How Do I Get My Security Deposit Back
by: Legal Aid Services of Oklahoma, Inc.

Getting Your Security Deposit Back

The first step toward getting your security deposit back is to give your landlord a written notice. The best time to request your deposit is when you notify the landlord that you are moving. Usually, you provide that notice at least 30 days before you plan to move. In your notice, you should tell the landlord that you are asking for your deposit back. In addition, you should give the landlord an address where you can receive mail. If you are moving and don't know the new address, provide another address, like the address of a relative. **Be sure to make a photocopy of the notice and save it.** You are not entitled to get your deposit back before you move. Your landlord is allowed to inspect the place after you move, and to make repairs. Within 30 days after you move and give notice, the landlord either must return your entire deposit, or send you a list of the reasons for keeping all or part of your money. You are not responsible for problems that existed when you moved in or for normal wear and tear. The landlord can deduct from your deposit for past-due rent and for certain damages and repairs. You are required to pay for damages you, your family, or guests caused on purpose or by not being careful.

What do I do if the landlord won't give my security deposit back?

If the landlord does not respond to your notice within 30 days, or if the landlord sends you a list of charges that you do not believe are justified, you must take further steps to recover your money. The two best ways to get your money back are through mediation or Small Claims Court.

Mediation

Mediation is a process where you and the landlord try to work out your dispute without going to court. A trained, neutral mediator will sit down with you and your landlord and try to help you reach a settlement. Mediation is inexpensive and, where both sides agree to try it, it is often very effective. To find a court sponsored mediation program near you call this toll free number: 877-521-6677. Each county in Oklahoma has an Early Settlement Mediation program. You can also visit the Oklahoma Supreme Court Network web site at http:\\www.oscn.net and look under "other links."

Small Claims Court

Small Claims Court is available for people seeking to sue for small amounts of money, like security deposits. You can only use Small Claims Court for cases involving amounts under $6,000.00. It is like "People's Court," you do not have to have an attorney. Small Claims Court can be less expensive than other courts, and the steps you have to take are less complicated.

Here is a Sample of letter to sent your landlord requesting your security deposit back. Be sure to keep a copy of your letter.

March 30, 2006 (be sure to date the letter)

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John Q. Landlord

Please return my security deposit to me at the following address:

Jane Doe
1111 W. 111th St.
Tulsa, OK 74111

Please direct all correspondence to that address also. Thank you.

Signed: [Jane Doe]

Small Claims Court

To file in Small Claims Court, you must complete forms supplied by the court clerk at your local courthouse. To complete the forms, you will need the name and address of your landlord. Once you have completed the forms, you must pay the filing fee and send the papers to the opposing party.

The cost of notice depends on how you send the papers. The clerk can explain the options and costs and how to file a "Pauper's Affidavit" if you cannot afford the costs. The clerk will set a hearing at some time 10 days to 30 days after you file your lawsuit.

At the hearing, you must show the judge a copy of **your written request** for the return of your deposit. You must also show that you have waited 30 days after the date of your letter for the landlord to respond or give you your security deposit back. If the landlord sent you a response, show it to the judge. The judge will then let the landlord explain the reasons for keeping the deposit.

If the judge rules in your favor, he or she will enter an order granting you a certain amount of money, including your court costs. Hopefully, the landlord will then pay you voluntarily. If not, you must take legal steps to collect the money. An attorney can tell you what you must do to collect your money.

Remember: Each case is different. This is meant to give you general legal information, not specific legal advice about your case or circumstances