

TO: LANDLORD(S), THEIR AGENTS AND/OR THEIR ATTORNEYS
FROM: JCSO CIVIL DIVISION
RE: WRIT OF RESTITUTION INSTRUCTIONS

Dear Landlord,

The Jefferson County Sheriff's Office has received a Writ of Restitution in your case, issued by the Jefferson County Superior Court. We are providing the following information to notify you of what to expect, as well as some of your responsibilities, during the eviction process. We recommend that you review this notice in its entirety, as failure to take certain actions on your part may result in our office being unable to execute the Writ and complete your eviction.

Dates:

Two dates will be set:

- 1) The Tenant Vacate Date is the date and time that the tenants are directed to depart, and after which they no longer have a legal right to remain on the premises.
- 2) The Eviction Date is the actual date and time at which the Sheriff's Office will meet you at the property and, if necessary, conduct a forcible eviction. This is typically set at least twenty-four hours after the Vacate Date, in order to allow a "cooling off" period to ensure everyone is safe during the eviction. **Do not disclose this date/time to the tenant.**

If the dates were not set when you or your representative brought the Writ to the JCSO Civil Office, a deputy will contact you or your representative in the next few days to set the eviction date and verify other information. If you have not heard from a deputy yet, feel free to contact the Civil Office at 360-385-9390 during business hours (Monday through Friday, 8:30 am to 4:30 pm).

SAFETY NOTE: The tenant will be notified of the Tenant Vacate Date. They will not be notified of time of the actual Eviction, and we require that you not notify them of the actual Eviction date or time either. This is a safety requirement. Please be aware that, if you do notify the tenants of the date/time of the actual eviction, JCSO will, at our discretion, either reschedule the eviction at your expense or cancel the eviction entirely.

Indemnity Bonds and Property Inspection:

This section does not apply to Residential Evictions which have been handled under the Residential Landlord-Tenant Act (RCW 59.18).

Pursuant to the Sheriff's authority under RCW 36.28.050, and in keeping with statewide best practices, JCSO requires a Sheriff's Bond of Indemnity prior to executing all non-residential evictions. The Sheriff's

Bond of Indemnity must be brought to the Sheriff's Civil Office (3rd floor, Courthouse) at least one full business day (not less than twenty-four hours) prior to the scheduled eviction date. The Bond must be in an amount double the estimated value of the personal property to be removed from the premises, with the estimate conducted by JCSO personnel (see below). The minimum bond accepted is \$5,000.00. The bond must be signed by the landlord/attorney and the bonding agent and must be made out to the Honorable Joe Nole, Sheriff of Jefferson County. The following language must be included on the bond:

'The principal shall pay all costs, charges, and damages and save harmless and indemnify the Sheriff against any and all claims by the defendants or by any third party against him on account of any and all lawful steps the Sheriff is to make or take under said Writ, whether or not such Writ is lawful or unlawful.'

In order to determine the estimated value of the defendant's personal property, JCSO will need to conduct an inspection of the property, in the company of the landlord or landlord representative. We will work with you to schedule this inspection.

Prior to the inspection, it is your responsibility to provide the tenant with notice of the inspection, pursuant to existing landlord-tenant laws and to your lease or rental agreement. At JCSO's discretion, failure to provide adequate notice to the tenant may result in cancellation of the inspection, or in cancellation of the eviction process. The actual removal of any and all personal property on the day of the eviction remains the responsibility of the landlord; JCSO personnel will not assist in the removal of any property.

If the tenant's property includes a mobile home owned by the tenant it will be necessary for the mobile home and its contents to be moved from the landlord's real property. The bond of indemnity will be for twice the amount of the property value including the mobile home. The Sheriff's Office will not make the arrangements for the removal of the mobile home. It will be the responsibility of the landlord/owner of the mobile home to have the mobile home removed from the premises.

Setting the Eviction Date:

When a Writ of Restitution is delivered to the Jefferson County Sheriff's Office, a Deputy will serve the tenant(s), AKA defendant(s), or will post the premises with the Writ of Restitution and an accompanying letter to the tenant stating the date and time by which they are required to vacate the premises. The letter will inform them that they can be forcibly evicted by the Sheriff's Office at any point AFTER that time. Service is usually completed the day after the Writ of Restitution is received.

After the Writ of Restitution has been served or posted, the Sheriff **must** wait a minimum of three business days (exclusive of the date of service) before the eviction will occur. As mentioned earlier in this letter, the date and time by which tenant is told to vacate in the letter they receive is **not** the date and time of the eviction. The date and time of the eviction will generally be at least twenty-four (24) hours after date and time on the vacate notice.

FOR SAFETY REASONS, WE REQUIRE THAT YOU DO NOT DISCLOSE THE DATE AND TIME OF THE EVICTION TO THE TENANT.

Landlord to Inspect Property Prior to Eviction:

On the day prior to the eviction date the Sheriff requires the landlord or his attorney to determine if the tenant is still occupying the premises.

THE LANDLORD OR HIS ATTORNEY MUST THEN CALL THE SHERIFF'S OFFICE AND ADVISE AS TO WHETHER THE TENANT IS STILL OCCUPYING THE PREMISES.

Day of Eviction:

At the time of the eviction the landlord will be required to provide all necessary manpower and materials to complete the eviction as expeditiously as possible. The personal property of the tenant must be moved to a place where the tenant can recover it without unreasonable difficulty. This can be completed by storage and/or removal to a public right-of-way. JCSO recommends that the landlord/attorney provide a minimum of four people to do the moving, black visqueen (4 M 20 x 100), heavy duty twine, several boxes of 30 gallon heavy duty garbage bags and boxes. All expenses will be incurred by the landlord. The landlord assumes any responsibility for damage to the property during the moving/storage of the property.

It is not the duty of the sheriff to see that the property is reasonably secured. The duty of the Sheriff in executing a writ of restitution is to "restore possession of the real property to the plaintiff". It is sufficient that the Sheriff remove the tenant and ensure that the landlord have the opportunity to peaceably remove the goods.

Sheriff's Fees:

The Sheriff's Office requires a deposit in advance in the amount of \$100.00. If it appears that a physical eviction will be unusually lengthy, the Sheriff may require an additional deposit prior to the eviction. Sheriff's fees are regulated by state law and set by county ordinance. The law states the Sheriff must charge for mileage, court returns, service, and for the eviction. If the Sheriff must do a physical eviction, a fee of \$60.00 is charged for the first hour and \$50.00 for each additional hour.

The eviction process can, by nature, be unpleasant and expensive. With your cooperation, the Jefferson County Sheriff's Office will attempt to complete the necessary action as quickly and efficiently as possible for all involved.

Should you have any questions please call the Civil Office at 360-385-9390 (8:30 a.m. - 4:30 p.m., M-F).