

General Information on a Writ of Restitution:

What is a Writ of Restitution? A court order to the Sheriff of the County to assist plaintiff (you) evict a tenant and/or their sub-tenants/guests.

How does it work? Once the Sheriff's Office receives the Writ of Restitution from you, we will go serve the defendant (tenant) or post the notice on the door of the residence, if they are absent. If we receive your Writ before 1 PM, we will attempt to serve/post it that day, if after 1 PM it will be served/posted the next working day (excluding weekends). The Writ of Restitution will give the tenant 24 to 48 hours to vacate the premises (excluding weekends).

What happens next? If the tenant moves out in the time we allot, we will notify you and make return on the file. If the tenant does not move out, we will contact you and request advanced fees so we can move the tenant out. Once our office receives the advanced fees from you we will call a moving company and arrange for the move-out. Scheduling a move with the moving company can take up to a week, so please be patient! During the time we are waiting on the moving company, we will periodically check to see if the tenant have vacated. If they have vacated the residence, you will be notified and your advanced fee will be refunded.

Move-out -- Once we have a move date from the moving company, we will advise you of that date. On the move date, a bonded moving company will pack and move the tenant's belongings to their storage facility. The property will be held in storage for 14 days, during that time the tenant can come to our office and pay the judgment (including the cost of the move) and recover their property. If on the 14th day the judgment is not paid, the Sheriff's Office will auction the property at the storage site. The money recovered in the auctioning of the tenant's property will be sent to you to satisfy your judgment. If auctioned items bring in more money than you are owed on your judgment, it will be given back to the tenant by law. You can attend the auction if you choose, and can bid on property being auctioned. You can make a credit bid on auctioned property up to the amount of the judgment you are owed.

Advanced Fee -- This is a fee allowed by law and approved by County Commissioners to conduct a move-out. We require a minimum advance fee of \$1500. Most moves cost less than this and you will only be charged the actual cost of the move. If it is less than \$1500 you will be refunded the remaining money. ****Some** moves may be large and we may request more than \$1500.

The Sheriff's Office cannot give you legal advice; you should consult an attorney to assist you in this process.

Common questions:

Can I move the tenant's property into storage – **No**, only the Sheriff can conduct a move-out.

Can I change the locks once I have a Writ of Restitution – **No**, not until a move-out is completed.

If you give the tenant extra time to move-out after the Writ of Restitution is served on them, you must call our office (208) 577-3750 and advise us of the extension.