

# IDEAL LEGAL SUPPORT SERVICES, LLC

## FREQUENTLY ASKED QUESTIONS

- 1) How do I start an eviction? That depends on whether the tenant owes rent or does not owe rent. That is either a fourteen-day notice for non-payment or a thirty-to-sixty-ninety-day notice for the tenant to move for issues not related to rent being due.
- 2) Is a fourteen day notice actually fourteen days? No. There must be due diligence in the service of that notice, if not, the case could be dismissed in Court. With proper service and the possibility of having to do a mailing, that fourteen-day notice could expire twenty days after the initiating of service of that notice.
- 3) The method by which we determine whether we serve a 30/60/90 Day Notice of Termination of Tenancy on the tenant(s) is the following: Tenant resided in the dwelling for less than one year and has no lease or a month-to-month lease: THIRTY (30) Day Notice. If the tenant has resided in the dwelling for over one year but less than two years or has a one-year lease: SIXTY (60) Day Notice. If the tenant has resided in the dwelling for more than two years or has a two+ year lease: NINETY (90) Day Notice.
- 4) Why does a thirty/sixty/ninety-day notice give the tenant more than thirty/sixty/ninety days? The law requires that a tenant have at least a calendar months' notice to vacate. As of June 2019, this timeframe can be between thirty days and ninety days!!!! Depending on when that process is begun, it could give the tenants almost sixty to one hundred and thirty-five days before your case could be in Court.
- 5) Can I have a fourteen day and a thirty/sixty/ninety-day notice served at the same time on the tenant? Yes.
- 6) I have a Lease, does that play a role in the eviction process? It absolutely does!!! If you do not follow the Lease and its requirements as it pertains to the eviction process, your case has a high probability of being dismissed!
- 7) I have a Lease; do I have to put all the adult names from the Lease on the eviction documents? Yes! We have seen cases dismissed in Court with Landlords not following this requirement.
- 8) My Lease has expired, does that mean it is no longer valid? That all depends on the wording in your Lease.
- 9) Do I have to have a Lease? No, you do not.
- 10) Do I have to accept Section 8 or Social Services? As of April 12, 2019, in the state of New York, you can no longer omit these programs as a source of rent payments.
- 11) When a tenant is served a fourteen-day notice, do I have to accept partial payments of the rent? No, you do not have to accept partial payments. If the tenant offers ALL the rent that is due, you can NOT refuse to accept that rent and continue with a non-payment eviction.

- 12) May I accept rent after I have had the tenant served a thirty/sixty/ninety-day notice? Yes, you may, but ONLY up to the time the day that notice expires. To accept rent after that expiration, will invalidate that thirty/sixty/ninety-day notice.
- 13) How soon after these notices served have expired may I acquire a Court date? Right away!
- 14) How do I get my case in Court? You may do it yourself, but you MUST make sure that all the laws pertaining to this process are followed or you run the risk of having the case dismissed thus prolonging the tenancy of those you want to move from your property.
- 15) Why is the Court date so far out? The service of those Court documents must be done according to NYS laws. There is a time frame to serve and a time frame that the tenant must be in receipt of those Court documents. If this is not done properly, case dismissed! Another reason why the date is when it is on the calendar, is that Courts all over the Capital District only meet certain times and days of the month. Some are in session five days a week and others only two times per month! Also, practically ALL Courts limit how many cases can be heard on any one day. Add all these variables and this adds to the prolonging of the eviction process.
- 16) After we are in Court, what next? If the Court rules in your favor and the tenant must vacate immediately or after a set date and does not, you may acquire the Sheriff or Marshal to remove the tenant from the property. NYS Law mandates this process to give the paperwork to the tenants at least fourteen (14) days before the Sheriff can vacate the tenants from the dwelling. This process will now take approximately 21 days from the date it is paid for with our office. You may not force your tenant to vacate without the use of the Sheriff or Marshal.
- 17) Why can I not just throw the tenant and his or her stuff out myself? NO NO NO!!! To do this opens you up to major civil liabilities (\$1,000.00 to \$10,000.00) and criminal liabilities!!! You MUST go through the Court/Sheriff process to have your tenant removed from the dwelling.**
- 18) After the Sheriff or Marshal comes to finalize the eviction, what then? The Sheriff or Marshal will give you permission to change the locks on the doors and to retain the tenant's property for a certain period of time. That time frame varies in each municipality. Check with the Sheriff or Marshal in your County for that information. In Schenectady County it is thirty days or what is provided for in your active Lease.
- 19) The Judge awarded a judgement for the rent the tenant owes, how do I collect? If the tenant does not voluntarily pay you, there are methods that you can initiate to collect that money. An Income Execution and a Property Execution are just two methods to get the money that is owed to you. We can help you with that process.
- 20) I have been able to get into Court fast with other agencies, can Ideal Legal Support Services, LLC. get us into Court fast too? We pride ourselves in ensuring that the entire process with our Agency is done procedurally CORRECT so that your case will not be dismissed based upon those grounds. We have seen MANY cases dismissed due to laws and guidelines not adhered to by others. Our Agency will NOT cut corners and circumvent procedures to expedite the eviction for our clients. To do so would be a disservice to you and to the law!!!! We do our best for our people. Please allow our over thirty-two years of being in Business, work to your advantage.
- 21) Now that many of my questions have been answered, I want to start the eviction right now, can I do that here? Yes, you can!!! Visit us at [ideallegalnys.com](http://ideallegalnys.com) and click on "Do An

Eviction Now” and then click on the Landlord/Tenant Questionnaire and answer all the questions and hit the submit button. That form will then be sent to an Associate where we will begin the process today. We will contact you to speak to you personally about your situation and inform you of the fees.

22) What are the fees for your Services? Our fees vary depending on the location of the property where the tenant is being evicted. We also have Attorneys that will be happy to represent you in Court if you choose not to go. Yes, you do NOT have to go to Court for the eviction unless there happens to be a Trial. Another benefit of using Ideal Legal Support Services, LLC.

**WE HOPE OUR FAQ SHEET HELPS YOU TO BETTER UNDERSTAND THE  
EVICTON PROCESS. PLEASE CALL US, EMAIL US OR COMPLETE OUR  
ONLINE INTAKE FORM SO THAT WE MAY BE ABLE TO ASSIST YOU IN  
RECOVERING YOUR RENTAL PROPERTY FROM THOSE YOU WISH TO HAVE  
REMOVED.**