

Eau Claire County Sheriff's Office

Eviction Procedure Guide

The information contained in this site is for general guidance only and is in no way intended to be legal advice. As such, it should not be used as a substitute for consultation with an attorney or other advisor as necessary.

If you are unfamiliar with landlord/tenant laws or procedures, the following may provide useful information. The State of Wisconsin, Department of Agriculture, Trade and Consumer Protection has a publication, **Guide for Landlords and Tenants**, that is available online. ? Add link here?

Small Claims Summons and Complaint/Eviction. You may file for a Small Claims Summons and Complaint through the Eau Claire County Clerk of Courts Office. Once you receive the documents, make note of the court date that has been assigned. This document must be personally served on the tenant(s) 5 working days prior to the court date. If unable to personally serve the paper, it can be posted on the property on the 3rd attempt at service. This option requires it be posted 7 days prior to the court date, with a letter mailed to the last known address at least 5 days prior to the court date. This may require you to obtain a new court date.

- If you choose to have the Sheriff's Office serve the Small Claims Summons and Complaint/Eviction, we require that we receive the documents in our office at least **10 days prior to the court date**. This allows ample time to process the paperwork and utilize the posting option if necessary.

Writ of Restitution. Following a small claims judgement, if the tenant does not vacate the property, you may need to obtain a Writ of Restitution from the Eau Claire County Circuit Court to remove the tenant.

- Landlords are responsible for making sure that the information contained in the Writ is correct, so review the Writ before leaving the Clerk of Courts. Make sure the writ contains the following; correct spelling of plaintiff and defendant names, complete address to be vacated (including apartment number), date, Clerk of Court seal and signature of court official. Do not alter the original document.
- Writs are only valid for a limited time and can only be served by the Sheriff's Office. The Writ is valid for 30 calendar days and must be delivered to the Sheriff's Office within that time. The Sheriff must act within 10 business days after receiving the Writ of Restitution.

After the Writ is received, a Deputy will serve or post the Writ along with a notice to vacate the property within 72 hours. The Deputy will notify the landlord (or designee) of the posting and schedule the eviction. The landlord will need to be at the property at the scheduled time to secure the premises. At that time, if the tenant has not vacated the property, the deputy will escort the tenant off the property and turn it over to the landlord.

FEES. \$75.00 (per person to be served) for Small Claims Summons/Complaint (Eviction)

\$100.00 (per person to be served) for Writ of Restitution.

Prepayment is required. For a Writ, additional fees may be incurred and/or an Indemnity Bond required, depending on option chosen pertaining to tenant's property. (See Property Memo below.)

PROPERTY MEMO. You will need to determine which type of eviction you want, and indicate that on the property memo. *Insert link*

ASSIST TO SERVE WORKSHEET. *Insert link*

The Eau Claire County Sheriff's Office cannot give legal advice or recommend alternate service options. Contact Eau Claire County Sheriff's Office, Civil Process Coordinator at 715-839-5160 if you have questions.