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**FREQUENTLY ASKED QUESTIONS  
KANSAS POST JUDGMENT EVICTION 2024**

**Q. What is a judgment?**

A. A judgment is the court's formal, written decision regarding the rights and obligations of the parties in a lawsuit. It outlines the judge's ruling on the case and often includes an explanation of the reasoning behind the decision. The judgment determines the legal responsibilities of each party, such as who owes what or what actions must be taken.

**Q. When does a judgment become final? Why does finality matter?**

A. A judgment for possession becomes final fourteen (14) days after it is entered. Once final, the landlord can proceed with enforcing the order by requesting a writ of restitution. If the 14th day falls on a weekend or holiday, Anderson & Associates will process the writ on the next business day. After this 14-day period, the tenant loses the right to file motions or appeals with the trial court.

**Q. What is a Writ of Restitution?**

A writ of restitution is a court order issued by a judge that directs a Deputy Sheriff to physically remove the tenant(s) from the rental property.

**Q. Should I accept money from the tenant after the judgment has been entered?**

A. Yes, a landlord may accept payment after a judgment for possession has been entered. However, accepting payment without issuing a reservation of rights letter can have legal consequences. Without clearly stating that the payment does not reinstate the tenancy, accepting money post-judgment could be interpreted as the landlord continuing the landlord-tenant relationship. A sample Reservation of Rights form can be found at <https://mokslaw.com/forms/>.

**Q. How long do I have to execute on the Writ**

A. There is no specific statutory deadline for a landlord to request a writ of restitution after the judgment becomes final. However, it is highly advisable to request the writ as soon as possible, especially before accepting any post-judgment payments from the tenant, as this could complicate enforcement of the writ.

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

A. Once the writ of restitution is filed, the Deputy Sheriff will contact you at the phone number Anderson & Associates has on file to notify you of the date and time of the lockout. This notification will typically occur within fourteen (14) days after the writ has been filed.

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

A. Yes. On the day of the eviction, you must be present to meet the Deputy Sheriff. The Deputy will usually arrive in a marked patrol car and may stay inside the vehicle. You will need to approach the car, identify yourself as the landlord or the landlord's representative, and point out the entry door to the rental property. You will also sign a document authorizing the Deputy to use force to enter if necessary. It's important to have a key to the property or a locksmith on hand to ensure access.

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

**A.** If a tenant refuses to leave, the Deputy Sheriff will physically remove them from the property. As the landlord, you are responsible for storing any remaining personal property for thirty (30) days. Before disposing of or selling the property, you must:

1. Publish a public notice at least fifteen (15) days prior to disposal or sale in a newspaper of general circulation in the county.
2. Send a copy of this notice to the tenant's last known address within seven (7) days of publication.

Any proceeds from the sale of the property are applied first to cover storage costs and outstanding rent, with any balance retained by the landlord. Buyers of the abandoned property obtain it free of claims from the tenant or others, provided the sale follows statutory procedures. During the 30-day period, the tenant may reclaim their belongings by paying all storage costs and outstanding rent in full.

**Q: What should I do if the tenant moves out but leaves personal belongings behind before I have a judgment or before I am contacted by the Deputy Sheriff?**

**A.** You can declare the rental property abandoned and remove the tenant's belongings without a court judgment if the following conditions are met:

1. You have a reasonable belief that the tenant has been absent longer than thirty (30) days and has removed a substantial portion of his or her belongings.
2. Rent has been unpaid for ten (10) days.
3. You store the tenant's abandoned property for thirty (30) days.
4. You publish a public notice at least fifteen (15) days prior to disposal or sale in a newspaper of general circulation in the county.
5. You send a copy of this notice to the tenant's last known address within seven (7) days of publication.

It's crucial to follow the procedure outlined in KSA 58-2565 precisely to protect yourself legally. Failing to do so could expose you to liability for improperly handling the tenant's belongings.

**Q. What should I do if a tenant abandons an animal at the rental property?**

**A.** Under Kansas law, animal abandonment is considered a form of neglect. You should contact local animal control, a shelter, or the humane society, as they are equipped to handle abandoned animals and can arrange for proper care. Be sure to document the situation thoroughly, including photos of the animal, notes on its condition, and any attempts to contact the tenant. If the animal appears aggressive or distressed, avoid handling it yourself to prevent injury and liability, leaving its care to animal control professionals.

**Q. How do I collect on my judgment?**

**A.** If Anderson & Associates has secured a money judgment on your behalf, the docket clerk will contact you via email to ask if you would like us to assist with collection. If so, you will be directed to speak with our collections department or by emailing us at [collect@mokslaw.com](mailto:collect@mokslaw.com).