

Procedure for Physical Evictions

On the date of the scheduled physical eviction, a deputy from the County Sheriff's Civil Office will stand by to supervise removal of the tenant property from the premises. The eviction deputy does not move items during a physical eviction. The deputy will be present during the physical eviction in order to maintain the peace, protect property and to ensure that the eviction is completed in an orderly and lawful manner. You are required to use reasonable care when handling the tenant's property.

You are expected to complete the physical eviction in 1 hour. Physical evictions that last longer than one hour will be billed at an hourly rate of \$39.00 - \$55.00 (depending on county) for each additional hour. To facilitate the physical eviction on the scheduled date and time the following requirements are the responsibility of the landlord or their agent:

- Personnel
- Gloves
- Plastic bags or cardboard boxes
- Tarps to lay on the ground and to cover the items set outside
- Moving truck, if tenant requests property to be stored. (See storage requirements below.)
- Storage facility. The rented apartment/house cannot be used to store the tenants property.

If you arrive late or unprepared with supplies or personnel the deputy has the authority to reschedule the physical eviction. This may require you to have the writ extended. If the writ has to be extended you may incur an additional \$150.00 in legal fees and court costs.

In the interest of public safety the following items cannot be placed outside on the public right-of-way:

- Caustic cleaning materials (such as paint thinner)
- Soaps, oils and toiletries
- Explosives and ammunition
- Weapons (of any kind)
- Medicines, drugs (both legal & illegal) and apparatus used in connection with drugs (hypodermic needles, pipes, etc)
- Perishable food items
- Alcoholic beverages
- Large sheets of glass
- Pornography

Storage Requirements

Landlords are required, at the time of the physical eviction, to move and store the tenant's property to any reasonable secure place. HOWEVER, if the tenant objects to the storing of their property, the property can be deposited outside upon the nearest public property and not moved and stored by the landlord.

UPON arrival at the physical eviction:

1. If the tenant is present at the time of the physical eviction and objects to the landlord moving and storing their property, then the tenant's property will be put at curbside.

2. If the tenant is NOT present at the time of the physical eviction and the property as been abandoned it is optional with the landlord whether they will store the property or move it to the curbside.

3. The landlord may be required to move and store the tenant's property, even if the tenants are not present at the time of the physical eviction. Use the following as a guideline for how long to store the tenant's property and for giving proper notice to the tenant of where their property is being stored.

A. If the property being stored has a cumulative value of fifty dollars or less, the landlord may sell or dispose of the property in the manner provided in this section, except for personal papers, family pictures, and keepsakes. Prior to the sale or disposal of the property stored the landlord shall notify the tenant of the pending sale or disposal. The notice shall either be mailed or personally delivered to the tenant. After seven days from the date of the notice of sale or disposal is mailed or personally delivered to the tenant, the landlord may sell or dispose of the property.

B. If the property being stored as a cumulative value of over fifty dollars, the landlord shall notify the tenant of the pending sale or disposal. After forty-five days from the date the notice of the sale or disposal is mailed or personally delivered to the tenant, the landlord may sell or dispose of the property, including personal papers, family pictures and keepsakes.