

**TOWN OF CHENANGO JUSTICE COURT**

**LANDLORD INSTRUCTIONS FOR  
SUMMARY PROCEEDINGS  
(NON-PAYMENT OF RENT)**

The following is to help you with the procedure for regaining possession of your property and getting a judgment for back rent.

In any of the paperwork, remember that the landlord is the Petitioner, the tenant (defendant) is the Respondent.

Before you can start any paperwork in court, you must make a three (3) day demand for rent to the tenant. This can be verbal but is better if written.

If you are using an attorney, they will have the necessary forms to use. If you are bringing this case to court Pro Se (without an attorney), you will need to obtain the necessary forms. Look in the Yellow Pages under Legal Forms. There are many styles of forms but they should all contain the same basic information as listed below.

You will need a Petition to Recover Possession of Real Property and a Notice of Petition to Recover Real Property. Do not sign either form until you are in the presence of the court or your attorney. You will sign the Petition to Recover Possession of Real Property in the presence of the Judge, Court Clerk, or your attorney. You cannot sign the Notice of Petition to Recover Real Property, the Judge, Court Clerk or your attorney must sign that form. You will need three (3) copies of these two forms. The Return Date (date of the hearing to be entered on the Notice of Petition) must be given to you by the Court Clerk. It must not be less than 5 days nor more than 12 days from the time of service. If the clerk gives you a date three weeks into the future, you cannot have the papers served until the time frame of 5 to 12 days before the hearing date. At the time that you get the date from the clerk or you file the papers with the court, you must pay a filing fee of \$20.00.

**SERVICE OF PAPERS:** The preferable way of serving the respondent with the petition and notice of petition is to that individual personally. Anyone not involved with the case can perform the service, if they are over 18 years of age. If you cannot personally serve the papers on the respondent, they may be served on a person of suitable age who resides or is employed at the premises. The third way that can be used is what is known as "Nail and Mail". You must affix copies of the papers on a conspicuous part of the premise or place them under the entrance door. If you serve the papers in any manner except personally on the respondent, you must also mail copies of the papers, one copy by certified or registered mail and one by regular first class mail. A money judgment for unpaid rent cannot be granted if the papers were not served personally upon the tenant.

Once you serve the papers in one of the three manners listed, you must file the Notice of Petition, Petition and Affidavit of Service with the Court Clerk. This **MUST** be done within three (3) days of service. If they are not returned to the Clerk, within the three days, the proceedings may be dismissed. The affidavit of service must be notarized.

**HEARING:** You must be prepared to present your evidence at the time of the hearing (Return Date). You should have all records(lease, record of payment, etc.) when you appear for the hearing. If the respondent does not appear for the hearing, you are still required to prove to the court that you are entitled to a default judgment and order of eviction.