



EVICTIIONS 101

EVERYTHING YOU NEED TO KNOW ABOUT MISSOURI EVICTIONS

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I. INTRODUCTION

1. Types of Evictions
2. Eviction Procedure
3. Timeline
4. Costs
5. Defenses
6. Common Issues

TYPES OF MISSOURI EVICTIONS

- Rent & Possession
- Unlawful Detainer
- Expedited Eviction



RENT & POSSESSION ELEMENTS

1. Landlord-Tenant Relationship Exists
2. Default in Rent Payment
3. Demand for Rent



UNLAWFUL DETAINER ELEMENTS

1. Landlord has right to lawfully possess premises
2. Tenant is unlawfully possessing premises
3. Notice to Tenant



EXPEDITED EVICTION

- ▶ Physical Injury to Other Tenants or Landlord
- ▶ Damage to Property in Amount Exceeding 12 months' Rent
- ▶ Drug-Related Criminal Activity
- ▶ Person Previously Evicted is Back on the Property



EVICTIION PROCEDURE

- ▶ Step 1: Filing the Petition
- ▶ Step 2: Court issues a summons



IV. EVICTION PROCEDURE

- ▶ Step 3: Send summons to Sheriff or Process Server to be served/posted.
- ▶ Step 4: Appearance at the first court date



IV. EVICTION PROCEDURE

Step 5: Did Defendant/tenant appear?

If no: take a default judgment

If yes: set matter for trial

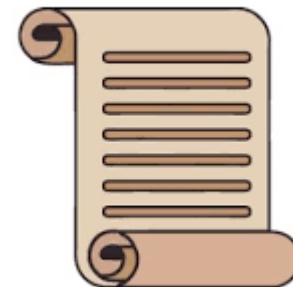
With possession at issue, typically 2-3 weeks out (depends on Judge's docket load)



IV. EVICTION PROCEDURE

Step 6: Obtain judgment via default, consent or trial
(10-day waiting period for Defendant's right to appeal)

Step 7: Request Writ of Possession



IV. EVICTION PROCEDURE

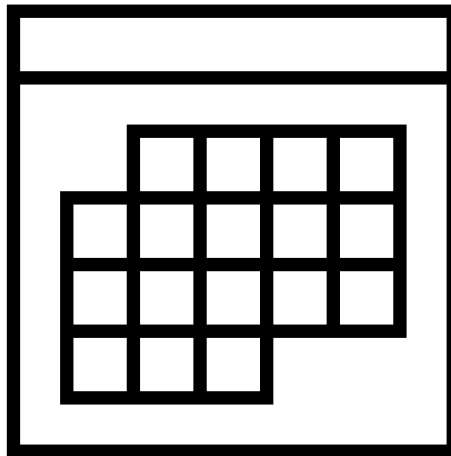
Step 8: Court issues a file-stamped Writ of Possession (or execution for possession of premises)

Step 9: Send writ to Sheriff's Office



IV. EVICTION PROCEDURE

- ▶ Step 10: Sheriff calls to coordinate removal date
- ▶ Step 11: Physical removal (put out) by Sheriff's Office



**File
Petition**

**30-45
days**

**Trial /
Judgment**

10 days

**Request
Writ from
Court**

7-10 days 7-10 days

**Sheriff
Put Out**

~50-95 days

**Initial
Court
Date**

**End of
Tenant
Appeal
Rights**

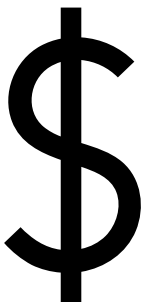
**Sheriff
Schedule
Put Out**



IV. COST OF EVICTIONS

	St. Louis County	St. Louis City	St. Charles County
Filing Fees	\$55.25	\$95.85	\$49.75
Sheriff Service Fees	\$56.00	\$36.00	\$59.00
Process Server Fees	\$50.00	\$50.00	\$50.00

The above costs are all approximations and may change/vary with inflation or when Courts/Process Servers raise their fees



TENANT DEFENSES/COMPLAINTS

1. Breach of the Warranty of Habitability
2. Constructive Eviction
3. Payment



Warranty of Habitability

Dwelling is habitable and fit for living throughout tenancy

“Breach of the warranty justifies retention of possession by the tenant and withholding of rent until habitability has been restored.”

Kohner Props., Inc. v. Johnson, 553 S.W.3d 280, 282 (Mo. banc. 2018).

Warranty of Habitability

“If the tenant remains at the leased property, they are required to continue paying rent, but into an escrow account until a court decides how the withheld rent should be distributed.”

Kohner Props., Inc. v. Johnson, 553 S.W.3d 280, 282
(Mo. banc. 2018).

CONSTRUCTIVE EVICTION

"A constructive eviction occurs, when the lessor, by wrongful conduct or by the omission of a duty placed upon him in the lease, substantially interferes with the lessee's beneficial enjoyment of the demised premises."

Ridley v. Newsome, 754 S.W.2d 912, 915 (Mo.App. 1988).

CONSTRUCTIVE EVICTION

“Tenant must abandon the premises within a reasonable time.”

Yaffe v. American Fixture, Inc., 345 S.W.2d 195 (Mo. 1961)

ABANDONMENT

(1) the landlord has a reasonable belief that the tenant has vacated the premises and intends not to return;

and

(2) the rent is due and has been unpaid for thirty days; and

ABANDONMENT

(3) posts written notice on the premises and mail first class and certified mail to tenants last known address;

and

(4) the tenant fails to pay rent or respond in writing to the landlord's notice within ten days after posting and deposit mailings.

R.S.Mo. § 441.065 (2016)

ABANDONMENT – Contents of Written Notice

“The rent on this property has been due and unpaid for thirty consecutive days and the landlord believes that you have moved out and abandoned the property. The landlord may declare this property abandoned and remove your possessions from this unit and dispose of them unless you write to the landlord stating that you have not abandoned this unit within ten days of the landlord having both posted this notice on your door and mailing this notice to you. You should mail your statement by regular first class mail and, if you so choose, by certified mail, return receipt requested, to this address (here insert landlord’s name and street address)”; and

RIGHT TO JURY TRIAL?

1. RENT & POSSESSION ACTION – NO
2. UNLAWFUL DETAINER ACTION – YES

CONCLUSION

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QUESTIONS?

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