

# INSTRUCTIONS ON COMPLETING A THREE DAY NOTICE TO PAY RENT OR QUIT

## FOLLOW THESE INSTRUCTIONS CAREFULLY.

If you incorrectly fill out the Three Day Notice to Pay Rent or Quit, you may invalidate it.

### General:

1. A Three Day Notice to Pay Rent or Quit should be served on a Resident once the rent is past due. This document must be filled out correctly as it will become part of the court's records. If it is necessary to go to court to seek an eviction (also called an Unlawful Detainer action), an improperly filled out form will most likely cause the case to be dismissed.
2. If the rent falls due on Saturday, Sunday or a holiday, the law extends the time of payment through the next business day. The rent is not legally due except on a regular business day. The Resident is not in default until the day after the rent is due. Service of the Three-Day Notice prior to default is invalid.

### Preparation of the form:

#### 1. Resident name(s)

List the names of all the persons named in the rental agreement in the same manner that they are given on the rental agreement. List all other adult persons residing on the premises. List complete names and aliases (also known as, aka). If only a part of a name is known, list the part known. The Sheriff/Marshall will need to know the names of the people being evicted. To cover any unknown persons in possession of the premises, the Three Day Notice to Pay Rent or Quit has hard coated the **"INCLUDING ALL UNKNOWN OCCUPANTS"**.

#### 2. Property Address

Be certain the address is correct. If the address is incorrect, you will most likely not be able to evict the Resident(s) until you serve a correct Three Day Notice to Pay Rent or Quit.

#### 3. Name of Owner/Authorized Agent

List the name of the property owner or the Authorized Agent for the owner of the premises.

#### 4. Total Payment Due Amount

a) Fill in the total sum line to indicate the total amount of rent due.

For example:

Payment due amounting to the total sum of: \$

b) The amount due must only include rent; it **must not** include any charges or fees such as a late charge, charge for processing bad checks, or security deposit.

#### 5. Breakdown of total rent due

a) The four lines following the "payment due amount" are for each period of time for which rent has not been paid. Indicate the beginning date and ending date of each rental period. It is critical that you put the correct ending date of the period.

For example: \$400.00 is due on May 1<sup>st</sup> and has not been received. Show on the notice as follows:

\$  for the rental period from  through

b) **Partial Rent Payments: Always apply any partial payments to the oldest outstanding amount due.** If a partial payment was accepted, but the balance is not paid, show the remaining amount that is due for the rental period.

For example:

\$  for the rental period from  through   
\$  for the rental period from  through

c) Be certain the amount is correct. The Unlawful Detainer action will fail if the amount stated due on the Three Day Notice to Pay Rent or Quit is more than the amount that is proven due in court.

# INSTRUCTIONAL PURPOSE ONLY