

Writ of Restitution Information

The Manitowoc County Sheriff Office is not allowed to give legal advice. However, due to the number of questions we receive regarding evictions we have put together this pamphlet.

There may be other ways to evict a tenant and you can consult legal counsel to explore those options.

All evictions must be done in accordance with WI State Statutes. It is your responsibility to comply with these statutes.

Step 1 - Give the tenant 5,14, or 28-day notice in accordance with WI Stat. 704.17.

Step 2 - Time has expired and the tenant has not moved. A small claims action for eviction can then be filed with the Clerk of Court. You will be given a court date.

The small claims summons and complaint must be served on the tenant by a private process server or the Sheriff Office. Other forms of acceptable service may be found in WI Stat. 799.16(3).

Step 3 - Attend your court date. If judgment is entered in your favor you must file it with the Clerk of Court and request a Writ of Restitution.

Step 4 - Bring the Writ of Restitution to the Sheriff Office. The Sheriff Office can then physically evict the tenant. The Sheriff Office cannot help you unless authorized to do so by the Writ.

Additional information and resources regarding the eviction process can be found at:
www.manitowoc-county.com or

The Wisconsin Way

A Guide for Landlords and Tenants

Website:
<http://datcp.wi.gov/uploads/Consumer/pdf/WisconsinWayWEB.pdf>



MANITOWOC COUNTY
SHERIFF OFFICE
CIVIL PROCESS DIVISION

1025 S 9th Street
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(920)683-4211

Sheriff Daniel L. Hartwig

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ALL EVICTIONS MUST BE DONE IN ACCORDANCE TO WI STATE STATUTES. IT IS YOUR RESPONSIBILITY TO COMPLY WITH THESE STATUTES.

Writ of Restitution (Eviction)

You have been granted a Writ of Restitution, now what?

- * The Writ of Restitution will be issued and given to you by the Clerk of Courts (**do not** have the Clerk send the Writ directly to the Sheriff's Office).
- * The Writ must be presented at the Sheriff's Office ***in person*** by the plaintiff/plaintiff's agent or attorney.
- * When presenting the Writ, the ***Writ of Restitution Property Memo*** MUST be completed or the Sheriff's Office **will not** act on the Writ. (This form must be signed in the presence of a Notary.)
- * After the ***Memo*** has been completed regarding which type of property disposition the Sheriff's Office will act on, the Deputy assigned will contact the plaintiff/plaintiff's agent or attorney regarding the eviction date and time.

It is the responsibility of the Plaintiff/Plaintiff's Agent or Attorney to meet with the Deputy at the property on the date and time chosen for the eviction.

The Plaintiff/Plaintiff's Agent or Attorney must also contact the Sheriff's Office if the tenant contacts them and/or moves out prior to the date given.

**Please call the Civil Process Division at
(920) 683-4211**

EVICTION/PROPERTY DISPOSITION PROCESS

Depending upon the choice made by the plaintiff/plaintiff's agent or attorney on the ***Writ of Restitution Property Memo*** when the Writ was presented at the Sheriff's Office the following will occur:

Option one: The plaintiff shall hire a bonded mover and set the date and time of the eviction with the Deputy assigned. On the date and time of the eviction, the deputy will stand by while the movers box, inventory, and remove all of the defendant's property for storage.

Option two: The Deputy assigned will proceed under Wis. Stats., 799.45(1) and 799.45(2)(b). This option **shall** require the plaintiff to provide a bond (at the time the Writ is presented) of \$10,000 for an apartment or a \$20,000 for a house.

The Deputy assigned will meet you at the property and make a walk through to determine what still remains (please remember to bring keys to the property when you meet with the Deputy).

If the Deputy determines that the only remaining property is of no value, the Writ of Restitution can be completed and sent back to the Court as "Satisfied".

If the tenant has not moved, or has not removed all property of value, then you the Plaintiff will have several options:

- * **Extend the date:** Give the tenant more time to complete their move (*cannot be past the return date for the Writ*).
- * **Lock out:** The tenant/s will be removed from the property and the locks can be changed at that time. An inventory must be completed. Notice of storage and fees must be provided to the tenant/s.

Option three: The Deputy assigned will make contact with the plaintiff/plaintiff's agent or attorney and set the date and time for the eviction.

Under option three and Wis. Stats., 799.45(3m) the eviction can occur at the discretion of the plaintiff in regard to the date and time; in some cases the eviction could occur *immediately* (without posting advance notice to the tenant/s).

Plaintiff should be prepared to secure the property and post a notice regarding any violations of the law, such as trespassing.

AFTER THE EVICTION

Under Options one and two, the plaintiff/plaintiff's agent or attorney must do the following:

- * Identify where the tenant's property will be stored. Tenant's property must be stored for no less than 30 days.
- * Provide a name and phone number of the individual the defendant may contact to obtain their property.
- * Determine and post the storage fees to have the property released. Storage fees must be competitive & comparative to local storage companies.
- * Provide a valid Bond of Indemnity that is in effect.

Under Option three the plaintiff/plaintiff's agent or attorney must do the following:

- * Secure the apartment or house where the eviction occurred.
- * Provide and post a notice regarding entry and violations of law as it pertains to entry to or upon the property and the removal of property.
- * Follow all statutory requirements as it relates to the tenant/s property.

PLEASE NOTE:

- **Plaintiff's cannot enter the property until the Writ is executed, not just served or posted.**
- **Plaintiff's cannot change the locks until the Writ is executed. Please be prepared to secure the property when you are informed by the Deputy.**
- **Under Option one or two, the plaintiff cannot hold tenant's property for the entire amount owed (i.e., back rent, late fees, filing fees, moving cost, service fees). The plaintiff has to file for these other costs in Court.**

