

Eviction Filing Checklist

Step 1: Consider All Your Options



FINANCIAL ASSISTANCE: You and your tenant may be eligible for financial payments without having to go to court. To learn more, visit www.renthelpmke.org or contact the Rental Housing Resource Center at (414) 895- RENT (7368) or email 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 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

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)
- Eviction diversion information sheet (1 for each tenant)
- Authorization to appear for any individual representing an LLC in court



FILE PAPERWORK AT THE CLERK OF COURTS OFFICE:

- 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.