

Evictions: Simplifying a Daunting Task with Accuracy **by Attorney Michael Shepherd**

Among the enormous responsibilities property managers and landlords take on to keep properties livable and ensure that tenants experience pleasant living conditions, none is more taxing than implementing an eviction. While the process may prove daunting, accuracy is absolutely the key requirement when taking the very first steps towards eviction. In other words, Three-Day Notices must be processed to perfection.

In order to initiate evictions successfully, it is crucial to remain focused despite the fact that landlords, tenants and property managers, will all experience a range of strong emotions when an eviction is underway. Clarity of thought and action when filling out, serving and filing a Three-Day Notice may mean the difference between removing an unwanted tenant expeditiously, and having to extend that tenant's contract because of a simple, easily avoidable mistake.

Simple steps are described below for accurately completing a 3-day notice. Pull out the checklist and follow it each time an eviction is in order

Three Day Notice Check List

DO REMEMBER TO:

- Use the AOA approved form.
- Use city-specific amended forms for cities including Berkeley and Oakland.
- Complete the form yourself.
- Calculate ONLY the rent which is due. Do not include any late fees.
- Fill in all dates, names and addresses accurately.
- Indicate a realistic place and time that rent can be delivered.
- Be sure to sign the notice.
- In Berkeley and Oakland be sure that the rent board receives a copy within 10 days (submit two copies and get one stamped for your records.) Keep the original.
- Complete proof of service and keep original.
- Make an attempt to personally serve the notice (knock on door).
- Post the notice on the door so that notice is clearly visible, and also mail a copy first class mail. In Oakland allow for five additional days.
- The three days start the day after notice is served. If the third day falls on a weekend or a court holiday, the tenant has until the end of the next business day to pay or quit.
- Within the three day period, only collect the full amount of rent due. Do not accept a partial amount.
- Accept payments only during the three days, not after.

DO NOT:

- Add late fees of any kind.
- Leave any of the form sections blank.
- Send it by registered mail.
- Add rent that is more than one year old.

Three-Day Notices were developed to expedite the eviction process. When these steps are not followed strictly according to landlord-tenant law, tenants who would have otherwise been legally evicted, by law, may remain on the property. The whole process must be started all over again, costing you more headaches, lost rent and additional legal fees.

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