

Eviction Procedure Guide

This guide contains general information pertaining to the eviction process and is not legal advice. For legal advice, please refer to your attorney or to landlord/tenant resources.

1. Provide the tenant(s) notice to vacate according to your lease and/or state guidelines.
2. If the tenant(s) remains at the property after notice is provided, contact the Clerk of Courts Office to file Small Claims Summons and Complaint (eviction) paperwork.
3. Once approved, the court will provide a signed copy of the small claims paperwork containing a court date, which must then be served to each tenant(s) by the Sheriff's Office or private process server. If submitting to the Sheriff's Office for service, it must be received eight working days prior to the court hearing. A service fee of \$100/person will apply. The deputy will make three attempts at personal service. If service is not made by the third attempt, the papers will be posted on the door and a copy will be sent to the defendant via USPS mail.
4. An affidavit will be provided to you which must be filed with the Clerk of Courts.
5. Attend the court hearing.
6. If the eviction is granted, request a Writ of Restitution (Eviction) from the Clerk of Courts.
7. Once you receive the signed writ, deliver it to the Sheriff's Office for service and fill out the Property Memo form. A flat \$100 service will apply (regardless of how many people are at the property).
8. The deputy will serve or post the writ and an eviction notice stating the date & time of the eviction. It is at the discretion of the Sheriff's Office to allow the defendant up to 72 hours after posting to vacate the premises.
9. At the appointed time, the deputy and plaintiff or plaintiff's representative will meet at the property. Any remaining tenants will be removed, and the property condition will be photographed. It will then be turned over to the plaintiff to be secured and locks may be changed at that time. Any remaining property is to be handled according to the option selected on the Property Memo.
10. An affidavit and completed writ will be provided to the Clerk of Court and to the plaintiff.
11. If the eviction is stayed by the court, repeat steps 5-10. No additional fees will be charged by the Sheriff's Office.