

Eviction Procedures and Requirements

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.

Eviction information may be found by reviewing Wisconsin Statutes in Chapters 815, 799, and 705 or by visiting Wisconsin.Gov website (<https://datcp.wi.gov/Pages/Publications/LandlordTenantGuide.aspx>).

- The Procedures described below are required by state statutes, the circuit court, and sheriff department policies.
- The Sheriff's Department **cannot** give you any legal advice. We can only instruct you as to our procedures.

A deputy sheriff will call you at least **1 business day** beforehand to notify you of your eviction date and time. The eviction will be limited to approximately **15 minutes** unless a moving company is required.

- **For our safety DO NOT** tell your tenants when we are coming! Evictions can become violent.
- Eviction times may run behind due to unforeseen circumstances encountered by deputies.
- **Failure to comply with our procedures and state statutes will cause a delay of your eviction.**

IMPORTANT *PLEASE READ*

1. **The dwelling door of a multi-unit must be CLEARLY marked as listed in the Writ.** (i.e.: Apt 1, Upper, Lower, etc.)
2. If the dwelling is an **apartment building, a condo, or like building** with a locked common door, please deliver a key to the Sheriff's Department **that same day** so we may have access. Our procedure is to provide a notice of the pending eviction as long as it does not expose a safety concern. If we cannot gain access we may have to delay the eviction. Remember the Sheriff's Department has 10 business days to complete your eviction.
3. **Access** to the dwelling **must be clear** of debris, snow, hazards, obstructions, or anything else which may hinder access.
4. If you are **unable to be present at the eviction** please find another person to act on your behalf or provide us with a key to open the door. *Please deliver that key to the Sheriff's Department at least 1 business day before the eviction date.* Otherwise, deputies will have the lock removed and replaced with a new one. The lock change will be performed by a locksmith at your expense. You will be provided with the new set of keys.

Eviction that requires the removal of personal property

All evictions **requiring the removal of personal property** will require a moving company to accompany the deputies at the eviction. **A non-refundable fee will apply.** The fee will vary between moving companies and is required if the eviction has been scheduled. These evictions are normally scheduled on Tuesdays and Thursdays of which is dictated by the moving company's availability. We will be unable to provide you with an exact time. Some evictions will take longer than others and it would be difficult to keep any type of schedule. You will be given a number in order of when your eviction was scheduled. Deputies will contact you regarding your status the day before the eviction.

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 must be signed **prior to scheduling the eviction** otherwise a cancellation fee set by the moving company will apply.

- 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.**
- 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.

Reschedule an Eviction

An eviction may be rescheduled as long as deputies have **NOT** entered the dwelling without consent of a defendant and as long as time limits permit. An eviction would also need to be rescheduled if access to the dwelling was not provided, if a locksmith was needed and not scheduled, if you were unprepared to immediately secure the dwelling (if needed), and if neither you nor your agent was present at the scheduled eviction.

Cancel an Eviction

An eviction may only be cancelled if a request is made to the Court that issued the Writ **prior to Step 2**. You must file a motion to cancel with the court that ordered the eviction. This motion is a form located in the Clerk's Office or at the Sheriff's Department. You do not have to schedule a court date or a hearing. Just go into the Clerk's Office or the Sheriff's Department and tell them you wish to cancel the eviction.

Steps for the Execution of the Writ (The Eviction)

1. Writ Delivered to the Sheriff:

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

2. Eviction:

At the scheduled eviction, 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 identified and separated from any other keys.
- Please have a locksmith present if you do not have keys or if you are unable to open the doors.

3. Plaintiff Takes Responsibility for the Personal Property: (Two options to choose from)

(NOTE: This step is allowed for LANDLORD/TENANT evictions ONLY)

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OR
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1. Supervision was **Not Requested**: If you elected to be responsible for the defendant's personal property, the deputies will take no further action.
 2. Supervision was **Requested**: If you elected to have the Sheriff's Department supervise **your** removal of the personal property, the deputy will schedule with you a date and time to supervise the removal.

3. Sheriff's Department Takes Responsibility for the Personal Property:

(NOTE: This step is approved for both LANDLORD/TENANT and FORECLOSURE evictions)

- A moving company will accompany the deputies to the eviction and will begin the process required by Wisconsin Statutes. The moving company will record, package, and store any personal property of value not belonging to the plaintiff. The storage location must be at a place of safe keeping within Kenosha County.
- In most situations the moving company will be able to complete the move on that same day. If the move cannot be complete due to extraordinary situations or if the quantity of personal property is large, please be prepared to immediately secure the dwelling. The move will then continue on the next available day until completed. If this applies please follow the instructions below.
 - ✓ The dwelling must be **IMMEDIATELY** secured either by changing **ALL** the locks and/or by other means.
 - If you are not prepared a commercial business will be utilized to do so at your expense.
 - ✓ When the home is secured **NO ONE**, including the evicted occupant(s), **is allowed** to enter. **Only entry allowed** it is to prevent damage or to prevent an emergency from occurring (Water, gas, heat, etc.).
 - **NO PERSONAL PROPERTY OR DEBRIS MAY BE REMOVED.** No exceptions.
- Debris/trash removal, however not required, may be removed for an additional cost.

4. The Eviction Is Completed:

- Upon completion of the previous steps, the residence is released to the plaintiff or their agent.
- A deputy will prepared an affidavit and delivered it along with the original Writ of Restitution to the court.

*All fees, deposits, and moving costs are available at the Sheriff's Department Process Office.
Any Questions, Please Call the Kenosha County Sheriff's Department / Civil Process Unit at 262-605-5104*