

Forcible Detainer (eviction) Statutes

The following Forcible Detainer (eviction) laws have been repealed:
61-2106, 61-2301 through 61-2311, 61-1312 through 61-1314

61-3801

Chapter 61.--PROCEDURE, CIVIL, FORLIMITED ACTIONS

Article 38.--EVICCTIONS

61-3801. Scope. K.S.A. 2003 Supp. 61-3801 through 61-3808, and amendments thereto, shall govern lawsuits brought to evict a person from possession of real property or of an interest in real property.

History: L. 2000, ch. 161, § 78; Jan. 1, 2001.

61-3802

Chapter 61.--PROCEDURE, CIVIL, FORLIMITED ACTIONS

Article 38.--EVICCTIONS

61-3802. Judgment not bar to other actions. A judgment in a lawsuit brought under K.S.A. 2003 Supp. 61-3801 through 61-3808, and amendments thereto, shall not be a bar to any subsequent lawsuit brought by either party for claims not included in such judgment.

History: L. 2000, ch. 161, § 79; Jan. 1, 2001.

61-3803

Chapter 61.--PROCEDURE, CIVIL, FORLIMITED ACTIONS

Article 38.--EVICCTIONS

61-3803. Notice to leave premises. Before a lawsuit to evict a person pursuant to K.S.A. 2003 Supp. 61-3801 through 61-3808, and amendments thereto, is filed, the party desiring to file such lawsuit shall deliver to the other party a notice to leave the premises for which possession is sought. The notice shall be delivered at least three days before commencing the lawsuit, by leaving a written copy with the other party or by leaving a copy thereof with any person over the age of 12 years residing on the premises described in such notice, or if no such person is found upon the premises, by posting a copy of such notice in a conspicuous place thereon, or by mailing a copy of the notice to the other party at the address of the premises described in the notice. The three day notice period provided for in this section shall be computed as three consecutive 24-hour periods to commence at the time the notice is delivered, posted or mailed. If the notice is mailed, an additional two days from the date of mailing shall be allowed for the person to leave the premises before the lawsuit is filed. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation of the notice period. The notice may be combined with any notice provided for in K.S.A. 58-2540, *et seq.*, and amendments thereto.

History: L. 2000, ch. 161, § 80; L. 2002, ch. 157, § 16; July 1.

61-3804

Chapter 61.--PROCEDURE, CIVIL, FORLIMITED ACTIONS

Article 38.--EVICCTIONS

61-3804. Petition for claim. The petition shall describe the premises for which possession is sought and why the plaintiff is seeking possession. If there is rent due for possession of the premises, the petition may include a request for judgment for that amount or the plaintiff may bring a subsequent lawsuit for that amount.

History: L. 2000, ch. 161, § 81; L. 2002, ch. 157, § 17; July 1.

61-3805

Chapter 61.--PROCEDURE, CIVIL, FORLIMITED ACTIONS

Article 38.--EVICCTIONS

61-3805. Summons; time for appearance. The time stated in the summons requiring the defendant to appear in response to the petition shall be determined by the court. Such time shall be not less than three nor more than 14 days after the date the summons is issued.

History: L. 2000, ch. 161, § 82; L. 2002, ch. 157, § 18; July 1.

61-3806

Chapter 61.--PROCEDURE, CIVIL, FORLIMITED ACTIONS

Article 38.--EVICCTIONS

61-3806. Appearance; answer. A defendant shall either appear in person or by counsel at the time and date set forth in the summons or file on or before such date a written answer. The answer, when filed, shall contain the information as required under subsection (b) of K.S.A. 2003 Supp. 61-2904, and amendments thereto.

History: L. 2000, ch. 161, § 83; Jan. 1, 2001.

61-3807

Chapter 61.--PROCEDURE, CIVIL, FORLIMITED ACTIONS

Article 38.--EVICCTIONS

61-3807. Trial. (a) If a trial is necessary, the trial shall be conducted within eight days after the appearance date stated in the summons.

(b) No continuance shall be granted unless the defendant requesting a continuance shall file a bond with good and sufficient security approved by the court, conditioned for the payment of all damages and rent that may accrue if judgment is entered against the defendant.

History: L. 2000, ch. 161, § 84; Jan. 1, 2001.

61-3808

Chapter 61.--PROCEDURE, CIVIL, FOR LIMITED ACTIONS

Article 38.--EVICCTIONS

61-3808. Writ of restitution. (a) If judgment is entered against the defendant for possession of the subject premises, the court shall issue, at the request of the plaintiff, a writ of restitution which shall direct anyone who is authorized to serve process and who is named in the writ to place the plaintiff in possession of the premises described in the writ.

(b) The writ of restitution shall be executed within 10 days after the person named in the writ receives it, and that person shall file a return as with other writs under the code of civil procedure for limited actions. The person serving the writ may use such reasonable force as is necessary to execute the writ.

(c) If the person named in the writ receives a notice from the court that the proceedings have been stayed by appeal, that person shall immediately delay all further proceedings upon the execution. If the premises have been restored to the plaintiff, the person named in the writ shall immediately place the defendant in the possession thereof.

History: L. 2000, ch. 161, § 85; L. 2002, ch. 157, § 19; July 1.