



FREQUENTLY ASKED QUESTIONS MISSOURI EVICTION TRIALS

Q. What is a trial?

A “trial” is where two or more parties to a lawsuit come together at the courthouse to present evidence to a Judge. The Judge will make a ruling as to both the law and the facts of the case and enter a judgment in one party’s favor.

Q. Why was my case set for a trial?

Your case was set for trial because your tenant(s) did not agree with the allegations made in your lawsuit and have requested an opportunity to present evidence to the Judge in their defense.

Q. Where is the trial?

The trial will be held in the County Courthouse where the property is located.

Jackson County Courthouse

415 E. 12th Street
Kansas City, MO 64106

Jackson County Courthouse - Independence

308 West Kansas Avenue
Independence, MO 64050

Clay County Courthouse

11 South Water Street
Liberty, Missouri 64068

Platte County Courthouse

328 Main Street
Platte City, MO 64079

Buchanan County Courthouse

411 Jules Street
St. Joseph, Missouri 64501

Cass County Courthouse

2501 W. Mechanic Street
Harrisonville, MO 64701

Q. What time is my trial?

The docket clerk at The Law Offices of Anderson & Associates will send you an email outlining the date, time, and location of the courtroom for your trial. If you do NOT receive this information, please email docket@mokslaw.com or call 816-931-2207 with questions.

Q. What should I wear to the trial?

It definitely does matter what you wear to Court. The Judge will notice how you present yourself to the Court. You want to demonstrate that (a) you respect the courtroom and (b) that you are taking the matter seriously. We recommend conservative dress which includes something you would wear to church, work, or a nice social function. Please do not wear a hat and make sure your cell phone is on silent.

Q. Do I have to attend the trial?

Yes. Your testimony is necessary in order for an attorney at The Law Offices of Anderson & Associates to win your case.

Q. Can someone else go to the trial instead of me?

You do not have an automatic right to have a friend or family member act on your behalf in Court; however, your property manager or someone you appoint to manage your business can appear on your behalf if they have knowledge of the case.

Q. What happens at the trial if I do not show up?

If a plaintiff fails to appear for their civil trial, the case will most likely be dismissed.

Q. What happens at the trial if my tenant does not show up?

If a defendant fails to appear for a civil trial, the Judge will most likely enter a judgment in your favor.

Q. What will it cost me for my case to go to trial?

The Law Offices of Anderson & Associates does not charge any extra attorney's fees for a trial unless your tenant(s) files a counterclaim.

Q. What is a counterclaim?

A "counterclaim" is a lawsuit set up in opposition to another lawsuit. In your case, it is where your tenant(s) files a lawsuit against you. The Law Offices of Anderson & Associates charges \$200.00 per hour for defense work. You will never be charged additional fees without your knowledge and approval.

Q. What documents do I need to bring to the trial?

Please bring the following documents to Court with you:

1. The original executed lease (a copy is acceptable if you cannot locate the original);
2. A current payment / rental ledger that matches the amounts you are requesting;
3. Copies of demand letters sent to your tenant(s); and
4. The tenant(s) rental file.

* You MUST provide copies of these documents to an attorney at The Law Offices of Anderson & Associates no later than two (2) days prior to your trial. It is very important that we are prepared for the trial.

Q. What is a Lease Agreement?

A "lease agreement" is a contract between a Landlord and tenant(s) that states what the tenant(s) will pay monthly for rent and for how long. It also outlines and details the obligations and responsibilities of the Landlord (you) and the tenant(s).

Q. What is a Payment Ledger (a/k/a Rental Ledger)?

A “payment ledger” also known as a “rental ledger” is a financial tool used by the landlord to track revenue and expenses related to a rental agreement. A ledger typically contains columns for the following: (1) the date that a payment is due, (2) the amount due each month, (3) the amount paid, and (4) the outstanding balance.

Q. What is a demand letter?

In Missouri, a Landlord is required to send a demand letter to the tenant(s) prior to filing a lawsuit for unpaid rent and possession. The Law Offices of Anderson & Associates sends this letter on your behalf as part of its fee. The letter should be mailed or posted on the tenant(s)’s door and:

1. Be in writing;
2. List the full name(s) of the tenant(s);
3. List the address of the rental property;
4. List exactly how much rent the tenant(s) owes;
5. List the months the overdue rent is for;
6. List the name, address and phone number of the person the rent should be paid to;
7. Include the days and times the tenant(s) can pay the rent they owe, and the address where they can pay it; and
8. Provide the address to which the tenant(s) should send the money.

* The notice should include other money the tenant(s) owes (i.e. late fees, interest, utilities, or damages) if you want these amounts included in your lawsuit.

Q. What will happen at the trial?

An attorney at The Law Offices of Anderson & Associates will call you to the Judge’s bench to testify. You will then take an oath to tell the truth. The attorney will then ask you a series of questions based upon your lease agreement and payment ledger. Make sure that you are familiar with both of these documents. Also, make sure that you understand when and where payments were made and applied and how you arrived at the break down of the amounts you are requesting the Judge to award you. You will be holding both the lease agreement and payment ledger in your hand while the attorney is asking you questions. Please take note that if you do not understand your payment ledger and cannot explain it, then neither will the Judge.

Q. Will you try to settle the case before trial?

Yes. We will try to settle all cases prior to trial. You will be involved in the settlement negotiations. Please make sure that you have settlement authority from the owner prior to the trial date. If you do not feel comfortable settling your case, an attorney at The Law Offices of Anderson & Associates will be present and prepared to try the case with a Judge.

Q. How long will it take for the Judge to make a decision after the trial?

By law, every case submitted to a Judge for a decision shall be decided within thirty (30) days from the date of the trial. However, an attorney at The Law Offices of Anderson & Associates will request the Judge make a decision at the trial or no later than one week after the trial.

Q. What is a judgment?

A “judgment” is a written decision of a Judge regarding the rights and liabilities of the parties in a lawsuit. A judgment also generally provides the Judge’s explanation of why he or she has chosen to make a particular decision.

Q. Should I accept money from the tenant while my case is pending?

You are not obligated to accept partial payments; however, you must accept full payment of the rent, late fees and costs demanded in your petition. We recommend you take as much money as you can when it is offered. So long as \$1.00 is due, we may proceed with the eviction.

Q. Should I accept money from the tenant after the trial?

You are not obligated to accept partial payments; however, you must accept full payment of the rent, late fees and costs demanded in your petition. If the tenant(s) pays the amount listed in the Judgment, in full, prior to the date of the eviction, they may be entitled to stay in the rental property.

Q. The tenants were ordered to leave the property by the Judge, but they are still there. What can I do?

If your tenant(s) do not leave after a judgment is entered against them, an attorney at The Law Offices of Anderson & Associates will file a writ of restitution with the Court on your behalf.

Q. What is a Writ of Restitution?

A “writ of restitution” is a court order issued by a Judge requiring a Deputy Sheriff to physically remove the tenant(s) from the rental property.

Q. How will I know when the eviction is scheduled?

Your eviction will be assigned to a Deputy Sheriff within seven (7) to ten (10) days after a writ of restitution is filed. The Deputy Sheriff will call you at the telephone number Anderson & Associates has on file for you, to inform you of the date and time of the lockout within seventeen (17) days after the writ of restitution is filed and accepted by the Court.

Q. Do I need to be present at the eviction?

Yes. On the day of the eviction, you must be available to “greet” the Deputy Sheriff. The Deputy will usually pull up to the location of the eviction in a marked patrol car. Typically, the Deputy will not leave the car. It is up to you to go to the car and identify yourself as the landlord or landlord’s representative. You will then need to identify the entry door to the rental property and will sign a document authorizing the Deputy to use force to enter if necessary. Generally, you either need to have a key to the rental property so that the Deputy can enter or have a locksmith available to provide access.

Q. What happens if the tenant refuses to remove themselves and their belongings?

The Deputy Sheriff will physically remove the tenant(s) from the rental property. You will be responsible for moving all of the tenant’s personal property to the curb. Please be respectful of the Deputy’s time and have a sufficient amount of help available to move the tenant’s personal property quickly to the curb. Before leaving, the Deputy will authorize you to change the locks to the rental property so the tenant(s) cannot return.

Q. Do I really have to set everything on the curb or can I keep it and sell it?

The Deputy Sheriff will instruct you to remove the tenant's personal property to the curb. That is the end of your responsibility. Once the belongings are on the curb, they are considered abandoned property and you may do with it what you wish.

Q. What should I do if the tenant moves out but leaves her personal belongings behind?

You can declare a rental property abandoned and remove a tenant's belongings without a court judgment if (1) you have a reasonable belief the tenant(s) has vacated and does not intend to return, (2) rent is due and has been unpaid for 30 days, and (3) you post and mail (via regular mail AND certified mail) to the tenant's last known address a written notice providing the tenant(s) 10 days to contact you in writing and state that the property is not abandoned. The demand letter must be mailed by both first class mail and certified mail, return receipt requested. You must follow this statutory procedure in RSMo 441.065 EXACTLY in order to be protected.

Q. How do I collect on my judgment?

If The Law Offices of Anderson & Associates has obtained a money judgment on your behalf, the docket clerk will email or call you to ask if you want us to collect the money on your behalf. You will be directed to talk with the collection department at 816-931-2207 or email us at collect@mokslaw.com.