

# Eviction Filing Checklist

## Step 1: Consider all your options



**RENTAL ASSISTANCE:** You and your tenant may be eligible for rent payments without having to go to court. To learn more, visit [www.renthelpmke.org](http://www.renthelpmke.org) or contact the Rental Housing Resource Center at (414) 895- RENT (7368) or email [info@renthelpmke.org](mailto:info@renthelpmke.org)



**MEDIATION:** Free mediation is available to help you work out a resolution with your tenant without going to court. Visit [www.mediatewisconsin.org](http://www.mediatewisconsin.org) to sign up or call (414) 939-8800.

## Step 2: Serve the Notice to Vacate on the Tenant(s) and wait for the Notice Period to Expire



Methods to serve the Notice to Vacate:

- By the Milwaukee County Sheriff's Department (Safety Building, Room 102)
- A Private Process Server
- Personally handing the notice to the tenants
- Personally handing the notice to a family member or an occupant of the home who is over 14 years old **AND** mailing a copy to the tenant
- After attempting to personally hand a copy, securely posting the document on the entrance door **AND** mailing a copy to the tenant
- By certified mail (add 2 days to the notice period before filing an eviction action)

Receive Affidavit of Service from Sheriff/Private Process Server or complete the Affidavit of Service of Notice Terminating Tenancy and sign it in front of a notary.

**Note:** It is important to properly serve and use the correct notice. For information on selecting the notice, visit [www.milwaukeejusticecenter.org/landlord-tenant.html](http://www.milwaukeejusticecenter.org/landlord-tenant.html)

### Step 3: File the Eviction Action



#### COMPLETE REQUIRED FORMS AND MAKE COPIES:

- Summons and Complaint (must use Milwaukee County English and Spanish version of SC-500) and need original and 4 copies
- Declaration of Non-Military Service (1 for each tenant)
- Affidavit of Service for Notice to Vacate (1 for each tenant)
- Authorization to appear for any individual representing an LLC in court



#### FILE PAPERWORK AT ROOM 104, THE CLERK OF COURT:

- Get forms notarized
- Pay the filing fee (It currently costs \$98 to paper file an eviction. Individuals can apply for a fee waiver if eligible.)
- Receive a case number and a court date

### Step 4: Have the Tenant(s) Served with Court Papers



Methods to serve the Summons and Complaint **no less than 5 days before court** (not counting weekends and holidays):

- By the Milwaukee County Sheriff's Department (Safety Building, Room 102)
- A Private Process Server
- By a third person who is not a party to the action and is at least 18 years old and a Wisconsin resident

The person who served the Summons and Complaint must fill out an Affidavit of Service form. The document must be filed before the court date.

### Step 5: Go to Court



Eviction cases are handled in two parts: the first part determines who gets possession of the property, and the second part involves money.

First eviction court appearances are held before a Court Commissioner on Zoom, so all paperwork needs to be filed before court. Make sure to check that you are able to use Zoom before your hearing starts.

If the matter is not resolved at the first court date, you may have another date assigned for a hearing in front of the Small Claims Judge.