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### First Eviction Comes During Holidays

*Written by Jeff Young*

I suppose it had to happen sooner or later. Fourteen years of owning and renting residential investment property and I had never had to evict a renter. I have had my share of five-day notices, but, even in those cases, things always seemed to come together at the last minute. I felt that I was always fair with my residents, and on more than one occasion, adjusted the rent or rescinded a rent increase when renter told me that he or she would face a financial hardship.

Late last year, however, that changed. I was put in a situation where a formal court order evicting the resident was necessary, putting on her record a default judgment and an eviction, and the attendant complications that are sure to arise for her in the future. I say I was “put in the situation.” And that is exactly what it was. I did not want to follow that path, and would have done much to avoid it. But the individual left me no alternative.

It started late last year when her check bounced. When I went through the five-day notice exercise, it was almost mid-month before she came over to my house and gave

me the rent and late fees in the form of a cashier's check for the total amount due. She apologized to my wife and me and said how much she enjoyed living at the property. She said she felt safe there, and it was nice for her and her two young children. Her husband, as I learned later, apparently had "issues" and was occasionally there, though more absent than not.

She told me it would not happen again. We told her that if she had a problem in the future, she just needed to let us know. Though it wasn't spelled out specifically, I think a rational person would have correctly interpreted our remarks as saying, "If you have a problem paying the rent, we will work something out with you." We walked her to the door, and said goodbye to what I would characterize as healing session. That was the last I ever saw of her.

When the rent didn't come again in December, I went through the five-day process and called her. She didn't return repeated phone calls on her cell. I gave up and let my lawyer handle it from there. Because she did not (or could not) let me know of her intentions, I had no choice but to follow through on the forcible detainer. At the very least, I thought, she might have called to say that she didn't have enough money to pay the rent and would vacate by month's end. That at least would have given me a choice, of sorts, whether to proceed with the eviction. After all, Christmas was coming and she had two small children. Had she just let me know that, the worse case scenario (judgment and eviction) might have been avoided. But she didn't. So an "alternative" became a necessity, and I had to cut my losses.

I went to court the day of the hearing. The now-departed residents (I had posted a two-day notice of intent to enter a week earlier) did not show, nor did I expect them to.

The court was filled with people: clerks and lawyers, judges and landlords, plaintiffs and respondents. Everybody going through the motions of what I am sure is old hat for many of them.

It was just a few days after Christmas. I walked out of the court with my judgment in hand and went over to the property to post it on the door. There was a child's toy in the front garden.

I know others have much more miserable tales to tell, and that this story is repeated thousands of times in this city alone in any given year. But I could not help but be sick to my stomach, and wonder what kind of Christmas the children had.

***Editor's note:*** The suggestions contained herein are meant as guidelines and are based on the experience of Independent owners. Please send your comments and questions to Jeff Young at First Financial Equity Corporation, 480-778-2041.