

# *Eviction Procedures and Requirements*

A deputy sheriff will call you at least **1** business day beforehand to notify you of the scheduled walk-through time. The walk-through will be limited to approximately **15-minutes** unless a moving company is required. Please be aware eviction times may run behind due to unforeseen circumstances encountered by deputies.

The Wisconsin State Statutes listed on this form are provided for your assistance. ***It is your responsibility to know the content and the requirements.*** If you have any questions please consult with an attorney. The Sheriff's Department cannot give you any legal advice and can only instruct you as to our procedures.

Additional information may be found by reviewing Wisconsin Statutes 799.45 and 705.04. You may access the statutes at the following website: [www.legis.wisconsin.gov](http://www.legis.wisconsin.gov) (Enter the statute number in the search bar). Information on Landlord/Tenant rights are available online at "***The Wisconsin Way***" ([www.datcp.state.wi.us](http://www.datcp.state.wi.us)).

## **IMPORTANT NOTICE:** (Required for rental and foreclosure evictions)

**All evictions where the Sheriff's Department is requested or required to take responsibility for the defendant's property will now require a moving company to accompany the deputies at the walk-through. The moving company will remove any personal property at that time. A non-refundable fee of \$150.00 will apply.** The non-refundable fee is a fee required by the moving company. *Other Costs may apply. These evictions will only be scheduled on Tuesdays and Thursdays which is dictated by the moving company's availability. We will be unable to provide you with an exact time because it would be difficult to keep that type of schedule. You will be given a number in order of when your eviction was scheduled. The number will be assigned according to the address of the residence. On the day of the eviction the deputy will call you and give you an approximate time of arrival. In most cases you will be called 30 minutes in advance so please be prepared. If you are unable to be present please provide a key to open the dwelling door. Please deliver the key to the Sheriff's Dept. at least 1 day before the eviction date. If no one is present at the eviction and if a key had not been delivered the deputy will have the lock removed and replaced with a new one. We will provide you with the keys to the new lock. If the lock has to be replaced this will add an additional cost.* The change to the procedure was necessary because some landlords failed to follow our requirements and placed the Sheriff's Department in a difficult position which could have resulted in a lawsuit.

**Failure to follow our procedures may result in a cancellation, a delay, or the Writ to be completed without you being present.** Those actions may also cause the Writ to be returned back to the court as *unsatisfied*. If the Writ is *unsatisfied* you may need to start the eviction process over again.

## **How to Cancel an Eviction**

An eviction may only be cancelled if a request is made to the Court that issued the Writ **prior to the walk-through**. You must go to that Court and request a motion to cancel. This motion is a form located in the Clerk's Office. You do not have to schedule a court date or a hearing. Just go into the Clerk's Office and tell them you wish to cancel the eviction.

**Can I Cancel the Moving Company?** A moving company, if it is required by Wisconsin Statute, may only be cancelled if the defendant(s) were to sign a personal property release waiver giving up their rights to that personal property.

- The waiver is a form which is provided and retained by the Sheriff's Department. It must be signed in the presence of a deputy or by the staff at Sheriff's Department. **NO OTHER WAIVER MAY BE USED.**
  - ✓ This is required by our Corporation Counsel who are the attorneys for Kenosha County.
- The person(s) signing the waiver must be a defendant(s) and possess proper identification.
- The landlord or plaintiff has the responsibility to notify the defendant(s) to make contact with the Sheriff's Department if he/she wishes to sign a waiver.

***All fees, deposits, and moving costs are available at the Sheriff's Department Process Office.***

The Procedures listed below are required either by Wisconsin State Statutes or by the Circuit Courts.

**“Landlords Only:”** When you deliver the Writ to the Sheriff’s Department you **MUST** complete the form titled as **“Writ of Restitution Supplement Form”**. The form will provide deputies with your instructions about any personal property left behind. **In absence of this form** the deputies **must** then require a monetary fee and deposit to conduct a move if personal property is found. See 2013 WI Statutes 799.45 (1) and 799.45 (3m).

## **Steps for the Execution of the Writ (Eviction)**

**1.** Upon delivering the Writ to the Sheriff’s Department along with the required fees and deposits, a deputy will then serve the defendant(s) a copy of the Writ personally or by posting the dwelling door.

- **The entrance door of the dwelling must be CLEARLY marked as listed in the Writ.** (i.e.: Apt 1, Upper, Lower, etc.) **Access to the dwelling must be clear of debris, snow, etc.**
- If the dwelling is an **apartment building, condo, etc.** with a locked common door please deliver a key to the Sheriff’s Department **that same day** so we can have access. If we cannot gain access we may have to cancel or delay the eviction.

**2.** At the scheduled walk-through date deputies will arrive and remain outside. They may not know who you are so please approach them and identify yourself. Deputies will then enter the dwelling and execute the Writ by evicting the defendant(s) and/or any occupant who is there on behalf of the defendant(s).

- Please have the dwelling keys accessible and not in a ring with other keys. **This is for the deputy’s safety.**
- If you do not have keys to the dwelling please have a locksmith present. If you are unable to gain access the Sheriff’s Dept. will contact a locksmith. If we contact a locksmith the cost will be deducted from your deposit.
- A **“2nd Walk-Through”** may be requested **prior to entering (Step 2)** as time limits permit. This will cost an additional fee of \$20.00. The additional Fee will be required if the plaintiff is unable to gain entry to the dwelling, cannot immediately secure the dwelling (if needed), or does not show for the scheduled walk-through.

### **3. Landlord Takes Responsibility for the Personal Property:**

*(NOTE: This step is allowed for RENTAL properties ONLY)*

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**OR**  
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- **Option 1: Supervision Not Requested:** If you elected to be responsible for the defendant’s personal property the deputies will take no further action and the Writ will be returned back to the Court as satisfied.
  - **Option 2: Supervision Requested:** If you elected to have the Sheriff’s Department supervise **your** removal of the personal property the deputy will schedule with you a time and date to complete the removal.
    - ✓ The personal property is removed and the dwelling is returned back to the plaintiff.
    - ✓ The Writ is returned back to the court as satisfied.

### **3. Sheriff’s Department Takes Responsibility for the Personal Property:**

*(NOTE: This step is approved for both RENTAL and FORECLOSED properties)*

- A moving company will accompany the Sheriff’s Deputies to the walk-through and will begin the process required by Wisconsin Statutes. The moving company will record, package, and store the personal property of value not belonging to the plaintiff.
- In most situations the moving company will be able to complete the move on that same day, but if the move cannot be complete due to extraordinary situations or if the quantity of property is large please have a change of locks for all doors. If this applies please follow the instructions below.
  - ✓ The dwelling must be **IMMEDIATELY** secured either by changing **ALL** the locks or by other means.
  - ✓ The home is secured. **NO ONE**, including the evicted occupant(s), **is allowed** to enter unless it is to prevent damage or to prevent an emergency from occurring. **NO PROPERTY OR DEBRIS MAY BE REMOVED.** No exceptions.
  - ✓ If you do not have a change of locks the moving company will change the locks at your expense.
- The personal property is removed and the residence is returned back to the plaintiff.
- The Writ is returned back to the court as satisfied.

*Any Questions Please Call*

*Kenosha County Sheriff’s Department - Civil Process Unit 262-605-5104*