

**SHERIFF'S OFFICE CANNOT GIVE LEGAL ADVICE. PROPERTY OWNER SHOULD SEEK LEGAL ADVICE TO DETERMINE APPROPRIATE PROCEDURE AND FORMS TO USE.**

**TYPES OF EVICTION**

- A. Failure to pay rent
  - Three day notice to intent to terminate lease/notice to quit 648.3; 562B.25
  - Forcible entry and detainer notice 648.1; 648.5
  - Writ of possession 646.24
- B. Violation of Lease
  - Seven day notice to correct violation or lease terminates 562A.27(1)
  - Three day notice to quite 648.3
  - Forcible entry and detainer notice 648.1; 648.5
  - Writ of Possession 646.24
- C. Clear and Present Danger
  - Three day notice to quit for clear and present danger 562A.27A(1)
  - Forcible entry and detainer notice 648.1; 648.5
  - Writ of Possession 646.24
- D. Stay over after lease expired
  - Three day notice to quit 648.3
  - Forcible entry and detainer notice 648.1; 648.5
  - Writ of possession 646.24
- E. Other reasons landlord wishes to terminate lease
  - 30 day notice from next periodic rental date 562.4; 562A.34(2) (60 day notice for mobile homes)562B.10(4)
  - Three (3) day notice to quit 648.3
  - Forcible entry and detainer notice 648.1; 648.5
  - Writ of possession 646.24
- F. No rental agreement but possession established (family member, guest, Significant other, or squatter)
  - Three (3) day notice to quit 648.3
  - Forcible entry and detainer 648.1; 648.5
  - Writ of possession 646.24

## **SHERIFF'S PROCEDURE FOR SERVICE**

The Sheriff's Office will receive notice from the property owner, manager or attorney. Attempts will be made by the deputies and served personally on any resident over the age of 18. A return of service will be prepared and returned to the appropriate party.

A copy of the return of service and notice will then need to be taken to the Clerk of Court and have a Forcible Entry and Detainer issued. The Clerk of Court will assign a court hearing date. The Forcible Entry and Detainer then can be given to the Sheriff's Office for service. Once the deputies have made two (2) attempts to serve the Forcible Entry and Detainer and cannot make contact with the parties in possession the Deputy will post the notice on the door. A return of service showing that the notice was served or posted will then be returned to the Clerk of Court.

After the property owner, manager or attorney attend the court hearing and the judge has given possession back to the rightful owner, the property owner, manager or attorney needs to ask the Clerk of Court to issue a Writ of Possession. The Writ of Possession will be given to the Sheriff's Office for service. A courtesy notice to the defendants of the eviction date will also be given at the time of service.

Once the Writ of Possession is served by the Sheriff's Office, it is the responsibility of the property owner, manager or attorney to contact the Sheriff's Office to schedule an eviction. The eviction must be executed in the day time.648.20.

At the time of the eviction it is the Sheriff's responsibility to keep the peace and oversee the removal of the defendant's property. It is the responsibility of the property owner, manager or attorney to furnish movers, boxes, bags, etc. for the removal of personal items from the property. The defendant's personal property will be moved by the property owner, manager or attorney to the nearest curb or public property. The Sheriff at that time will advise the defendant that they must leave the property and if they return they would be in violation of trespass laws.

Once the eviction is completed the sheriff is not responsible for the defendant's property. The plaintiff, property owner, manager or attorney will need to arrange for removal of anything left by the defendant in compliance with local ordinances.