danger at hearing

III. FED for Lease Violation

- 1. T in violation of lease provision
- 2. LL serves T w/ 7 day Notice to Terminate Lease
 - if T remedies violation w/in 7 days, no FED*
- 3. If T fails to remedy, LL serves 3 day Notice to Quit
- 4. LL files FED
- 5. LL serves T with FED Petition



* FED for Lease Violation (cont.)

- If violation is remedied w/in 7 days, no FED
 - If same violation occurs w/in 6 months LL may serve another 7 day Notice to Terminate Lease, followed by a 3 day Notice to Quit, followed by the FED
 - T has no right to remedy violation
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IV. FED 30 day Notice to Terminate Lease

- 1. Month to month tenancy
- 2. LL serves T with 30 day Notice to Terminate Lease prior to next date that rent is due.
- 3. If T remains after date to vacate, LL serves T a 3 day Notice to Quit
- 4. LL files FED
- 5. LL serves T Fed Petition

- (no "cause" necessary to terminate m to m)

Service, Service, Service

- 3 day Notice for Non-payment of Rent
- Notice to Terminate for C&P Danger
- Notice to Terminate for Lease Violation
- 30 day Notice to Terminate
- 3 day Notice to Quit

*MUST BE SERVED BY ONE OF THE
THREE FOLLOWING METHODS:*

Service (cont.)

1. Personal Service by process server or Sheriff
 - time starts next day
2. Signed / Dated Acknowledgement
 - time starts next day
3. Posting / Certified Mail / Regular Mail
 - service complete in 4 days, then T has 3 additional days

Service of FED Petition

- Same methods as for Notices, BUT –
- Can only be posted, sent certified and regular mail *after* two unsuccessful attempts at either personal service or signed acknowledgement



Miscellaneous

- Do weekends count? See Sec. 4.1(34)
 - Does a LL have a duty to care for T's property after eviction?
 - My ex or significant other won't move out. What do I do?
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Calendar

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	31	31				