

[00:00:00] Speaker A: Welcome to the deep dive. Today we're getting into something really specific, but also incredibly critical from a financial standpoint.

[00:00:08] Speaker B: Yeah.

[00:00:08] Speaker A: We're talking about the exact legal steps for evicting a tenant in East Baton Rouge Parish, Louisiana.

[00:00:16] Speaker B: And this is one of those topics where the stakes are just, you know, incredibly high. For a landlord, a mistake in the procedure isn't just a small delay.

[00:00:24] Speaker A: No.

[00:00:25] Speaker B: It means you're losing money, you're losing time, and your case might get thrown out completely. This isn't just the theory. It's about doing everything by the book.

[00:00:33] Speaker A: Absolutely. So our mission here is to pull out the step by step blueprint a landlord has to follow based on the legal guides we've looked at for East Baton Rouge. And we really have to start with a huge warning right at the top. The court's there. Whether it's city court, the 19th JDC, or a justice of the peace, they do not forgive mistakes.

[00:00:53] Speaker B: That's the whole game, really. Procedural rigor. If you make one little error on that first piece of paper, that five day notice.

[00:00:59] Speaker A: Like miscalculating the days.

[00:01:00] Speaker B: Exactly. Or you file in the wrong courthouse, that's it. It's a fatal flaw.

[00:01:04] Speaker A: So what does that actually mean, fatal flaw? What's the real world cost?

[00:01:09] Speaker B: It's devastating. I mean, you lose your filing fees, you lose the money you pay to have paper served. And worst of all, you've just lost another month with no rent coming in.

[00:01:17] Speaker A: And you have to start all over.

[00:01:19] Speaker B: All over from square one. Recalculate the notice. Reserve it. You've just pushed everything back by four, maybe six weeks.

[00:01:27] Speaker A: Wow. So a simple mistake could easily cost you hundreds, if not thousands. Okay, let's get into it. Step one, the notice to vacate.

This happens before you even think about going to court.

[00:01:41] Speaker B: Precisely. This is the official warning. You can't even file the lawsuit. The rule for possession, until this notice is served correctly and the time has run out.

[00:01:48] Speaker A: And for non payment of rent, which is, I assume, the most common reason by far. We're talking about the five day notice.

[00:01:54] Speaker B: A very strict five day notice.

[00:01:56] Speaker A: Okay, so this brings us to what our sources call the gold standard rule for

counting those days. And this is where people mess up.

[00:02:02] Speaker B: Constantly, all the time.

[00:02:04] Speaker A: It's not five days from when you post it. It's five full business days.

[00:02:09] Speaker B: And that detail changes everything. The law says the tenant gets five full days to either pay up or move out. So you have to exclude three things.

First, you never count the day you actually delivered the notice. You also have to Skip weekends. So no Saturdays or Sundays. And finally, any legal holidays.

[00:02:28] Speaker A: Can you just, you know, walk me through a quick example?

[00:02:30] Speaker B: Sure.

[00:02:30] Speaker A: Let's say I deliver a. Not on a Monday afternoon.

When can I file the lawsuit?

[00:02:35] Speaker B: Okay, so let's run the clock. You deliver it Monday. So Monday is day zero.

[00:02:39] Speaker A: Right. Doesn't count.

[00:02:40] Speaker B: Tuesday is day one, Wednesday, day two, Thursday, day three, Friday is day four.

[00:02:46] Speaker A: And then the weekend hits.

[00:02:47] Speaker B: So you skip Saturday and Sunday. Monday becomes day five, which means the absolute earliest you can be at that courthouse is Tuesday morning.

[00:02:55] Speaker A: And if I go on Monday afternoon thinking, well, it's been five days, case dismissed.

[00:02:59] Speaker B: The judge will look at the date on the notice, the date you filed, and see immediately that the tenant didn't get their full five business days. You're back to square one, man.

[00:03:09] Speaker A: So calculation is everything.

Okay, so how do you physically get this notice to the tenant?

Louisiana Law is very specific about this.

[00:03:18] Speaker B: It's a strict hierarchy. You can't just, you know, pick the easiest method. The law wants you to make a real effort to get it in their hands.

[00:03:25] Speaker A: So what's the top of the list?

[00:03:27] Speaker B: The best method? The gold standard is personal service. Handing it directly to the tenant.

[00:03:32] Speaker A: They're not home.

[00:03:33] Speaker B: Then option two is you can give it to a person of suitable age and discretion who lives there.

[00:03:38] Speaker A: Suitable age sounds a little vague. What does that mean?

[00:03:42] Speaker B: In practice, it generally means an adult or an older teenager. Someone who gets that this is an important document and will give it to the tenant. You can't, you know, hand it to their five year old. That's not valid service.

[00:03:53] Speaker A: Okay, so personal service fails. No one suitable is home.

Then and only then can you do what's called tacking.

[00:04:00] Speaker B: Exactly. Tacking is posting it securely on the door. But it's the last resort.

[00:04:04] Speaker A: Why is the law so strict about that order?

[00:04:07] Speaker B: Because it's about due process.

Tacking is the least reliable method. The courts want to make sure the tenant can't genuinely claim they never knew about it. You have to show you tried the better methods first.

[00:04:18] Speaker A: This sounds like where documentation becomes absolutely critical because the tenant is going to come to court and say, your Honor, I never got it.

[00:04:26] Speaker B: Always.

[00:04:27] Speaker A: How does a landlord shut that down?

[00:04:29] Speaker B: With the affidavit of service.

This is where hiring a professional process server is, frankly, a lifesaver.

[00:04:36] Speaker A: So what is that exactly?

[00:04:37] Speaker B: It's a notarized, sworn legal document from the server. It details the exact time, date, place, and method of service. It's basically sworn testimony in paper form.

[00:04:48] Speaker A: So a judge is going to Trust that notarized document from a third party way more than the landlord's photo on their phone.

[00:04:54] Speaker B: 100%. The affidavit is seen as neutral, professional proof that you followed the law perfectly. It makes the I never got it defense just evaporate.

[00:05:04] Speaker A: Okay, so those five business days are up. You've got your affidavit in hand. Now we're at step two, filing the actual lawsuit.

[00:05:10] Speaker B: Right now, you're filing what's called a rule for possession.

[00:05:13] Speaker A: And this is where it gets really confusing. In East Baton Rouge Parish, this is.

[00:05:18] Speaker B: Probably the most confusing part for landlords because it's not one single court for evictions. Where you file depends entirely on the property's address.

[00:05:27] Speaker A: So this is all about jurisdiction.

[00:05:29] Speaker B: It is absolutely critical. If your property is inside the Baton Rouge city limits, you go to the Baton Rouge City Court.

[00:05:36] Speaker A: Okay, that seems straightforward enough.

[00:05:37] Speaker B: But if your property is in one of the other areas, like Zachary or Central or St. George or an unincorporated.

[00:05:44] Speaker A: Part of the parish, you're going somewhere else.

[00:05:46] Speaker B: You are likely going to a local justice of the Peace court or JP Court for that specific ward.

[00:05:52] Speaker A: How does a landlord even figure out which ward they're in?

[00:05:55] Speaker B: Well, the best way is to use a parish map from the clerk's office, but honestly, this is another reason people use professionals. If you file in the wrong place, it's just another delay.

[00:06:03] Speaker A: And then there's a third option. The big one.

[00:06:05] Speaker B: Yeah.

[00:06:06] Speaker A: The 19th Judicial District Court. The 19th JDC.

[00:06:11] Speaker B: Right. That's the main court, the one with general jurisdiction for evictions. You're usually only there for commercial properties or really complex cases.

[00:06:20] Speaker A: Like if there's a huge damage claim involved.

[00:06:22] Speaker B: Exactly. Or if the amount of money in dispute is over the limit for the lower courts. For a simple residential eviction for nonpayment, you want to stay out of the 19th JDC, if you can.

[00:06:34] Speaker A: Why is that?

[00:06:35] Speaker B: It's just slower. It's more formal. The rules are more complex, and it's more expensive.

The city and JP Courts are set up to handle these possession cases much more quickly.

[00:06:45] Speaker A: This whole jurisdiction thing really sounds like a nightmare. And it explains why the sources mention process servers acting as courthouse runners.

[00:06:52] Speaker B: Yes. They're not just serving papers. They're doing logistics. They're in these courthouses every single day.

[00:06:57] Speaker A: So they know exactly where to go.

[00:06:58] Speaker B: They know the clerks, they know the boundaries. They can confirm the right location and save a landlord hours of driving around and risking their filing getting rejected. It's pure efficiency.

[00:07:09] Speaker A: Okay, so we filed in the correct Court. We're moving on to step three, the court hearing.

[00:07:14] Speaker B: Right. Once you file, the court gives you a hearing date. But now the tenant has to be notified again.

[00:07:20] Speaker A: Of course they do.

[00:07:21] Speaker B: They have to be served with the rule for possession, which is basically the summons telling them to show up for trial. That's done by the court's constable. Or again, a private process server.

[00:07:31] Speaker A: Okay, it's trial day. The landlord walks in. What does the judge want to see? What are the absolute must have documents?

[00:07:40] Speaker B: It's a simple three part checklist. First, you need the lease. The contract makes sense. Second, a copy of that 5 day notice you served. And third, the most important piece of paper in the whole process, the notarized affidavit of service for that notice.

[00:07:54] Speaker A: The proof.

[00:07:55] Speaker B: The proof. If you're missing that affidavit or if it's filled out wrong, your case is probably dead right there.

[00:08:00] Speaker A: What if the tenant just doesn't show up?

[00:08:03] Speaker B: If you can prove they were served properly with the notice for the hearing, the judge will typically grant you a default judgment.

[00:08:08] Speaker A: You win.

[00:08:09] Speaker B: You win. The judge still glances at your paperwork to make sure everything's in order, but it moves very fast.

[00:08:15] Speaker A: And if the judge does rule in your favor, how long does the tenant get to actually leave?

[00:08:20] Speaker B: The initial judgment gives them 24 hours to vacate the property voluntarily. It's a very short window.

[00:08:25] Speaker A: But what if they don't? They just stay put after 24 hours? The landlord can't just go in right now.

[00:08:29] Speaker B: Absolutely not. The process isn't over. You then have to go back to the court and pay for the final document, which is the warrant for possession. That is the piece of paper that gives the constable the legal authority to physically remove the tenant and their belongings and let the landlord change the locks.

[00:08:46] Speaker A: Okay, let's really focus on that point. This brings us to step four, Avoiding the big catastrophic mistakes. Yes, let's talk about self help evictions.

The rent is three weeks late. Why can't a landlord just go change the locks?

[00:09:01] Speaker B: Because it is completely illegal. The guides are crystal clear on this. Changing the locks, shutting off the utilities, moving their stuff to the curb. Any of that before you have that warrant for possession is an illegal eviction.

[00:09:12] Speaker A: You're taking the law into your own hands.

[00:09:14] Speaker B: You are, and you are exposing yourself to a massive lawsuit from the tenant.

[00:09:18] Speaker A: For what kind of damages?

[00:09:20] Speaker B: They can sue you for wrongful eviction, for emotional distress, for their legal fees. I mean, a landlord could end up owing the tenant multiple months worth of rent and damages. It's a huge financial risk.

[00:09:32] Speaker A: So that \$160 or so filing fee is starting to look pretty cheap in comparison.

[00:09:37] Speaker B: It's the cost of doing business legally.

[00:09:39] Speaker A: Let's talk more about those costs.

[00:09:41] Speaker B: Yeah.

[00:09:41] Speaker A: It's not just the one filing fee.

[00:09:43] Speaker B: Not at all. The costs add up. You've got the city court filing fee, which starts around \$160, but before that, you had to pay to serve the five day notice. That's maybe what, \$50 to \$75.

[00:09:54] Speaker A: Okay.

[00:09:55] Speaker B: Then you have to pay to serve the rule for possession. That's another dollar to 75 if you win and you need that final warrant.

[00:10:02] Speaker A: Another fee.

[00:10:03] Speaker B: Right. You have to pay the constable's fee to execute the warrant, which can be another hundred dollars or more.

[00:10:08] Speaker A: So a perfectly smooth, successful eviction, not even counting lost rent, is going to run a landlord several hundred dollars easily.

[00:10:17] Speaker B: And that's in the city court. Remember, if your property's out in Zachary or Central, you're dealing with a JT court. The fees might be a little different. And you've got the logistics of getting documents out to a more rural office.

[00:10:29] Speaker A: Right. Which brings us back to logistics. The sources mention things like

secure online portals for uploading documents, confirmation emails. It's all very systemized. Now.

[00:10:39] Speaker B: It has to be, because every single step, every piece of paper, the notice, the affidavit, the rule is a link in a chain of evidence. It has to be tracked meticulously.

[00:10:50] Speaker A: So when you pull it all together, what's the big picture for a landlord in East Baton Rouge?

[00:10:55] Speaker B: The big picture is that the system cares less about the fact that you weren't paid rents and far more about whether you respected every single procedural step laid out.

[00:11:03] Speaker A: In Louisiana law, adherence is everything.

[00:11:06] Speaker B: Success is defined by adherence.

[00:11:08] Speaker A: And of course, we have to include the standard disclaimer from our sources. Yeah. This deep dive is for informational purposes only. It is not legal advice. If you're a landlord starting this process or you're a tenant who's been served, you need to talk to a qualified Louisiana attorney about your specific situation.

[00:11:25] Speaker B: It's too important to guess.

[00:11:27] Speaker A: So this leaves us with a final thought, and it's really about the power of this paperwork. We talked so much about the affidavit of service, that notarized document.

If the entire case can turn on that one piece of paper which proves how a notice was served instead of what the landlord or the tenant says happened, what does that really tell us about our civil justice system?

[00:11:49] Speaker B: Yeah, that's a good question.

[00:11:50] Speaker A: It seems to suggest that in the eyes of the law, a verifiable, documented process is more trustworthy, maybe even more powerful, than the messy, conflicting stories people tell. The process itself is the point.

[00:12:03] Speaker B: Yes.