

DIRECTIONS FOR STARTING A LANDLORD TENANT ACTION

The Riverhead Justice Court located at 210 Howell Ave Riverhead (631)727-3200 x221 is in session Wednesdays at 2 pm

Proceedings to recover real property require specific legal knowledge. This Court strongly recommends that you retain an attorney. If you wish to proceed without an attorney, please note that you will be responsible for preparing your papers in accordance with the law without any assistance from this office. **The following information represents the limit of the assistance that this office is permitted to offer;**

(THESE FORMS CAN BE FOUND AT WWW.BLUMBERGLEGALFORMS.COM OR A STATIONERY STORE)

Blumberg legal forms to start an Eviction:

You will need to provide one (1) Original to the Court of the following:

Petition to Recover Real Property	X-444	Non-Payment	(Possession of property and owes money)
Notice of Petition	X-445	Non-Payment	(Possession of property and owes money)
Petition to Recover Real Property	T-448	Holdover	(Possession of property only, no money owed)
Notice of Petition	T-449	Holdover	(Possession of property only, no money owed)

Blumberg legal forms to remove Respondent/Tenant(s) from premises:

You will need to provide one (1) Original **and** one (1) copy to the Court of the following:

Warrant of eviction	T-447	Non-Payment	(Possession of property and owes money)
Default Judgment (No appearance by Respondent/Tenant)	T-519	Non-Payment	(Possession of property and owes money)
Judgment after trial/inquest held	T-523	Non-Payment	(Possession of property and owes money)
Warrant of eviction	T-453	Holdover	(Possession of property only, no money owed)
Judgment default, after trial/inquest	T-530	Holdover	(Possession of property only, no money owed)

1. **Forms must be completed using BLACK ink only and submitted to the clerk for signature. Payment of a \$20.00 fee will be necessary to endorse the paperwork. (Cash, certified check, or money order only)**
The clerk will review your forms and sign them only if correct. The clerk will assist you in setting a court date in order to ensure that court will be in session. A Notice of Petition must be signed by an attorney or the clerk to compel the appearance of the Respondent/Tenant in court.
2. A copy of the papers must be served by someone over the age of 18, who is not a party to the action. Service must be in full compliance with the law and proof of service must be filed with the clerk within three days of effecting service.
3. Please note that the Respondent/Tenant must be given FIVE (5) full days notice and no more than TWELVE (12) days notice. (If the papers are handed directly to the tenant (personal delivery) the five-day period is counted from the actual date of service. If the papers are served on the respondent by any other manner (the five days is counted from the date the papers are filed with the court along with proof of service.)
4. After three attempts to serve the Respondent/Tenant, note dates and times on the back of the summons. The server may NAIL the FIRST COPY of the Summons to the tenant's door. After nailing the summons to the door, MAIL a SECOND COPY of the Summons to the Respondent/Tenant. After you mail a copy of the summons to the defendant, complete an Affidavit of Mailing and have it notarized then return it to the clerk. This may be done at the same time you file the original summons with the clerk. There is a \$20.00 fee for filing your summons with the Court.
5. A copy of the papers must be served by someone over the age of 18, who is not a party to the action. Service must be in full compliance with the law and proof of service must be filed with the clerk within three days of effecting service.
6. There may be specific, legal prerequisites to the institution of your proceeding to recover real property such as a 30 day notice. You should consult with an attorney or refer to the RPAPL to be sure you have met all requirements.

The above information will assist you in the filing of a landlord tenant proceeding. It remains your responsibility to prove to the court's satisfaction your right to recover rent or property.

The court staff is prohibited by law from giving any additional information. Please do not compromise the court staff by requesting assistance. You may try calling the Suffolk County Bar Association 631-234-5577 for assistance.

IF YOU DO NOT UNDERSTAND THESE INSTRUCTIONS OR THE REQUIRED FORMS, IT IS IN YOUR BEST INTEREST TO RETAIN OR AT LEAST CONSULT WITH AN ATTORNEY.