

Article - Real Property

8-402.

(b) (1) (I) Where any interest in property shall be leased for any definite term or at will, and the landlord shall desire to repossess the property after the expiration of the term for which it was leased and shall give notice in writing one month before the expiration of the term or determination of the will to the tenant or to the person actually in possession of the property to remove from the property at the end of the term, and if the tenant or person in actual possession shall refuse to comply, the landlord may make complaint in writing to the District Court of the county where the property is located.

(II) [The court shall issue its summons to the tenant or person in possession that he appear on a day stated in the summons before the court to show cause (if any he have) why restitution of the possession of the estate leased should not be made to the landlord.] THE COURT SHALL ISSUE A SUMMONS DIRECTED TO ANY CONSTABLE OR SHERIFF OF THE COUNTY ENTITLED TO SERVE PROCESS, ORDERING THE CONSTABLE OR SHERIFF TO NOTIFY THE TENANT, ASSIGNEE, OR SUBTENANT TO APPEAR ON A DAY STATED IN THE SUMMONS BEFORE THE COURT TO SHOW CAUSE WHY RESTITUTION SHOULD NOT BE MADE TO THE LANDLORD. THE CONSTABLE OR SHERIFF SHALL SERVE THE SUMMONS ON THE TENANT, ASSIGNEE, OR SUBTENANT ON THE PROPERTY, OR ON THE KNOWN OR AUTHORIZED AGENT OF THE TENANT, ASSIGNEE, OR SUBTENANT. IF, FOR ANY REASON THOSE PERSONS CANNOT BE FOUND, THE CONSTABLE OR SHERIFF SHALL AFFIX AN ATTESTED COPY OF THE SUMMONS CONSPICUOUSLY ON THE PROPERTY. AFTER NOTICE TO THE TENANT, ASSIGNEE, OR SUBTENANT BY FIRST-CLASS MAIL, THE AFFIXING OF THE SUMMONS ON THE PROPERTY SHALL BE CONCLUSIVELY PRESUMED TO BE A SUFFICIENT SERVICE TO SUPPORT RESTITUTION.

(III) Upon the failure of either of the parties to appear before the court on the day stated in the summons, the court may continue the case to a day not less than six nor more than ten days after the day first stated and notify the parties of the continuance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

Approved June 1, 1982.

CHAPTER 787

(Senate Bill 143)