

EVICCTIONS  
&  
FORCIBLE ENTRY AND DETAINER  
ACTIONS

Information for Landlords and Tenants



**This brochure provides only basic information about the eviction process, and does not constitute legal advice. For specific advice about a specific landlord-tenant problem, consult an attorney.**

*This brochure is provided as a public service  
by Alaska Legal Services Corporation  
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ADDITIONAL INFORMATION ABOUT  
EVICCTIONS

The Alaska Court Systems provides information booklets and all the necessary forms. Many of the booklets and forms are available at the Court System website:

[www.state.ak.us/courts/forms.htm](http://www.state.ak.us/courts/forms.htm)

Not all the forms necessary for filing and answering an FED action are available online. All the necessary forms should be available from the court clerk's office. The court clerk can provide forms and information booklets, but cannot provide legal advice.

## WHAT DOES “EVICTION” MEAN?

Eviction is the process by which a landlord regains possession of the property rented to the tenant.

## HOW DOES AN EVICTION WORK?

An eviction begins with notice to the tenant that the landlord wants them to vacate the property. If the tenant does not leave voluntarily, the landlord must file an eviction case with the court to have the tenant ordered to vacate.

## WHAT SORT OF NOTICE DOES THE TENANT HAVE TO RECEIVE?

The landlord must provide the tenant with Notice to Quit. It is not enough that the landlord tells the tenant to leave; the notice must be written. The Notice to Quit must be delivered to the tenant in person, by certified mail, or by leaving it at the premises.

The Notice to Quit must say why the landlord wants the tenant to vacate. The Notice to Quit must also give the tenant time to cure the problem. If the reason for the eviction is non-payment of rent, the tenant has 7 days to correct the problem. Other time limits are specified for other reasons for the termination of the tenancy in AS 09.45.090.

## WHAT IF THE TENANT DOES NOT LEAVE?

If the tenant does not leave the premises, the landlord must go to court and ask that the tenant be ordered out. This is called a Forcible Entry and Detainer (“FED”) action. The landlord cannot himself evict the tenant, nor can a law enforcement officer, without the court first ordering the tenant to vacate.

## HOW DOES A FORCIBLE ENTRY AND DETAINER ACTION WORK?

There are 4 steps to an FED action.

Step 1: The landlord files an FED complaint with the court.

Step 2: The landlord gives notice to the tenant that a complaint has been filed.

Step 3: The court holds an eviction hearing to decide whether the tenant must vacate the property.

Step 4: If the landlord has asked for damages, the court will determine whether the tenant must pay damages and if so for how much.

## FILING THE FED COMPLAINT

The FED complaint can only be filed **after** the time specified for cure in the Notice to Quit. This means that the tenant must be allowed the full amount of time to fix the problem **before** the landlord can file the FED complaint. The FED complaint must be filed in the Judicial District in which the property is located, with the necessary filing fees.

At this time, the court clerk will set an eviction hearing within 15 days.

## SERVING THE FED COMPLAINT

The landlord must serve a copy of the FED complaint and a summons on the tenant, either by a private process server or a peace officer. A Return of Service must be completed by the server, to prove that the tenant has notice of the FED action. The tenant must receive notice of the FED action at least 2 days before the hearing date.

## THE EVICTION HEARING

The landlord and tenant must both attend the eviction hearing. If the landlord doesn’t appear, the court may dismiss the FED complaint. If the tenant doesn’t appear, the court may enter a default judgment, which means that the tenant will be ordered to vacate.

## RENT DUE AND DAMAGES CLAIMS

If the tenant contests the amount of rent or damages the landlord states are due, the tenant must file an Answer. The Answer must be filed within 20 days of receipt of the notice and summons. If the tenant wishes to plead a defense or counterclaim, it must be described in the Answer. The landlord has 20 days to respond to any counterclaim filed by the tenant.

If an Answer is filed, the court will hold a hearing to decide if rent and/or damages are owed. Both the landlord and tenant must appear at this hearing. If the landlord doesn’t appear, the court could dismiss the claim for rent and/or damages. If the tenant doesn’t appear, the court could enter a default judgment for the full amount requested by the landlord.

If the tenant does not file an Answer, the landlord can ask the court for a default judgment for the full amount stated in the FED complaint.

## COLLECTION OF JUDGMENT

The court will not collect a judgment for the landlord. If the tenant does not voluntarily paid the ordered amount, the landlord can apply for a Writ of Execution, which directs a peace officer to seize the tenant’s property to satisfy the judgment. Property subject to seizure includes wages, bank accounts, land, and personal property such as vehicles or snowmachines.