

# Eviction in Indiana: How the Process Works

**1** Landlord agrees to lease a rental home to the Tenant. Both Tenant and Landlord must comply with the terms of the lease and Indiana law.



**2** Tenant violates lease (such as failing to pay rent). Landlord may decide to evict the Tenant.



**ALERT:** Indiana does NOT have a law to allow tenants to withhold rent or make repairs and deduct it from the rent! If you do not pay rent, you could be evicted.

**3** If required, Landlord delivers Notice to Quit to Tenant. If not required, Tenant may not find out until notice from the Court.



**4** Tenant does one of the following:

1. Corrects the violation, such as paying past due rent.
2. Voluntarily vacates the property.
3. Ignores the problem.

**5** If Landlord files for eviction in court:

1. Tenant is notified of a court date by summons.
2. There are two separate hearings in evictions. The first, a possession hearing, is about whether Tenant has a right to stay in the property. The second is a damages hearing.



**6** Tenant can file defenses or counterclaims in court. Examples include: lack of notice, no lease violation, or landlord violations.



**7** If Tenant appears in court, the parties may or may not resolve the problem. However, if the Tenant does **not** appear in court, the judge can order a default judgment of eviction, with a date that the Tenant must vacate the property. If Tenant is not out by the court-ordered date, the sheriff can help enforce the order.



**8** After the possession hearing, a second hearing is set to determine damages. Damages can include unpaid rent, cost of cleaning or repair, credit for security deposit, or any Tenant claims.



*The eviction process can take a few weeks if all paperwork is in order and the Tenant doesn't show up in court or defend the eviction.*