

JEFFERSON COUNTY SHERIFF'S OFFICE

Writ of Ejectment / Writ of Assistance Intake Sheet

_____ **Court Certified Copies of the Writ**, including twenty-day extension
(*This is the actual court order giving the Sheriff authority to carry out the court's judgment.*) The Writ must be endorsed for a twenty-day extension. One copy for each named defendant, plus two additional copies. Each must be certified with the Court's seal.

_____ **Copy of the Order issuing the Writ**
Must have the Judge's signature.

_____ **Break and Enter Authority**
May be included in the Writ or as a separate Order, but it must have the Judge's signature.

_____ **Sheriff's Indemnity Bond**
(*See note at bottom of page*)

_____ **Letter of Instruction to the Sheriff**

_____ **Sheriff's Fees**
\$100.00 Deposit (cash, cashier's check, or money order)

Information on the Sheriff's Indemnity Bond:

The Bond indemnifies the Sheriff from any liability in the action, and must be delivered to the Civil Office prior to the actual ejectment appointment. The bond must indicate that it indemnifies the current Sheriff by name. The bond must be signed by the plaintiff (not plaintiff attorney or plaintiff representative)

The bond must be for twice the estimated value of the personal property involved; the minimum bond is \$5,000.00 for all cases, and a higher amount may be requested at the discretion of the Sheriff's Office. Failure to provide an adequate bond may result in the immediate termination of the case. (In cases where no personal property is involved, the requirement for an Indemnity Bond may be waived if the Writ and underlying Order explicitly exclude personal property.)

**** SEE REVERSE SIDE OF FORM FOR INFORMATION ON HOW EJECTMENT WILL PROCEED ****

EJECTMENT PROCESS OVERVIEW

Scheduling the Ejectment

Upon receipt and acceptance of the Writ, JCSO personnel will contact the plaintiff or plaintiff's attorney to schedule a date and time to eject the defendant(s). Prior to ejecting the defendant, we will also serve the defendant with a copy of the Writ and with a notice to vacate the property. In order to give them time to comply, the notice will allow the defendant at least three (3) court days after the service of the Writ to vacate the property voluntarily.

JCSO will not notify the defendant(s) in advance of the ejectment date/time, and we require that the plaintiff keep the date and time confidential as well. **Notifying the defendant(s) of the date and time of the scheduled ejectment will result in immediate cancellation of the case.**

Enforcing the Ejectment

If the defendant has moved prior to the scheduled ejectment, and at the request of the plaintiff or their attorney, the Writ will be returned to the court. As long as this cancellation is received by JCSO prior to the assigned Deputy departing for the ejectment appointment, it will result in reduced fees to the plaintiff.

During the ejectment, the assigned Deputy is present to keep the peace and insure that due care is taken with the defendant(s) personal property. The Deputy is not present to help with the moving of personal property. If personal property needs to be removed, and if the plaintiff does not provide the necessary manpower and materials for the move, the ejectment may be rescheduled and/or cancelled, depending on the time remaining on the Writ and the availability of JCSO personnel. Any necessary extension of the Writ will be the responsibility of the plaintiff.

At the time of the Ejectment:

- The plaintiff must provide all necessary manpower and materials to remove the defendants personal property as expeditiously as possible
- The plaintiff must move the defendant's property to the nearest public property
- Required supplies (to be supplied by the plaintiff) include boxes, large plastic bags, and rolls of plastic sheeting to cover furniture
- Vehicles left by the defendant(s) must be removed as a private impound (towing and storage arranged by the plaintiff)
- Animals will be impounded by Animal Control and turned over to the Jefferson County Humane Society

If the defendant is not present at the time of the scheduled ejectment, a notice will be placed upon the property stating that the premises have been returned to the plaintiff and that if the defendant(s) are found trespassing on the property, they will be subject to arrest. The defendant(s) will have to make arrangements with the plaintiff for retrieval of any personal property.

Sheriff's Fees

The Sheriff will charge the following fees, which are set by the Board of County Commissioners. In the event that the total fees are less than the deposit received, a refund will be sent to the plaintiff at the conclusion of the case; in the event the total fees are greater than the deposit received, an invoice will be sent.

- **\$78.00** if the Ejectment is carried with deputy aid (includes first hour of Deputy presence); or, **\$42.00** if the Ejectment is cancelled prior to the deputy arriving on scene
- **\$50.00/hour**, hourly after the first hour, if the deputy is on-scene at the Ejectment more than one hour
- **\$11.00** for the Return of Service to court
- Mileage, round trip from JCSO (**\$11.00 minimum**, or **\$0.58/mile** if over 19 miles total)