

Evictions

If a Judge finds in favor of the plaintiff in an Unlawful Detainer Action hearing, a Writ of Recovery will be issued. This is an Order for the Sheriff to restore the premises to the plaintiff.

The Writ must be taken to the Todd County Sheriff's Office for service. **THE WRIT IS VALID FOR ONLY THIRTY DAYS so the plaintiff should not delay bringing it to the Sheriff.** A Deputy will serve the Writ on the defendants if they are home, or it will be posted on the door of the premises. In either case, the defendants will be provided with a 24- hour notice that the Sheriff can remove the defendant 24 hours after the Writ is served or posted.

If the defendant fails to vacate the premises, the plaintiff must contact the Todd County Sheriff's Office to schedule the eviction. When the eviction is scheduled, two options are available for storage of the defendant's personal property:

1. On site storage for 60 days.
2. Contract with a licensed and bonded mover to inventory and remove the property.

If the plaintiff chooses the first option, Deputies will remove the defendants and stand by until the **PLAINTIFF** has completed an inventory of the premises. If the defendants want to claim their property they must contact the plaintiff within 60 days and make arrangements to pick it up. The plaintiff must release the property to the defendant. It is recommended that the property be picked up on a one-time, one-day basis. If after 60 days the defendant has not picked up the property it is considered abandoned.

If the plaintiff chooses the second option, the plaintiff must contract with a licensed and bonded mover and make arrangements to have the mover there at the time of the eviction. Deputies will remove the defendant and stand by until the mover has loaded the property and made an inventory. The plaintiff has a lien on the property for the moving and storage expenses **ONLY**. The defendant again has 60 days to contact the plaintiff to make arrangements to pick up the property, and may be required to pay the moving costs before it is released. Frequently the value of the personal

property is less than the moving expenses, and since the plaintiff is responsible for paying the movers, this option is not used very often.