

Rent Collection and Eviction Procedure

Rent collection is a stressful process. It requires a thorough understanding of Georgia tenancy laws and a strict adherence to legal procedures. Here are the steps we take to collect rent:

1. Due date: Rent is due on the 1st of the month before noon. We generally take rent all day and consider it received on time. If the 1st falls on a weekend or holiday we consider rent paid on time if received the next business day.

2. Demand for possession letter: We do not send a “Late” letter. If rent is not in by the 6th, we will send what Georgia Tenancy Law calls a “Demand Letter.” This letter is required by Georgia law and must contain specific language that demands possession of the property, or payment of the rent. It is the beginning of the eviction process in Georgia.

3. Dispossessory proceedings: If rent is unpaid by the 10th or 12th (depending on what day of the month the weekend falls), dispossessory forms will be filed, and the associated fees paid, to the county where the property is located.

This is the first time you will hear of the late rent. Most tenants’ pay by the 10th so the first time you hear of the late rent will be at this stage of the process when we are filing with the county. We have a full-time person handling this process and they will communicate to you often so as to keep you in the loop.

4. If the tenant answers to court: Once the sheriff has served the tenant they have seven days to respond to court with an answer. If the tenant pays their rent (or moves-out), the process ends, as do your costs. If the tenant answers the complaint a date is set for a hearing. This date could be anywhere from one to two weeks from the date of the tenants’ answer, depending on the county and time of year. Most tenants pay (or move) by the court date as they have little to defend themselves with.

*There is an expanded version of this procedure available to Crown clients.
Just ask your property manager to send you a link for more details.*

5. Court appearance: In most cases the eviction services attorney attends court on our behalf. The cost ranges from \$50-\$100. If management is required to attend as a witness, or in place of the attorney, the cost is an hourly rate, plus a trip charge, and varies based on the distance, time traveled, and time spent in the courtroom waiting to be heard. We will keep you informed as the process unfolds.

6. Consent order: Usually we get a “consent order” from the judge at the hearing demanding the tenant is out. We often negotiate directly with the tenant in the lobby outside the courtroom. Often we can include the next month’s rent in the consent order. The judge typically gives the tenant seven days to move or pay. Judges are very “landlord friendly” in the state of Georgia and only if the tenants have a really good claim will they get the judge’s attention.

7. Buying the writ: If the tenant fails to move by the court given deadline, or if they move and leave personal property behind, we are forced to follow through with the writ of possession process. We buy the piece of paper (the writ) giving the local sheriff the right to physically move the tenants’ possessions out. The cost of the writ runs \$40-\$50 depending on the county. We will notify you when we buy the writ.

8. Actual eviction: The sheriff or marshal's service, (not Crown), controls the calendar for scheduling the eviction (taking all of the tenants' possessions out of the property). The scheduling could take a week or more depending on the county. Some counties are faster than others. They will call us with a date for this action and we will notify you. When the day of eviction comes, they will give us less than an hour's notice to meet them at the house. We will call you when the dispossessory is completed.

9. Accepting partial rent: Occasionally a tenant will offer to pay part of the rent during the eviction procedure. Accepting partial payment derails the legal process. If we accepted less than all of the rent the courts require, we begin the process all over, and we will lose at least 30 days! We will refuse partial payments unless you instruct us to do otherwise.

Many aspects of the eviction process are out of Crown's control.

The total cost of an eviction usually amounts from between \$500 - \$700 if it goes the full process.

If you have elected the "eviction protection" program you pay a lot less (or nothing).

We are at the mercy of the sheriff's schedule, the court calendar, and communication among the sheriff, court, and eviction service. The process is often delayed by the weather, holidays, or weekends. The local bureaucracy administers the process so "hurry up" is not in the cards. Many issues affect the time it takes to complete the process. **Fortunately, tenants generally move (or pay) before they are evicted.** Other than re-keying, your eviction costs end if the tenants move everything out.

Our goal is to keep you informed throughout the process, monitor the tenants' activity, and minimize your costs while complying precisely with the letter of the law. We understand the anxiety you are experiencing and we will do whatever we can to accelerate the process. Please keep in mind we are dealing with local government, and that bureaucratic wheels grind slowly.

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