

Rent Court FAQ

The most common question I get, as President of the CCLA, is “how does rent court work?”

Following is only my personal observation. This is not guaranteed to be correct. This is meant to be a helpful aid, not any kind of legal advice. If your not sure what you are doing, get a lawyer.

1. **When do I file?** The rent is due on the first (or whatever day your lease states). Even if you have a grace period in your lease, you may file on the first. Why file before the grace period? If your tenant is habitually late, or you're guts tell you to.
2. **What's the hurry?** Landlord Tenant court is a separate court that meets every Tuesday. When you file, you will be given a court date of the next available Tuesday.
3. **How do I file?** You can pick up forms at the clerks counter at the District Court House (the newer red brick courthouse) on Main Street in Elkton. While you are there ask for several extra forms (future use). The form is a three page carbonless form; so unless you have good handwriting and can press really hard, break out the old the typewriter. Take the finished form and payment back to the clerks counter. **The charge for the District court is \$9.00**, which can be paid by check or cash, however a check made out to the **Cecil County Sheriff for \$5.00 per name**, is required. Per name, meaning per tenant name on the lease, which is also what's typed on the form.
4. **So how do I know when to appear?** Normally you get a receipt from the clerk on the spot, which has the court date on it, however sometimes you wont get a date until the next day or so, in the mail. These days, court starts at 1:15pm on Tuesdays.
5. **What do I need to do in court?** Be on time, listen for the role call, and be ready with your file.
6. **What should be in my file?** Your signed lease, your book keeping notes or ledger sheet.
7. **How long does the trial normally last?** Less than two minutes.
8. **Is it really, normally less than two minutes?** Yes, less than two minutes.
9. **What are the typical outcomes?** If the tenant doesn't show up, which is often the case, the judge will review your numbers and then give you a **judgment for possession** and determines a time for the stay of execution. Remember, you can't charge a late fee, unless you have it in writing in your lease. Verbal leases don't count. If the tenant does show up, typically the same happens, but it takes a little longer.
10. **What's a judgment for possession and stay of execution?** This basically means that unless the tenants pay the balance owed to you, within the allotted stay of execution time, (usually seven days) they are eligible to be forcibly evicted.
11. **Do I have to take their payment? What about if they want to make a partial payment?** Yes you have to accept payment, but you can require cash or certified funds. Unless they pay the full amount by the end of the stay of execution, you can follow through and file for a **warrant of possession**.
12. **What's a warrant of possession?** Once the stay of execution time is past and the tenant hasn't paid the entire balance due, then you can go back to the clerks counter with your judgment paperwork, and another check for the sheriff (\$35) and file for a **warrant of possession**. This then gets approved by a judge and forwarded to the sheriff's office, so that a deputy can help you proceed with the eviction. This process takes a few days.
13. **How does the physical eviction work?** The deputy will schedule a time and a day with you, and you will be responsible to have a work crew with you, to physically put the tenants personal property on the curb. Once the deputy has the warrant paperwork, he then posts the door of the property with a paper stating what day the eviction is going to happen. If the tenant still hasn't paid in full and still hasn't moved out, then on the appointed day the deputy knocks on the door and tells the tenant it's time to go. You and/or your work crew then start carrying the tenants remaining belongings outside (bring lots of contractor grade trash bags) to any spot designated by the deputy. Once all the stuff is outside, then the deputy declares the property back in the possession of the landlord. At that time the tenant is forbidden to reenter the property and the landlord can and should change the locks.
14. **What happens to the tenant's stuff outside?** If the tenant does not claim their stuff and move it, immediately, then it's considered abandoned, and you or the municipality, probably get to haul it to the dump.
15. **I highly recommend sitting through a session of rent court once, before you need it. You will learn a lot.**

THIS IS NOT LEGAL ADVICE IN ANY WAY SHAPE OR FORM. THIS IS ONLY ONE PERSONS OBSERVATION.

If in doubt, get a lawyer.

Good luck out there.
Norman Wehner
President - CCLA