

EVICTION PROCESS

The eviction process in the state of Arkansas is a civil process. However, if an individual refuses to vacate a residence 10 days after they were properly served with a notice to vacate for failure to pay rent, they can be prosecuted in the State of Arkansas for violating Arkansas Code Annotated 18-16-101 – Failure to pay rent, Refusal to vacate upon notice. A.C.A. 18-16-101 states:

“(a) Any person who shall rent any dwelling house or other building or any land situated in the State of Arkansas and who shall refuse or fail to pay the rent therefor when due according to contract shall at once forfeit all right to longer occupy the dwelling house or other building or land. (b)(1) If, after ten (10) days’ notice in writing shall have been given by the landlord or the landlord’s agent or attorney to the tenant to vacate the dwelling house or other building or land, the tenant shall willfully refuse to vacate and surrender the possession of the premises to the landlord or the landlord’s agent or attorney, the tenant shall be guilty of a misdemeanor.”

If you are seeking an eviction for any other reason than for failure to pay rent on a written rental agreement, you must seek a writ of unlawful detainer through a private attorney. Our office can only prosecute criminal cases, and we do not process civil evictions. If you are seeking an eviction for any other reason than for Failure to pay rent on a written rental agreement, do not complete the steps below. You are seeking a civil eviction and our office cannot assist you.

If you have a written lease agreement and you are seeking an eviction, our office can assist you in prosecuting the individual for violating A.C.A. 18-16-101. Please follow the following steps in order to complete the eviction process:

- 1.) Serve the tenant with a 10 day notice to vacate. State law requires that the tenant be given 10 full days of notice. A 10 day notice to vacate for failure to pay rent can be obtained at the Saline County Sheriff’s office located at 735 South Neely Street in Benton. The Sheriff’s office will serve the notice, and provide you with a copy of the notice for your records. You must retain this copy to provide to our office. The Sheriff’s office can only serve a 10 day notice to vacate if the party is in violation of A.C.A. 18-16-101. If you are evicting someone for any other reason than for failure to pay rent, the Sheriff’s office cannot assist you with the notice to vacate.
- 2.) After 10 full days have passed and the tenant has not left the residence, you may complete a 2-party affidavit at the Prosecuting Attorney’s office requesting that the tenant be prosecuted for violating A.C.A. 18-16-101, Failure to pay rent, Refusal to vacate upon notice. In order for our office to prosecute the individual, you must provide us with a copy of the 10 day notice to vacate, the written rental agreement, as well as the renters name, date of birth and address. It is also helpful if you provide the tenant’s driver’s license number and telephone number. Please telephone our office at

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501-315-7767 in order to schedule an appointment to complete the 2-party affidavit after the ten day period has passed, and you have the required information. We cannot prosecute an individual unless we have this basic required information.

- 3.) After you complete the 2-party affidavit requesting prosecution, the affidavit will be reviewed by a prosecutor for approval. Once approved by the prosecutor, the affidavit will be sent to a District Court Judge for review and approval. Once the affidavit is approved and signed by the District Court Judge, a 2-party warrant will be issued. The warrant will be sent to the Saline County Sheriff's office for service. Individuals are not arrested for 2-party warrants, but instead issued a citation with a court date. The first court date will be approximately 30-45 days after the citation is issued. The first court date is the individual's plea and arraignment date. If the individual pleads not guilty at their plea and arraignment date, a trial date is given by the Judge. The trial date is generally 30-45 days from that date. If the individual requests a trial, you will be required to attend court on the trial date. After hearing the trial, the Judge will make a determination of whether the individual is guilty of A.C.A. 18-16-101. If the Judge finds the individual guilty of violating A.C.A. 18-16-101, the Judge can then order them out of the residence at that time.

If you do not desire that the individual be prosecuted for violating A.C.A. 18-16-101, and you simply want them evicted from the residence, contact a private attorney in regards to a civil eviction, which is referred to as a "writ of unlawful detainer". If you chose to evict an individual in this manner, a 3 day notice to vacate is all that is required, and the matter will be brought before a Judge in civil court as soon as your attorney secures a court date.

Saline County Prosecuting Attorney's Office
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