

[00:00:00] Speaker A: Okay, let's dive in. We're really getting into some highly specific, pretty complex stuff today. We're talking about the.

The absolute nitty gritty for landlords doing evictions in Kenner, Louisiana, and specifically how to navigate the. Well, the hyper strict rules they have in Jefferson Parish.

Now, why focus so much on court procedures? I mean, it sounds dry, but the sources we looked at, local legal support experts, they give this, frankly, terrifying warning right up front. They say one simple mistake can cause a judge to dismiss your case, forcing you to start all over. And that's not just annoying paperwork, right? That means, boom, you lose another month's rent instantly.

[00:00:43] Speaker B: That's the real cost. It adds up fast.

[00:00:44] Speaker A: The financial stakes are just incredibly high for property owners. So our mission today is to basically give you the roadmap, the exact steps to avoid those procedural landmines.

[00:00:54] Speaker B: And look, before we even touch on the first step serving the notice, we have to talk about jurisdiction. This is probably the single biggest reason cases get through, thrown out right at the start. It's what we call the Materi mandate. If your property is in Kenner, you do not go to the main courthouse, the big one, the 24th JDC in Gretna.

[00:01:11] Speaker A: Right. That seems like the logical place, but.

[00:01:13] Speaker B: No, no, that's the wrong court for the entire east bank of Jefferson Parish. So Metairie, Harahan, River Ridge and Kenner, all evictions go through the First Parish Court of Jefferson. And that's miles away in Materi.

[00:01:27] Speaker A: Okay, First Parish court, Materi, not Gretna.

[00:01:30] Speaker B: Correct. It's the specific hub, handles all east bank evictions, plus small claims under, I think, \$20,000.

[00:01:36] Speaker A: Wow. Okay, so that's foundational drive to Gretna. You've already wasted half a day, maybe more, and the clock is just ticking on that last rent.

[00:01:44] Speaker B: Precisely.

[00:01:45] Speaker A: All right, location nailed down. Materi, let's move to the first actual legal step a landlord has to take. Step one, the five day notice to vacate. This is the official demand?

[00:01:55] Speaker B: Yeah, it is. And it's absolutely mandatory. You cannot even start the eviction lawsuit without this notice being legally served first.

[00:02:01] Speaker A: Okay.

[00:02:02] Speaker B: It's a written document, and it gives the tenant exactly five business days to leave.

[00:02:06] Speaker A: Ah, business days, that's key.

[00:02:08] Speaker B: It's very key. Weekends and holidays, they don't count towards the five

days.

[00:02:12] Speaker A: Got it.

Now, the tricky part isn't writing it. I guess the sources really hammer on the delivery.

Why is the law so pedantic about how you serve this thing? Can you just. I don't know, send a certified letter. It's a. Seems like that should work.

[00:02:28] Speaker B: You'd think so. But no. Certified mail often fails legally because the tenant can just refuse to sign for it. Then you have no proof they actually received it.

[00:02:37] Speaker A: Ah, okay.

[00:02:38] Speaker B: Louisiana law is super clear on this. For the five day notice, the landlord has only two.

One, physically hand it to the tenant person to person.

[00:02:46] Speaker A: Right.

[00:02:47] Speaker B: Or two, securely tack it, tape it, staple it, whatever, securely to their front door. That's it. No texting, no email, no regular mail, no certified mail.

[00:02:56] Speaker A: Just hand delivery or tacking it to the door.

[00:02:58] Speaker B: Correct. And this is where, honestly, a lot of landlords who try to do it themselves run into trouble. Because what's the tenant's number one defense in court?

[00:03:04] Speaker A: Let me guess. I never got the notice.

[00:03:06] Speaker B: Bingo. Every single time. And if you, the landlord, served it yourself, well, now it's just your word against theirs in front of the judge. That's a tough spot.

[00:03:15] Speaker A: And that, I assume, is why the sources talk about this gold standard solution involving an affidavit of service. Tell us about that.

[00:03:24] Speaker B: Right. You need proof, ironclad proof. So when you use a professional like a third party process server, they don't just hand over the notice. They complete a notarized affidavit of service.

[00:03:34] Speaker A: Okay. And that's more than just a delivery receipt?

[00:03:36] Speaker B: Oh, much more. It's a sworn legal document, notarized, stating exactly who served it, when, where, how, all according to state law. It basically demolishes that I never got it defense. Before it even starts, the judge sees that affidavit and accepts the service as valid. Done.

[00:03:53] Speaker A: So that affidavit is crucial.

[00:03:55] Speaker B: It really is. The experts we looked at even offer a free downloadable Louisiana five day notice form online. A PDF, so you can at least get the document itself right from the beginning.

[00:04:04] Speaker A: Yeah. Having that notarized proof seems like maybe the smartest few bucks a landlord can spend up front to avoid losing potentially thousands in rent later.

[00:04:11] Speaker B: It's risk management, really.

[00:04:13] Speaker A: Okay, so let's say the five business days are up, the tenant hasn't moved out, the demand period is over.

Now we shift gears from just giving notice to actually filing a lawsuit, right?

[00:04:25] Speaker B: Correct. Now you move to step two, filing the formal court case. In Louisiana eviction terms, this is called filing the rule for possession.

[00:04:34] Speaker A: And here comes that jurisdictional headache again. The materi mandate.

[00:04:38] Speaker B: Yep. You can't file this rule for possession in Gretna. You must file it at the First Parish Court. The address is 924 David Drive in Metairie.

[00:04:47] Speaker A: So if you're doing it yourself, that means another trip out to Meredy, finding parking, waiting in line at the clerk's office sounds like a real pain.

[00:04:55] Speaker B: It absolute can be a bottleneck, especially if you don't live or work near Materi. It takes time.

[00:05:01] Speaker A: The sources which seem to come from companies working in this system daily pointed out a solution though, that these courthouse runners.

[00:05:08] Speaker B: Exactly. That's a service that's popped up specifically because of this logistical challenge. These runners specialize in handling filings at the First Parish court. They're there every day anyway, so you.

[00:05:17] Speaker A: Can just send them the documents digitally and they file the physical papers for you.

[00:05:21] Speaker B: Pretty much. It saves landlords the drive, the wait time, the hassle. It's a service born directly out of that specific court's location and rules.

[00:05:30] Speaker A: Makes sense. Okay, so the rule for possession is filed. The court gives you a hearing date. We're moving along. What's next?

[00:05:37] Speaker B: Step three, and this is another crucial one where people slip up. There has to be a second legal service.

[00:05:43] Speaker A: Wait, a second service? We just proved we served the first notice, the five day notice with that affidavit. Now we have to serve them again.

[00:05:50] Speaker B: Yep. A completely separate second service. This time you're serving the actual court papers. The rule for possession that you just filed, which includes the official court hearing date and time. The tenant has to be formally notified by the court that they're being sued and when to show up.

[00:06:06] Speaker A: Okay, that's that. Well, it seems like a double whammy, this two service

rule. Why is it necessary?

[00:06:10] Speaker B: It really boils down to due process. Think of it this way. The first notice, the five day notice, that's the landlord's demand. You need to leave the second service, the rule for possession, that's the court's official summons. You are being sued and you must appear. They're legally distinct.

[00:06:28] Speaker A: Okay, different purpose. And who does this second service? Can the landlord do this one?

[00:06:32] Speaker B: No, absolutely not. This second service, the court summons must be handled either by the Jefferson Parish Constable's office or. Or by a court appointed private process server. The landlord cannot serve their own lawsuit papers.

[00:06:44] Speaker A: Gotcha, Constable. Or a private process server only.

[00:06:48] Speaker B: Right. And the sources, again, often recommend using a private process server for this second step too. Not because the constable doesn't do it, but because process servers often focus solely on serving papers. So they can sometimes be, well, faster and maybe more persistent in getting it done quickly.

[00:07:03] Speaker A: And getting that hearing date served fast is key to moving the whole thing forward.

[00:07:08] Speaker B: Exactly. Time is money. When you're losing rent.

[00:07:10] Speaker A: So to recap the core process, the two service rule is absolute.

First, the five day notice from the landlord, ideally served by a pro with an affidavit. Second, the rule for possession summons from the court, served only by the constable or a private process server.

[00:07:27] Speaker B: That's the procedural backbone of it.

[00:07:28] Speaker A: Okay, now let's talk warnings. Because when landlords get frustrated with all these steps, these hurdles, the temptation must be huge to just shortcut the system. Oh yeah, the sources were really emphatic here. What about just changing the locks or, you know, turning off the water or electricity, force them out that way?

[00:07:45] Speaker B: The answer could not be clear. Absolutely not. Don't even think about it. That is what the law calls an illegal self help eviction. Right? If a landlord does that, changes locks, cuts utilities, removes the tenant stuff, the landlord's the one who's going to get sued and they will lose badly.

[00:08:02] Speaker A: So the tenant ends up suing the.

[00:08:04] Speaker B: Landlord instantly and the landlord's original eviction case, gone, dismissed. Plus they'll likely face damages for illegally locking the tenant out. You must follow the court process all the way through to getting a judge to issue the final order called a writ of possession, which then allows the constable to legally remove the tenant. There are no legal shortcuts.

[00:08:26] Speaker A: That is a critical, critical warning. Just follow the steps. No matter how

frustrating, it's the only way. But what about this?

What if the tenant is savvy, they know about this two service rule, and they start actively avoiding being served the second time they know the constable or a process server is coming with those court papers. So they just, you know, duck and weave, stop answering the door.

[00:08:48] Speaker B: Yeah, that definitely happens. Evasion is a real challenge sometimes.

[00:08:50] Speaker A: So how do you overcome that legally?

[00:08:52] Speaker B: Well, this is where the professional services mentioned and the sources really earn their keep. They have advanced tools and techniques, things like skip tracing, basically finding someone who's trying hard not to be found using databases and investigative methods. Or in tougher cases, they might use a professional stakeout service, literally watching the property, waiting for the tenant to appear so they can be legally served with those court papers.

[00:09:15] Speaker A: A stakeout, is that, is that legal?

[00:09:18] Speaker B: Yes, completely. If it's done correctly. The sources are very clear.

Any stakeout has to be performed by or directly supervised by a court appointed process server. And they must follow all Louisiana state laws and the rules of civil procedure to the letter.

[00:09:34] Speaker A: Wow.

[00:09:34] Speaker B: It's pretty intense. But it just shows how seriously the system takes that requirement for legal notification. Due process means you have to make every legal effort to Notify the person being sued. Evasion doesn't just stop the process if the right steps are taken.

[00:09:47] Speaker A: It really underscores that succeeding in a Kenner eviction isn't just about being owed rent.

[00:09:52] Speaker B: It's.

[00:09:52] Speaker A: It's about absolute, meticulous procedural compliance. Dotting every I, crossing every T. That's.

[00:09:58] Speaker B: A perfect way to put it.

[00:09:59] Speaker A: Okay, so let's wrap up this deep dive. We need to quickly recap the absolute must dos for you, the listener, dealing with this. First, remember the Metairie mandate. You must file in the First Parish court on David Drive, not Gretna Critical. Second, you have to nail the two service rule. Serve the five day notice properly first, then ensure the rule for possession summons is served by the constable or a process server.

Two distinct steps.

[00:10:25] Speaker B: Cannot skip either one.

[00:10:26] Speaker A: And third, maybe most importantly for avoiding that initial dismissal, get that notarized affidavit of service for the five day notice. That's your ironclad proof, your shield against.

[00:10:36] Speaker B: I never got it.

[00:10:37] Speaker A: And of course, we have to include the mandatory disclaimer that the experts in our source material emphasize. This has all been for educational purposes. It is not legal advice. If you have a specific eviction situation, you absolutely must consult with a qualified Louisiana attorney.

[00:10:53] Speaker B: Please do. Every case has nuances.

And you know, all this talk about strict procedure, it brings up a final thought I want to leave you with. Think about this. Local experts, people who do this every day, like Scott Frank, mentioned in the sources, founder of a process server company, 20 years doing this. They stress over and over how one simple mistake can derail the entire case.

[00:11:12] Speaker A: Yeah.

[00:11:13] Speaker B: What does that intense level of scrutiny tell us?

Especially about protecting tenant rights even when rent hasn't been paid? The law in Kenner and Jefferson Parish generally seems almost obsessed with the how and the where of serving a piece of paper.

[00:11:27] Speaker A: The process itself seems paramount.

[00:11:29] Speaker B: Exactly. It often protects the process with the same rigor. It protects the final outcome. That strict procedure needing undeniable proof. The two separate services. It's all about due process.

So maybe consider what other parts of your business or even your life rely on that same kind of strict, almost invisible adherence to process to guarantee fairness and legal standing. In the end, it's a layer of complexity that definitely governs more than just east bank rental properties. Something to think about.